

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

**APRIL 15, 2009**

The meeting was called to order by Councilwoman Bendekovic, President of the City Council.

1. Roll call by the 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 Councilwoman Uria.

The Pledge of Allegiance followed.

3. The City Council Minutes for March 25, 2009 were approved as printed.

4. The City Council Minutes for April 1, 2009 were approved as printed.

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**ITEMS SUBMITTED BY THE MAYOR**

**Resolution No. 10528**

5. **RESOLUTION** of Appreciation to Kathy Moore for 24 years of dedicated service to the City of Plantation.

*Motion by Councilman Fadgen, seconded by Councilman Levy, that Resolution No. 10528 be approved and adopted. Motion carried on the following roll call vote:*

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

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Mayor Armstrong announced the *Arts of Plantation* will be held on April 23, 2009 from 6:30 p.m. to 8:30 p.m. at the Plantation Library and the Historical Museum campus. This cultural celebration has had some great participation from the schools and a number of different performers. Both the Library and the Historical Museum will be open for activities. This will provide an opportunity to see some of the variety of art that is in Plantation's back yard. She encouraged residents to participate in this event.

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Mayor Armstrong reminded the residents that *Relay for Life* will be held on April 17 at Central Park. The opening ceremony begins at 6:00 and the Luminaria Ceremony will take place right after dark which is usually around 9:00 p.m. It is a very special kind of celebration that is part of Relay for Life Program at Plantation Central Park. She encouraged residents to participate in this community fight against cancer.

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Mayor Armstrong advised the next scheduled Council Meeting is April 22, 2009. There will be no Council Meeting on April 29, 2009.

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## **CONSENT AGENDA**

Item No. 9 was deferred to April 22, 2009. Item No. 10 was withdrawn.

As a Commissioner of the CRA, Mayor Armstrong had a voting privilege on Items 13 and 14.

Mr. Lunny read the Consent Agenda by title.

6. Approve request for a grand opening event at Tropical Financial Credit Union on April 18, 2009.
7. Approve continued participation in the Southeast Florida Co-Operative Bid #2007-018 to supply aggregates, top soil and sand from Tenex Enterprises Inc. and Austin Tupler, Inc. from July 7, 2009 through July 7, 2010. (Budgeted – Utilities)
8. Approve continued purchase of sodium hypochlorite from Allied Universal Corporation piggybacking the Palm Beach County Bid # 08060/CB from June 20, 2009 through June 19, 2010 with no increase in cost. (Budgeted – Utilities)

### **Resolution No. 10529**

11. **RESOLUTION** to apply for a Florida Department of Transportation Grant.

### **Resolution No. 10530**

12. **RESOLUTION** to apply for the COPS Hiring Recovery Program.

### **Resolution No. 10531**

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period March 27, 2009 – April 1, 2009.

**Resolution No. 10532**

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 3, 2009 through April 8, 2009.

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

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

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9. SECOND AND FINAL READING OF AN ORDINANCE PERTAINING TO THE SUBJECT OF ZONING; AMENDING THE CITY CODE REGULATIONS; AMUSEMENTS; CREATING DEFINITIONS FOR AMUSEMENT ARCADES AND AMUSEMENT ENTERPRISES; CREATING ZONING REGULATIONS APPLICABLE TO AMUSEMENT ARCADES AND AMUSEMENT ENTERPRISES; AMENDING THE CITY'S ZONING USE REGULATIONS SO AS TO ONLY ALLOW AMUSEMENT ENTERPRISES IN THE CITY'S SPI-3 (PLANTATION MIDTOWN) ZONING DISTRICT; AMENDING THE CITY'S ZONING USE REGULATIONS SO AS TO ONLY ALLOW AMUSEMENT ARCADES IN THE CITY'S HYBRID COMMERCIAL, FOUR CORNERS COMMERCIAL, B-2P, B-3P, AND SPI-3 ZONING DISTRICTS; AMENDING AND CREATING BUSINESS REGULATIONS APPLICABLE TO AMUSEMENT ENTERPRISES AND AMUSEMENT ARCADES; CLARIFYING THE LOCAL BUSINESS TAXES THAT MUST BE PAID FOR AMUSEMENT DEVICES, AMUSEMENT ARCADES, AND AMUSEMENT ENTERPRISES; CLARIFYING THE CITY'S REGULATIONS FOR CARNIVALS, BAZAARS, FESTIVALS, ETC. AND DANCE HALLS, BOXING, FIGHTING, AND WRESTLING EXHIBITIONS; PROVIDING OTHER MISCELLANEOUS AMENDMENTS TO THE CITY CODE TO IMPLEMENT THE FORGOING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

*Motion by Councilman Fadgen, seconded by Councilwoman Uria, that Item No. 9 be deferred to April 22, 2009. Motion carried on the following roll call vote:*

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

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**ADMINISTRATIVE ITEMS**

15. DISCUSSION CONCERNING THE PLANTATION ACRES 2010 ROADWAY ASSESSMENT.

It was noted the Equalization Hearing on this matter which was originally scheduled for July 15, 2009 will be rescheduled to July 29, 2009.

