

**MEETING OF THE CITY COUNCIL  
PLANTATION, FLORIDA**

**April 7, 2010**

The meeting was called to order by Councilman Jerry Fadgen, President of the City Council.

1. Roll call by City Clerk:

Councilmember:	Diane Veltri Bendekovic Jerry Fadgen Robert A. Levy Peter S. Tingom Sharon Moody Uria
Mayor:	Rae Carole Armstrong
City Attorney:	Donald J. Lunny, Jr.

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2. The invocation was offered by Councilman Fadgen.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting - November 18, 2009

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**ITEMS SUBMITTED BY THE MAYOR**

Mayor Armstrong read a Proclamation designating April 11, 2010 as "*Greyhound Adoption Day*" in the City of Plantation.

The proclamation was received by Sylvana with Hollydogs Greyhound Adoption.

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Mayor Armstrong made the following announcements:

- Poetry Under the Stars will be held at the Helen B. Hoffman Library on April 8, 2010 at 7:00 p.m.
- The Cultural Arts Celebration will be at the Helen B. Hoffman Library and the Historical Museum on April 15, 2010 between 6:30 p.m. and 8:30 p.m.

- It is important that each of us take the responsibility to encourage everyone to fill out the U.S. Census forms. Census representatives are available at City Hall between 11:00 a.m. and 2:00 p.m. and at the Jim Ward Community Center between 9:00 a.m. and 12:00 p.m. until April 19, 2010. The City of Plantation is currently at 59% and these numbers are being updated; the national rate of return is 62%.

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## **CONSENT AGENDA**

Item # 29 was removed from the Consent Agenda and discussed separately.

As a Commissioner of the CRA, Mayor Armstrong has a voting privilege on Items # 25 and #29.

Mr. Lunny read the Consent Agenda by title.

4. Request to award a purchase order to Reynolds Inliner, LLC in an amount not to exceed \$31,525 to rehabilitate 940 linear feet of vitrified clay pipe in three locations, piggybacking the Manatee County Contract No. 08-1033FL. (Budgeted – Utilities)

### **Ordinance No. 2442**

5. Second and Final Hearing of an **ORDINANCE** pertaining to the subject of a moratorium; establishing a moratorium on the issuance of business tax receipts and processing of development approvals for any new locations for (or expansions of existing) “Pain Clinics” and “Pain Management Clinics”; providing definitions, providing findings; providing for enforcement of violations; providing for severability; providing for an effective date.

### **Ordinance No. 2443**

6. Second and Final Hearing of an **ORDINANCE** pertaining to the subject of Volunteer Firefighters Pension and Retirement; amending Chapter 18 “Pensions and Retirement” Article III “Volunteer Firefighters”, of the Code of Ordinances of the City of Plantation to clarify the normal retirement date required years of credited service as it relates to the graduated vesting periods; providing a savings clause; providing a repealer clause; and providing an effective date.

### **Resolution No. 10859**

7. **RESOLUTION** of the City of Plantation, Florida supporting and adopting the Broward County December 2009 revised Multi-Jurisdictional Local Mitigation Strategy.

### **Resolution No. 10860**

8. **RESOLUTION** approving the Second Amended Interlocal Agreement for Public School Facility Planning, Broward County, Florida, directing the Administration to execute same after the document is finalized, providing for severability; and providing for an effective date.

### **Resolution No. 10861**

9. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 1661 NW 107th Lane. (Postoiski)

10. **Resolution No. 10862**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 501 East Acre Drive.  
(Davies)
11. **Resolution No. 10863**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 681 Carrotwood  
Terrace. (Woodruffe)
12. **Resolution No. 10864**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 316 NW 45th  
Avenue. (Peters)
13. **Resolution No. 10865**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 341 NW 135<sup>th</sup>  
Avenue. (Navas)
14. **Resolution No. 10866**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 960 SW 42<sup>nd</sup> Avenue.  
(Mulligan)
15. **Resolution No. 10867**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 5661 SW 5th Street.  
(Jacobs)
16. **Resolution No. 10868**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 4748 NW 3rd Court.  
(Green)
17. **Resolution No. 10869**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 7340 NW 1st Court.  
(Marquez)
18. **Resolution No. 10870**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 961 SW 75th Terrace.  
(Hulan)
19. **Resolution No. 10871**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 9907 NW 6th Court.  
(Bello)
20. **Resolution No. 10872**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 11435 NW 18<sup>th</sup>  
Court. (Robinson)
21. **Resolution No. 10873**  
**RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 11770 NW 2nd  
Street. (Zaldeti)

**Resolution No. 10874**

22. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 18 – March 24, 2010 for the Plantation Gateway Development District.