Mr. Lunny read the Item by title.

**Resolution No. 10533**

**RESOLUTION** OF THE CITY OF PLANTATION, FLORIDA, DETERMINING, IN ACCORDANCE WITH SECTION 170.03, FLORIDA STATUTES, TO MAKE MUNICIPAL PUBLIC IMPROVEMENTS AUTHORIZED BY SECTION 170.01, FLORIDA STATUTES; IDENTIFYING SUCH IMPROVEMENTS AS BEING TWO PUBLIC RIGHT OF WAY FACILITIES: THE FIRST BEING KNOWN AS THE NW 4<sup>TH</sup> COURT RIGHT OF WAY FACILITY (SAID FACILITY BEING INSTALLED WITHIN TRACT 26 OF THE FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 OF SECTION 1, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN MIAMI-DADE COUNTY PLAT BOOK 2, AT PAGE 17), AND THE SECOND BEING KNOWN AS THE NW 19<sup>TH</sup> STREET RIGHT OF WAY FACILITY (SAID FACILITY BEING INSTALLED WITHIN THE WEST 795 FEET OF TRACT 36 OF THE FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN MIAMI-DADE COUNTY PLAT BOOK 2, AT PAGE 17); STATING THE NATURE, LOCATION AND ESTIMATED COSTS OF THE PROPOSED IMPROVEMENTS; DESIGNATING THE STREETS AND RIGHTS OF WAY BEING IMPROVED AND THE GENERAL LOCATION THEREOF; DESIGNATING THE TOTAL ESTIMATED COSTS OF THE PROJECT; PROVIDING THAT A PORTION OF THE COSTS THEREOF SHALL BE PAID BY SPECIAL ASSESSMENTS AND A PORTION OF SUCH COSTS SHALL BE PAID FROM OTHER FUNDS OF THE CITY; IDENTIFYING THE PARCELS UPON WHICH SPECIAL ASSESSMENTS ARE PROPOSED TO BE LEVIED; SETTING FORTH THE MANNER IN WHICH SAID ASSESSMENTS SHALL BE MADE AND THE MANNER IN WHICH SUCH ASSESSMENTS ARE TO BE PAID; PROVIDING FOR CONFLICTS AND FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

- AND -

**Resolution No. 10534**

**RESOLUTION** OF THE CITY OF PLANTATION, FLORIDA, RELATING TO THE LEVY OF SPECIAL ASSESSMENTS IDENTIFYING SUCH IMPROVEMENTS AS BEING TWO PUBLIC RIGHT OF WAY FACILITIES: THE FIRST BEING KNOWN AS THE NW 4<sup>TH</sup> COURT RIGHT OF WAY FACILITY (SAID FACILITY BEING INSTALLED WITHIN TRACT 26 OF THE FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 OF SECTION 1, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN MIAMI-DADE COUNTY PLAT BOOK 2, AT PAGE 17), AND THE SECOND BEING KNOWN AS THE NW 19<sup>TH</sup> STREET RIGHT OF WAY FACILITY (SAID FACILITY BEING INSTALLED WITHIN THE WEST 795 FEET OF TRACT 36 OF THE FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 OF SECTION 25, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN MIAMI-DADE COUNTY PLAT BOOK 2, AT PAGE 17); ADOPTING AND PUBLISHING THE PRELIMINARY ASSESSMENT ROLL PURSUANT TO SECTION 170.07, FLORIDA STATUTES; PROVIDING FOR A PUBLIC HEARING PURSUANT TO SECTION 170.08, FLORIDA STATUTES, ON JULY 29, 2009 AT WHICH TIME THE CITY GOVERNING BODY SHALL DETERMINE WHETHER TO LEVY SUCH ASSESSMENTS AND SHALL ACT AS AN EQUALIZATION BOARD; PROVIDING FOR THE GIVING OF NOTICE IN THE MANNER PROVIDED BY LAW; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

**A memorandum dated April 15, 2009 to Mayor and Members of City Council from Brett Butler, City Engineer; Dan Keefe, Assistant to the Mayor; and Herb Herriman, Finance Director, follows:**

**I. History**

As the Council may recall, certain owners of property in Plantation Acres along NW 4th Court and NW 19<sup>th</sup> Street in Plantation Acres requested Staff and the Council to improve these two (2) right-of-ways to public road standard. As discussed at prior Council meetings, the City would undertake this Project provided it was largely financed by a municipal special assessment. Last December an interim report was made to the City Council concerning estimated costs and proposed assessment methodology. At this time, Staff was directed to proceed with the Project.

Over the ensuing time period, Staff has:

1. obtained all right-of-way deeds needed to accommodate the Project which have been executed and recorded;
2. completed the design and review for the roadways (the Plans and specifications are on file with the City Clerk);
3. based on the final design, finalized cost estimates for the Project;
4. obtained firmer borrowing rates for a loan to finance the Project;
5. prepared a Preliminary Assessment Roll using the Methodology previously discussed and discussed below (which is on file with the City Clerk);
6. prepared an Assessment Plat (which is on file with the City Clerk); and,
7. prepared draft procurement documents to advertise for construction proposals.

**II. Cost Estimates**

The current Project cost estimates are set forth in the chart below:

**ACRES IV SPECIAL ASSESSMENT ESTIMATED COSTS**

	<b>NW 4th Court</b>	<b>NW 19th Street</b>
Design Survey	0	7,500.00
Permitting Fees	3,000.00	3,000.00
Base Construction to extend NW 4th Court & NW 19 <sup>th</sup> Street	337,200.00	176,500.00
Construction Contingency (10%)	33,720.00	17,650.00
Geotechnical Services	4,000.00	4,350.00
Right of Way Dedications Processing	1,000.00	2,500.00
Administrative Costs (Eng/Admin/Public Works)	17,000.00	11,400.00
Administrative Contingency (10%)	1,700.00	1,140.00
Legal Advertising and Notices Costs	5,500.00	5,500.00
Legal Expenses (City, Bank & Bond Counsel)	15,252.00	9,748.00
Less Cash Deposit	<u>(22,000.00)</u>	<u>0</u>

Subtotal	396,372.00	239,288.00
<b>Capitalized Interest on Special Assessment[1]</b>	10,809.55	6,525.68
<b>Total</b>	<b>407,181.55</b>	<b>245,813.68</b>

[1] 5.79%

### **III. Proposed Assessments for NW 4<sup>th</sup> Court**

Of the total project costs for NW 4<sup>th</sup> Court, if the City absorbed its soft costs and 37.5% of the debt service's capitalized interest as its contribution as was previously discussed, then of the Total Estimated Project Cost for NW 4<sup>th</sup> Court of \$407,181.55, \$384,428.00 would be the Assessable Project Cost and would be paid by the levy of special assessments on parcels of real property specifically benefited within the NW 4<sup>th</sup> Court Assessment Area. As previously discussed, the Assessable Project Costs would be split equally among the seven (7) benefitting building sites. Therefore, the proposed assessment for each assessed parcel in the NW 4<sup>th</sup> Court Assessment Area is \$54,918.00. It should be noted that one property owner along NW 4<sup>th</sup> Court, Mr. Norona, is a professional engineer and donated plans for this improvement such that there will likely be no additional Design Survey costs for this component part of the Project. Additionally, the City previously collected a cash deposit towards the roadway facility which is shown in the above estimate.

### **IV. Proposed Assessments for NW 19<sup>th</sup> Street**

Of the total project costs for NW 19<sup>th</sup> Street, if the City absorbed its soft costs and 37.5% of the debt service's capitalized interest as its contribution as was previously discussed, then of the Total Estimated Project Cost for NW 19<sup>th</sup> Street would be \$245,813.68, of which \$230,827.00 would be the Assessable Project Cost, and would be paid by the levy of special assessments on parcels of real property specifically benefited within the NW 19<sup>th</sup> Street Assessment Area. As previously discussed, the Assessable Project Costs would be split equally among the six (6) benefitting building sites. Therefore, except as provided below, the proposed assessment for each parcel in the NW 19<sup>th</sup> Street Assessment Area is \$38,471.00. Two assessed parcels within the NW 19<sup>th</sup> Street Component Part of the Project have wetland resources which will need to be mitigated as part of this Project; therefore, the assessment on these two (2) parcels only will be increased. As a result of this adjustment, the Assessable Costs will be increased from \$38,471.00 to \$53,177.00 for NW 19<sup>th</sup> Street Building Site Number 1 described as follows:

NW 19<sup>th</sup> Street - Building Site 1  
 Folio No. 494025030940  
 (Lot 1 – Washington Mutual Bank)

In addition, the Assessable Costs will be increased from \$38,471.00 and to \$55,851.00 for NW 19<sup>th</sup> Street Building Site Number 4 described as follows:

NW 19<sup>th</sup> Street - Building Site 4  
 Folio No. 494025030990  
 (Lot 8 – Rauh)