**Resolution No. 10875**

23. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 18 – March 24, 2010 for the Plantation Midtown Development District.

**Resolution No. 10876**

24. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 18 – March 24, 2010.

**Resolution No. 10877**

25. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 18 – March 24, 2010 for the City of Plantation's Community Redevelopment Agency.

**Resolution No. 10878**

26. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 25 – March 31, 2010 for the Plantation Gateway Development District.

**Resolution No. 10879**

27. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 25 – March 31, 2010 for the Plantation Midtown Development District.

**Resolution No. 10880**

28. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 25 – March 31, 2010.

*Motion by Councilwoman Uria, seconded by Councilwoman Bendekovic, to approve tonight's Consent Agenda as read. Motion carried on the following roll call vote:*

Ayes: Bendekovic, Levy, Tingom, Uria, Fadgen

Nays: None

**NOTE:** Mayor Armstrong voted affirmatively on Items #25.

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Mr. Lunny read Item #29.

**Resolution No. 10881**

29. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 25 – March 31, 2010 for the City of Plantation's Community Redevelopment Agency.

Dennis Conklin, resident, was present. He believed the description column on page 4 of the backup material should be more specific.

In response to Mr. Conklin, Mr. Lunny advised that his firm acted as the escrow.

***Motion by Councilman Tingom, seconded by Councilwoman Bendekovic, to approve Resolution No. 10881.  
Motion carried on the following roll call vote:***

Ayes: Bendekovic, Levy, Tingom, Uria, Fadgen, Mayor Armstrong  
Nays: None

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**ADMINISTRATIVE ITEMS - None**

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### **LEGISLATIVE ITEMS**

30. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION PERTAINING TO THE SUBJECT OF ELECTIONS; AMENDING THE CITY CHARTER PROVISIONS CONCERNING ELECTIONS; AMENDING THE QUALIFYING PERIODS FOR ELECTIONS OF THE CITY'S ELECTED OFFICERS; CHANGING AND CLARIFYING CITY ELECTION PROCEDURES SO THE QUALIFYING PERIOD AND ELECTION PROCESS FOR GENERAL AND SPECIAL ELECTIONS ARE CONSISTENT WITH STATE LAW; PROVIDING OTHER CLARIFYING CHANGES TO THE CITY ELECTION PROCESS; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum to Mayor Rae Carole Armstrong and Council from Donald J. Lunny, Jr., City Attorney, dated March 15, 2010, follows:

#### I. Ordinance Changes

Attached, please find a copy of the Workshop Memorandum for this matter. The Council adopted Councilman Tingom's recommendation of a three-day qualifying period which could be extended by two additional days under the "last candidate/last day exception".

In view of how the passage of time is legally computed (e.g. not counting the first day but including the last day), the Charter amending Ordinance indicates that the qualifying period will expire on noon the second day after the day the qualifying period opens (thus giving three days), which may be extended an additional two days under the "last candidate/ last day exception".

The "last candidate/last day exception" has been rewritten to avoid a loophole. The existing language would allow the last candidate to be deemed elected if more than one person qualified and only one remained (or qualified) on the last day. The revised language avoids this result.

The amendatory Ordinance is now ready for First Reading. Deleted language is ~~stricken~~, and new language is underlined.

## II. Proclamation Changes

Staff has also rewritten the operative language of the form Proclamation to incorporate the changes to the Ordinance, and a draft is attached. Staff would welcome any constructive comments to this form at First Reading. If none are received, Staff will assume the elected officials find the language of the form satisfactory.

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Mr. Lunny read the ordinance by title.

Councilman Tingom explained that the memorandum basically says there will be three days of qualifying and if needed, an additional two days.

***Motion by Councilman Tingom, seconded by Councilman Levy, to approve the ordinance on first reading. Motion carried on the following roll call vote:***

Ayes: Bendekovic, Levy, Tingom, Uria, Fadgen

Nays: None

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31. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA RELATING TO THE POLICE OFFICERS' RETIREMENT SYSTEM, AMENDING SECTION 18-66 THE BOARD OF TRUSTEES TO PROVIDE A FOUR-YEAR TERM OF OFFICE FOR MEMBERS OF THE BOARD OF TRUSTEES OF THE POLICE OFFICERS' RETIREMENT SYSTEM; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
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Councilwoman Uria did not have a problem changing the length of time; however, she believed that the fifth person chosen on all of the Boards should be a City resident. It is her understanding that it is not written in the ordinance that the fifth person has to be a resident of Plantation and that is they reason the person on the Police Pension Board was able to be voted in. The fifth person on the General Employee Pension Plan and Firefighter's Pension Plan is a City resident to her knowledge.

Councilwoman Bendekovic advised that the Police Pension Board is regulated by State and the State does not say that the fifth member must be a resident of the municipality.