## **V. Determination of Special Benefits**

The special benefit accorded to each assessed parcel is, in Staff's view, in excess of the assessment imposed thereon. The Resolution determines that the roadway improvements will benefit the assessed parcels by: (A) obtaining public right of way to serve the assessed parcels; (B) eliminating incomplete and substandard private right of way; (C) eliminating pot holes which are damaging to the automobiles of persons seeking vehicular access to parcels that have access; (D) reducing air pollution affecting the parcels from dust created by vehicular traffic over said right of way; (E) allowing construction of residences on assessed parcels that cannot be built because the right of way facility is not fully improved; (F) increasing the values of such parcels, and (G), protecting the value of such parcels. While it is difficult to gauge the non-monetary benefits accorded to the assessed property, a few observations are appropriate:

1. None of the assessed parcels meet the City's current access land development requirements such that they can be improved with homes (and those that are improved with homes are not in compliance with the City requirements and risk code enforcement).
2. Some lots along 19<sup>th</sup> Street did not have sufficient private right of way to meet even the City's private road requirements, and thus, from a code perspective, are "landlocked".
3. Those sites with wetland resources must either set aside land within their boundary for permanent wetland restoration/mitigation management (which would be an ongoing expense) or must mitigate elsewhere off-site, and until this is done, no permits for home construction can be issued. However, since the wetland resource money is refundable if the USACOE makes a different determination that these sites have no wetland resources prior to May 10, 2010, Staff has not included this mitigation payment in either the benefits calculation or the assessment calculation for purposes of this benefits determination.
4. The City is assessing each parcel for less than the total estimated costs of the Project, and this difference in value is a special benefit.
5. The Property Appraiser's website shows that unimproved property along NW 19<sup>th</sup> Street is being assessed at a "just value" of \$225,000 per acre. For home sites that have homes on them, the just value determination for the land increases to \$260,000. One can draw an inference that the difference of \$35,000 is associated with the difference between land value that is unimproved as associated with land value improved with a home. For home sites that have residences, the Project protects this incremental value. For vacant property, the Project assures that this value may be realized. Given current market conditions, Staff believes that a discount of 25% should be accorded to this number, such that this benefit be determined as having a value of \$26,250.
6. The Property Appraiser's website shows that unimproved property along NW 4<sup>th</sup> Court is being assessed at a "just value" of \$225,000 per acre. For the one home site that has a home, the just value determination for the land increases to \$291,000. One can draw an inference that the difference of \$66,000 is associated with the difference between land value that is unimproved as associated with land value improved with a home. For the single home site that has a home, the Project protects this incremental value. For vacant property, the Project assures that this value may be realized. Given current market conditions, Staff believes that a discount of 25% should be accorded to this number, such that this benefit be determined as having a value of \$49,500.

7. If homes can not be allowed along either current right of way facility because either they cannot be constructed or because they violate the City's land development requirements, then one can assume that the appropriate allowable highest and best use of the land would be agricultural. There are a few properties in the acres which have agricultural exemptions. The exemption drives down the value to less than \$1000 per acre. The difference in just value of the unimproved lots along NW 4th Court and NW 19<sup>th</sup> Street of \$225,000 and the acreage Agricultural exempted just value (assuming a value of \$1000 per acre) is \$224,000. Staff believes that this value should be discounted by 95% given current market conditions, the nature of the assumptions contained in this paragraph, and the fact that none of the properties along either of these roadways area have been proposed for commercial agricultural purposes. Thus this accorded value is determined to be \$11,200 per parcel.
8. Based on the above observations, Staff is of the considered view that the special benefit accorded to property along NW 19<sup>th</sup> Street consists of the following:

a. The cost of the improvement	\$58,169
b. Discounted value of land protected or assured for improved residential purposes.	\$26,250
c. Discounted value of land protected for unimproved residential use and against Agricultural use.	\$11,200
Total Calculated Special Benefit	\$95,619

9. Based on the above observations, Staff is of the considered view that the special benefit accorded to property along NW 4<sup>th</sup> Court consists of the following:

a. The cost of the improvement	\$40,969
b. Discounted value of land protected or assured for improved residential purposes.	\$49,500
c. Discounted value of land protected for unimproved residential use and against Agricultural use.	\$11,200
Total Calculated Special Benefit	\$101,669

10. The above determined special benefits of \$95,619 exceed the proposed per parcel assessments for NW 19<sup>th</sup> Street Property of \$54,918.
11. The above determined special benefits of \$101,669 exceed the proposed per parcel assessments for NW 4<sup>th</sup> Court of \$38,471.

## **VI. Proposed Assessment Debt Service**

As was previously discussed, the Special Assessment would be payable in equal principal installments over a 15 year period. An equal annual principal installment method of paying debt service results in less interest costs to the residents than would be the case if the debt service was fully amortized; however, the annual payment changes from year to year. However, some of the Council Members requested information concerning what would be the effect if the debt service was fully amortized.

Mr. Herriman has prepared preliminary schedules that illustrate the foregoing, assuming a 5.79% interest rate, which calculates typical assessment debt service for the NW 4<sup>th</sup> Court portion of the Project and the NW 19<sup>th</sup> Street portion of the Project. These schedules assume a Project acceptance date of December 1, 2009 which has been determined feasible by the City Engineer. The Schedules show that a 15 year amortized payment for NW 4<sup>th</sup> Court would result in an annual payment of \$5,577.18 each year with total interest over the life of the assessment being \$28,739.70; whereas, if the Assessment was paid in equal annual principal installments using the same interest rate, the total interest paid would be \$22,275.69. For NW 19<sup>th</sup> Street, excluding the parcels with wetland resource adjustments, the Schedules show that a 15 year amortized payment for NW 19<sup>th</sup> Street would result in an annual payment of \$3,906.91 each year with total interest over the life of the assessment being \$20,132.65; whereas, if the Assessment was paid in equal annual installments using the same interest rate, the total interest paid would be \$15,604.50. The Resolutions were prepared in keeping with the past custom of employing an equal annual principal payment assessment debt service schedule; whereas, the draft Preliminary Assessment Roll employs the fully amortized assessment debt service schedules. The Council will need to direct staff as to which method it wishes to employ.

As was previously discussed, the assessment methodology will allow the special assessments to be pre-paid at any time and without penalty (as long as an assessment is not in default). Additionally, any special assessment can be fully paid without interest within thirty (30) days of the Project Acceptance Date. Thus, if interest rates fall such that a resident may obtain better market terms than the currently proposed 5.79% on the City assessment, and if the Project was finished and accepted on November 1, 2009, then he or she would have until December 1, 2009 to pay off the assessment and can thereafter take advantage of his or her lower financing rate. The assessment on any parcel will become entirely due and payable upon a sale of any parcel.

## **VII. Action Needed**

In order to complete the special assessment, the City Council must: (i) pass a Resolution formally determining to proceed with the Project, defining an assessment methodology and describing the improvements (the draft 170.03 resolution); (ii) pass a Resolution approving a preliminary assessment roll and assessment plat, and establishing a equalization hearing (the draft 170.07 Resolution); (iii) pass a Resolution imposing the special assessment after conducting an advertised equalization hearing; (iv) pass a Resolution approving a construction contract after competitive procurement; (v) pass a Resolution approving the terms of the Project loan; and (vi), pass a Resolution accepting the Project after construction and making debits and credits against levied assessments as appropriate in consideration of the Project's final costs.

Tonight, the Council is being requested to decide which type of assessment schedule it wishes to employ, and decide whether to adopt the Resolutions identified in (i) and (ii) above which are in draft form.

The Resolution approving the assessment roll and establishing a future equalization hearing (the 170.07 Resolution) indicates that the equalization hearing will take place on July 15, 2009. **Any motion approving the Resolutions should expressly allow staff to make minor revisions as necessary to address the Council's concerns, or as are otherwise appropriate, prior to the Mayor's approval.**

Brett Butler, City Engineer presented a brief overview as outlined in the aforementioned memorandum.

In response to Councilman Fadgen, Mr. Butler explained this is the first hearing in the first round of resolutions. The back up explains they will need to come back to Council on July 29, 2009 for an equalization hearing.

Councilman Fadgen observed this would be the first opportunity for the residents who are affected by this to speak.

It was Councilwoman Uria's understanding that governmental entity fees are usually waived.

Mr. Butler advised that PAID advised him of the fees if they can negotiate with them and they agreed to waive those fees. Certainly that will be reflected after the fact but right now, the City is taking the position that the fees will apply. It was decided upon by PAID and his office that he would reflect the fees at this point.

In response to Councilwoman Bendekovic, Mr. Butler advised that staff is prepared to discuss whether they would consider a 20 year payback. He also noted that all the property owners were notified who could be reached.

Mr. Lunny advised they have always done equal principal payments in the past; however, some of the Council members have asked about having the same number every year and from a service standpoint, it would be easier for the Finance Department to have a fully amortized number but it would cost the residents more interest.

Councilman Fadgen supported a fully amortized methodology.

In response to Councilwoman Uria, Mr. Lunny did not believe this interest could be deducted.

Mr. Butler advised that although it has been the City's past practice to adopt the fully amortized methodology, the property owner has the option to pay it off in full up front and manage the debt privately.