Mr. Lunny indicated that the State law is silent and there is some question as to whether a municipal corporation would be able to require a citizenship for the fifth member. Generally if State law is silent, Cities do have local authority to adopt such regulations. Even if it cannot be mandated, there should be an honest, sincere and vigorous effort to find a local candidate, and that could be written in before going outside of your boundary. He commented that he could do further review and if there is the ability to mandate it that can be done by changing the title, adopting it and bringing it back for first reading. If it cannot be mandated something could be written about an honest and sincere search effort to find a local candidate and the title can be changed and brought back before Council. He was not certain whether there is a bargaining clause that would affect this.

There was a consensus for Mr. Lunny to proceed as mentioned above.

Mr. Lunny suggested the ordinance be approved for first reading and if it can be changed there will either be another first reading or a second reading.

***Motion by Councilwoman Bendekovic, seconded by Councilman Levy, to approve the ordinance on first reading. Motion carried on the following roll call vote:***

Ayes: Bendekovic, Levy, Tingom, Uria, Fadgen  
Nays: None

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**QUASI-JUDICIAL CONSENT AGENDA - None**

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**QUASI-JUDICIAL ITEMS - None**

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**COUNCILMEMBERS' COMMENTS**

Mayor Armstrong mentioned the Neighborhood Stabilization Program and noted that a lottery was conducted to create a new homeowner in the City.

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Councilman Tingom was acknowledged by Mayor Armstrong for meeting with the Broward County School Superintendent with regard to the ILA Second Amendment.

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Mayor Armstrong advised that the Broward League of Cities is requesting members and an alternate. She suggested that Councilwoman Bendekovic continue serving as the first alternate and Councilman Tingom continue serving as the second alternate.

***Motion by Councilman Levy, seconded by Councilman Fadgen, to approve the continuance of the current member and alternates. Motion carried on the following roll call vote:***

Ayes: Bendekovic, Levy, Tingom, Uria, Fadgen  
Nays: None

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Councilman Levy commented on the Installation Dinner for the Broward League of Cities and encouraged them to keep the price down.

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Councilman Levy offered condolences to the Flanagan family on the death of their daughter, Apryl.

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Councilwoman Uria announced that Relay for Life will be at Central Park on April 16, 2010. She thanked Mayor Armstrong and Parks and Recreation.

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Councilman Tingom thanked the Plantation Woman's Club and Parks and Recreation for hosting the Royal Easter Egg Hunt at the Pop Travers Field.

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Councilman Tingom thanked Public Works for the class job done at the Wellness Center.

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Councilman Tingom expressed thanks for hanging his picture on the City Council Chambers wall.

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Councilman Tingom commented that Broward County School Superintendent Notter is attempting to have a quarterly meeting with the Mayors in Broward County.

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Councilwoman Bendekovic thanked everyone involved in constructing the Wellness Center; it is very nice. She requested a report in about four months.

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Councilman Fadgen requested that there be a follow up discussion with regard to the Sun Trust charge to employees when trying to cash paychecks.

Mayor Armstrong advised that Mr. Herriman, Finance Director, will follow up with a new bank representative and indicated that she would continue to look into this.

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**PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS**

George Harrell, resident, referenced a previous City Council meeting when there was discussion with regard to Roger's Garage and whether the removal of the oil tank was properly handled. He has credible evidence that there may have been some misinformation given at the meeting. He has already spoken with one Council member and a City Official; however, he was not completely satisfied with the answer given. He understood that a 300-gallon tank had been in the ground and was properly disposed of; however, no one knew how it was disposed. He questioned why no one went to the owner of the garage to determine what happened to the tank.

Apparently that same question was asked during the meeting and he was told that the tank had been removed. The manager of the garage is very credible and reputable. During a recent visit to the garage he asked the manager, who said, "If the City would have come to him he could have told them what happened to the tank." He said, "It was not removed, it was filled with concrete." He believes there is erroneous information on the City files because he has been told otherwise. He believes this information should be clarified.

Councilman Tingom advised that he would get with the company that prepared the report to clarify what actually happened to the tank.

Mr. Lunny indicated that the owner of the company has been called and the consultant has stated that, "While they could not tell what happened they could tell that it was properly done."

Councilwoman Uria would feel better if something were in the City files stating that the tank was properly disposed of; there needs to be some type of written documentation.

Councilman Fadgen concurred as long as there is no additional cost.

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**WORKSHOPS - None**

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Meeting adjourned at 8:40 p.m.

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Jerry Fadgen, President  
City Council

**ATTEST:**

\_\_\_\_\_  
Susan Slattery  
City Clerk

**RECORD ENTRY:**

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Susan Slattery, City Clerk