***Motion by Councilman Fadgen, seconded by Councilwoman Bendekovic, that Resolution No. 10533 be approved and adopted with full amortization on the debt. Motion carried on the following roll call vote:***

Ayes: Uria, Fadgen, Levy, Tingom, Bendekovic

Nays: None

***Motion by Councilman Fadgen, seconded by Councilman Tingom, that Resolution No. 10534 be approved and adopted. Motion carried on the following roll call vote:***

Ayes: Uria, Fadgen, Levy, Tingom, Bendekovic

Nays: None

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## LEGISLATIVE ITEMS

### 16. DISCUSSION CONCERNING FEDERAL STIMULUS PROGRAM

Mr. Keefe conducted a PowerPoint presentation on the status of the Federal Stimulus Program (American Recovery and Reinvestment Act of 2009) which provides for grants and tax relief.

In response to Councilwoman Bendekovic, Mr. Keefe advised that the CDBG funds will be in addition to the normal CDBG funds the City already receives.

He presented an overview of the ARRA. Of the over \$800 billion in the fund, less than half is available to grants or formula adjustments that can go to states or cities and less than \$1 billion of the stimulus funds are available in competitive grants. Transparency is required, and recipients of funds face extensive reporting. Anyone who is receiving funds is required to make information available to show where the funds are coming from and how they are being used. They will also need to provide a progress report. The City received ARRA funding for HUD Neighborhood Stabilization Program. There will be an additional \$1.9 billion available through a nationwide competition. He indicated the City plans to try to get additional funds for the NSP once the information is released in approximately 60 days.

In response to Councilwoman Bendekovic, Mr. Keefe advised the original funds through the TARP were based on a formula which would provide extra credit for those states that were most critical with regard to foreclosure rates; however, the guidance on how the second round of NSP funds will be distributed has not been released. He advised the City received slightly over \$2 million from the TARP Program and it is currently in the process of administering that program through its non-profit partner, BAND. Educational programs have already started for City employees interested in this program. Additional programs for people in the SHIP Program or the general public will be held on April 27<sup>th</sup> and 29<sup>th</sup> from 6:00 – 8:00 p.m. at the Jim Ward Community Center. Eight-hour classes to be held in May will also be required for those who are eligible, to make sure they understand the process.

In response to Councilwoman Bendekovic in regard to giving preference to Plantation contractors, Mr. Keefe advised that BAND has all the information through the City's resources as well as information through contractors who are interested in the projects, and they do have to be competitively bid.

Councilwoman Bendekovic noted that several contractors have been in touch with her and they have both companies in Plantation and residences in Plantation.

It was Mr. Keefe's understanding that federal guidelines do not allow the City to give preference for either applicants who happen to be Plantation residents or employees. The same guidelines apply to competitive bids.

Mayor Armstrong clarified when the discussion took place, they had indicated they would try to direct as much of this interest and as much of the monies that are available to the Plantation businesses, realtors, and residents. She underscored, however, because these are federal funds, they will not be able to completely designate it as such. The City intends to work within the framework to do whatever it can to make that happen.

Councilman Tingom noted that NWBE would apply here and the spokesperson for BAND indicated there could be a weighting procedure toward Plantation residents and businesses.

It was Mr. Keefe's understanding there would be limitations.

Mayor Armstrong observed that many of these foreclosed homes are already in the process of being acquired outside of the parameters of this program. The houses that are on the list that seem to be available are those that truly do need to have some work done on them. The City will be utilizing some of the funds to be sure that when those properties are transferred into ownership, they will provide a better position for an economically challenged family, and will reflect well on the neighborhoods in maintaining their property values. She emphasized the importance of the educational component for qualifying people and making sure they understand how to afford the debt payments.

Mr. Keefe advised this is the first round of the stimulus funds. He was hopeful that this program would be initially successful so they could acquire additional funds through the stimulus program. Additional monies were allocated directly to the City based on its existing formula so it will receive an additional \$139,000 which will be used either to install new lighting and exercise equipment in Veteran's Park or do some roadway paving improvements in Park East.

Mr. Keefe further noted the Department of Energy will be providing \$3.2 billion nationwide for energy efficiency and conservation projects. Some of that funding went directly to governments according to a formula. Plantation received \$804,000 in EECBG funds to be used to partially fund a Methane Gas Conversion Project at the Regional Waste Water Treatment Plant, estimated to cost approximately \$1.5 million.

The Police Department is preparing an application for the Edward Byrne Memorial Justice Grant funding for \$111,000 to replace the outdated reverse 911 system and 10 new laptop computers. These funds come from the Department of Justice, through the State of Florida.

Mr. Keefe reviewed other grants that come through the State to supplement state spending for transportation and education. The EPA has \$6 billion in State and Tribal Assistance Grants for the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund and the Drinking Water State Revolving Fund. Plantation has two projects pending on Florida's Clean Water State Revolving Loan Fund List. The Plantation Gardens Phase 2A & B, water main/hydrant and water service replacement, and sewer manhole upgrade and lining sewer is estimated to cost approximately \$10 million. Plantation Park Phase E for water main/hydrants and water service replacement is estimated to cost approximately \$2.2.

Other competitive grant opportunities included the FEMA Firefighter Assistance Program with \$210 million available nationwide. An application is being prepared for \$4.5 million to replace Fire Station #1 on Broward Boulevard. All the information has not yet been released.

A resolution was passed this evening for the COPS Hiring and Recovery Program and an application was prepared for 5 police officer's salaries and benefits for three years. The City is required to maintain that same level for the fourth year. He outlined the goals of the City Administration. The City will meet specialized tracking and transparency requirements.

In response to Councilman Tingom, Mr. Keefe did not believe there were any newspaper advertising requirements; however, paperwork will have to be submitted back to the agencies.

In response to Councilwoman Uria, Mr. Keefe advised they are finding out that foreclosed properties in Plantation are turning over, particularly if they are in good shape. They seem to be able to turn over through the realtors. However, he expected to find some of the homes to be in less desirable condition so they may have to fund fewer properties than originally anticipated. They will have a better idea after meeting with the contractor.

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#### **QUASI-JUDICIAL CONSENT AGENDA - None**

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#### **QUASI-JUDICIAL ITEMS - None**

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#### **CONSIDERATION OF COUNCILMEMBERS' COMMENTS**

Mayor Armstrong advised it is time to reaffirm the City's appointments to the Broward League of Cities. She advised she has served as the appointment to the Board of Directors for the League. Councilwoman Bendekovic has served as the alternate. She indicated a second alternate will be needed.

Mr. Lunny read the following resolution:

#### **Resolution No. 10535**

A resolution appointing Mayor Armstrong as the representative to the Broward League of Cities, Councilwoman Bendekovic as the first alternate and Councilman Tingom as the second alternate. Motion carried on the following roll call vote:

***Motion by Councilman Levy, seconded by Councilwoman Uria, that Resolution No. 10535 be approved and adopted. Motion carried on the following roll call vote:***

Ayes: Uria, Fadgen, Levy, Tingom, Bendekovic

Nays: None

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Mayor Armstrong announced the ***Safe Kids*** event, sponsored by the Plantation Fire Department, which will take place on May 2, 2009 from 1:00 p.m. to 4:00 p.m. at Pine Island Park. She noted there would be enlightening and interesting programs geared toward children and families. The event is free.

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Mayor Armstrong commented on the conservation programs related to the installation of the low flow toilets. The program for these toilets is still available. She urged residents to contact the Utilities Department.

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Councilman Fadgen commented on the revision of the Weekly Expenditure Report. He advised he finds the present format to be difficult compared to the previous format, rendering him ineffective on the City's internal controls. He requested a new, more useful report by June 1, 2009.

Mayor Armstrong agreed with Councilman Fadgen. She had originally anticipated the revision to take no more than six weeks but the process is still ongoing. She noted this matter has been prioritized.

Mr. Herriman apologized and advised the City has done what it can to fast track to implement the program. He underscored it is a very difficult task for the consultants to accomplish and, although it has been moving on fast track, it is not where it should be. He anticipated it would be done within a week. June 1, 2009 will not be an unreasonable deadline.

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Councilman Fadgen explained that since 2002, Bernadette Grant has been requesting removal of 3 trees from the swale in front of her house. The homeowner wishes to do an improvement on her driveway. He noted several years ago, the City revised the landscape ordinance, discussing trees and the canopy. The City has a big problem with properties that have too many trees. He noted they eventually worked something out so that if the property had too many trees, the homeowner could get a permit to remove them if they wanted to do so and they wanted to pay for it. The process is done on a rotating basis. He felt it is time to give a permit so these residents can do their improvement. It was his view it would create some synergy in the neighborhood.

*Motion by Councilman Fadgen that a permit be issued to remove the trees that are necessary to accomplish the driveway renovation on their property. There was no second to the motion.*

Councilman Levy emphasized that as a general rule, he was not in favor of removing trees unless Council has seen pictures and determines they are an actual nuisance or a problem. He explained he would find it difficult to vote on something he knows nothing about, especially when discussing trees. He felt it is important that Council review each case individually.

In response to Councilman Levy, Councilman Fadgen advised he measured the spacing of the trees. The one on the eastern boundary is four feet from Ms. Grant's driveway and it is damaging her entrance to the driveway. It is also damaging the street and Public Works has the sidewalk marked for replacement because of the roots. Two other trees are 13 feet apart, 9 feet and 8 feet from the sides of the driveway, causing damage there as well as to the street.

Councilwoman Bendekovic requested back up information on this matter.

Mayor Armstrong indicated the program as it related to street trees is a management program and the indication at that time was that there were certain conditions for a limited number of trees that the City would look at if they are strong, healthy trees, and these are strong and healthy. That program would be implemented to allow a very limited number of trees to be removed in the course of the year, provided that there was a mitigation component that took the asset that belonged to the City as a 30 year growth tree, in this instance, and planted the canopy someplace else. She did not believe that has been explored with the Grants to the fullest extent. She felt the conversation relative to the mitigation component should take place to see if it is workable to them relative to their plans with the driveway. This is a program that needs to be managed in such a way so as to continue the tree canopy in the City. She also underscored the need to work with the residents.

In response to Councilman Fadgen's concern, Mayor Armstrong indicated that the only letter in the file was one from 2007. At that time, this was part of the recovery program for Hurricane Wilma. Mayor Armstrong advised she would try to find a solution that maintains the important canopy for the City.

Ms. Grant presented a brief overview and noted she was not aware the trees were black olives when she bought the house. She observed that black olive trees have huge roots. The sidewalk came up during Hurricane Wilma and has not yet been repaired.

Councilman Levy reiterated this is the first time Council has heard of this matter. He noted the City is very careful when it comes to removing trees, especially those that are fully growing and healthy. He felt the situation described by Ms. Grant must be corrected. Now that Council is aware of the situation, they will be asking Administration that status of the situation on a regular basis until it is resolved.

In response to Councilwoman Uria, Mayor Armstrong advised they will be looking at this matter again some time next week.

Councilwoman Uria noted now that the matter has been brought to Council's attention, they will be examining it and will hopefully be coming to a resolution very soon.

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Councilwoman Uria questioned whether the City has had any complaints about the Chinese drywall.

Mayor Armstrong was not aware of any complaints. She advised that Mr. Sabouri provided an update at the staff meeting on Tuesday and the expectation is that because of the timing and the contracting in the City, there has been limited exposure to it.

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Councilwoman Uria also requested a projection over the next several years on the Police Pension Board due to the loss of return on the City's investments.

Ms. Slattery advised the next meeting is scheduled for April 23, 2009.

Councilwoman Uria explained that Mr. Palmquist recommended a projection over the next several years because the City's contribution will have to increase. She suggested having a meeting with Mr. Palmquist to enlighten the Board members about the different Boards on which they do not sit.

Mayor Armstrong advised the contributions that are required by the City to each of those pension funds are examined very carefully as they go through the budget process, and there will be discussion as it relates to the contributions for 2010. She wondered if it would be of value to have Mr. Palmquist present to all three boards. She also advised copies of the documents can be distributed to all Council members once they are completed.

Councilwoman Uria preferred a workshop so they could all understand and realize what the future projections may be. With the different values and make up of the pension funds, she felt it might be informative to have the actuary make a presentation.

Mayor Armstrong advised there may be some considerations that have to be made in terms of how they want to plan for the pension funds going forward. She felt that if a full workshop is not needed, it could be incorporated into the budget discussions prior to the time the millage is set.

Councilwoman Uria underscored it is important for Council to understand everything since they will be making final decisions on budget.

\* \* \* \* \*

Councilwoman Bendekovic noted that on April 23, 2009, South Plantation High will be holding a baseball game against Plantation High at 3:45 p.m. The trophy will be named after former Mayor Frank Veltri. She extended an invitation to anyone who wishes to attend.

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

Kelly Ladwig, president of Townhouses of Plantation, commented on the problems occurring at Townhouses of Plantation. She noted the main issue is garbage. Since this is part of Park East, the rest of the surrounding neighborhood uses the blue garbage bags. Since they are a townhome association, they are not required to do so. She noted the residents of Park East and the surrounding area are coming to their compactor and dumping their garbage so they do not have to use the blue bags, causing excessive garbage fees for the townhome because they pay to dump their garbage by pound. This issue has been brought to Council's attention before.

She also commented on the presentation regarding the TARP and noted they have a 37 percent foreclosure rate at the Townhouses of Plantation and the association has closed on four of the 83 units themselves. The bank has closed on at least five units. They anticipated another 50 or 60 more in the foreclosure process. She was also hopeful she could obtain information that would be helpful to her homeowners.

Councilwoman Bendekovic advised Mr. Keefe would provide information on the local assistance programs and agencies as well as BAND where they could seek relief.

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### **WORKSHOP - None**

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Meeting adjourned at 9:03 p.m.

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Diane Veltri Bendekovic, President  
City Council

**ATTEST:**

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

**RECORD ENTRY:**

I HEREBY CERTIFY that the Original of the foregoing signed document was received by the Office of the City Clerk and entered into the Public Record this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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