

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

**April 21, 2010**

The meeting was called to order by Councilman 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.  
Asst. City Attorney: Quentin Morgan

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2. The invocation was offered by Councilwoman Bendekovic.

The Pledge of Allegiance followed.

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**ITEMS SUBMITTED BY THE MAYOR**

Mayor Armstrong reminded everyone of the importance of the U.S. 2010 Census.

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Sharon Kent, Assistant Parks and Recreation Director, made the following announcements:

- PAL registration will be on April 23, 2010 and April 24, 2010 at the Plantation Central Park Gym for football, cheerleading and biddy basketball.
- The Quick Start Tennis Tournament will be held at the Frank Veltri Tennis Center on April 24, 2010.

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## CONSENT AGENDA

Items #3, #4, #5 and #6 were removed from the Consent Agenda and discussed separately.

As a Commissioner of the CRA, Mayor Armstrong has a voting privilege on items #9 and #12.

Mr. Morgan read the Consent Agenda by title.

**Resolution No. 10882**

7. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 1 through April 7, 2010 for the Plantation Gateway Development District.

**Resolution No. 10883**

8. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 1 through April 7, 2010.

**Resolution No. 10884**

9. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 1 through April 7, 2010 for the City of Plantation's Community Redevelopment Agency.

**Resolution No. 10885**

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 8 through April 14, 2010 for the Plantation Gateway Development District.

**Resolution No. 10886**

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 8 through April 14, 2010.

**Resolution No. 10887**

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period April 8 through April 14, 2010 for the City of Plantation's Community Redevelopment Agency.

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

Ayes: Uria, Bendekovic, Levy, Tingom, Fadgen

Nays: None

**NOTE:** Mayor Armstrong voted affirmatively on Items #9 and #12.

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3. Request for authorization to issue a work authorization to Hazen and Sawyer, P.C. for the preparation of a pre-design report for the Spray Irrigation Alternative Water Supply Project in an amount not to exceed \$46,500. (Budgeted – Utilities)

In response to Councilman Fadgen, Steven Urich, Superintendent of the Waste Water Treatment Plant, explained that a pre-design report is basically a feasibility study. They want to determine whether the entire design is feasible and something that would be in our best interests to do. It is an exploratory process prior to designing everything, which is a much more costly process. A number of things could determine that this would not be feasible at this time.

In response to Councilman Tingom, Mr. Urich clarified that there is a requirement that we take a certain percentage of waste water and move it to reuse within a certain time frame and this is part of that requirement on a Federal level. It is an offset process and has a lot to do with the amount of water we are allowed to take out of the Biscayne Aquifer. It will help recharge that water, which will allow us to offset the amount that we are using. Everything put back we are allowed to take back; therefore, it will allow us to expand our water consumption.

***Motion by Councilman Tingom, seconded by Councilwoman Uria, to approve Item #3. Motion carried on the following roll call vote:***

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

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**Resolution Nos. 10888, 10889, and 10890**

4. **RESOLUTION** requesting that the School Board of Broward County fund School Crossing Guards to be provided for school children encountering hazardous walking conditions to Broward County Public Schools; urging the State of Florida to adequately fund the mandate provided for in State Statute 1006.23, Florida Statutes; directing the City Clerk to transmit a copy of this Resolution to the School Board of Broward County, Florida, providing for conflicts; providing for severability; and providing for an effective date.

**Resolution Nos. 10891, 10892, and 10893**

5. **RESOLUTION** urging the School Board of Broward County, Florida to recognize that the funding of School Resource Officers (SRO) is a School Board responsibility and not a municipal responsibility; supporting a program to appropriate the costs of the SRO Program proportionately; directing the City Clerk to transmit a copy of this Resolution to the members of the School Board of Broward County, Florida; providing for conflicts; providing for severability; and providing for an effective date.

Mr. Morgan read the resolutions.

Councilwoman Bendekovic commented that the intent of the resolution is good; however, this campaign began nine years ago by Marilyn Gerber, Commissioner in Coconut Creek. There was zero support at that time and that was during good economic times. In speaking with Chief Harrison, it costs the City about \$900,000 and we

only get funded about \$300,000, which has only been in the last couple of years and was through the perseverance of the Education Committee and the Broward League of Cities' School Board to say the cost has to be picked up. Her suggestion was not to only have a resolution to the School Board and to the State for the school crossing guards, but she believes that the Broward County Commission should also be addressed, as they should help subsidize the funding of the program since we do pay County taxes.

In response to Councilman Fadgen, Councilwoman Bendekovic stated that it might be better to send separate resolutions, one to each entity.

Mayor Armstrong concurred that there may not be any strong support due to the economics; however, both of these resolutions did come through the League of Cities with a request that these be placed and supported. It took a long time for the point to be made that the Broward County School Board should take some responsibility for the school resource officers and with this the point will be made over and over again. Perhaps the Broward County Commission or the Broward County Sheriff's Department could take responsibility for distributing the funding and letting the local jurisdictions work off of those numbers. Resolutions can be made similar to the one addressed to the Broward County Commission.

Councilman Tingom suggested making a motion with the change to add the two other entities to the title and word it appropriately to be sent out as separate resolutions.

Councilwoman Bendekovic noted that if everyone would pick up one-third, the burden would not be on one municipality.

In response to Mr. Morgan, Councilman Fadgen clarified that resolutions #4 and #5 are being passed along with #4A and #4B for the Broward County Sheriff and the Broward County Commission as well as #5A and #5B for the Broward County Sheriff and the Broward County Commission.

***Motion by Councilman, seconded by Councilwoman Bendekovic to approve Resolution Nos. 10888, 10889, 10890, 10891, 10892 and 10893 as read. Motion carried on the following roll call vote:***

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

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**Resolution No. 10894**

6. **RESOLUTION** approving a State of Florida Department of Transportation Local Agency Agreement to facilitate the construction of a multi-use recreational trail along the C-12 Canal right-of-way.

Mr. Morgan read the resolution.

In response to Councilman Fadgen, Mayor Armstrong advised that this trail starts at the trailhead and will run past that to the end of the right-of-way on the canal to where it turns south along the Florida Turnpike. The trailhead is at the old Texaco Station. The east end is the Rick Case property. Mr. Case has officially acquired that property and is in the process of site planning it to create his parking lot. At that same time the mini connection trailhead will be developed, which was perceived as part of that plan.

Dennis Conklin, resident, was present. He suggested that the projects be examined prior to approval, especially in today's economy.

Mr. Butler referenced the grant funding and noted that the trail itself is going to serve an environmental benefit and is encouraging alternative modes of transportation; that is the issue of the funding source we are discussing. As much as he appreciates Mr. Conklin's passion, he believes the funding is appropriate in this instance. The idea is to build a network of trails in order to discourage people from using their cars.

Councilwoman Uria indicated that this trail has been in progress for quite some time and unfortunately government moves slowly. This project is designated through the Designated Capital Improvements and there is not a lot of money to do capital improvements. When the economy takes a downturn we still have to continue making improvements throughout the City. She concurred with Mr. Conklin as far as never getting a projected cost of how much it will cost to maintain.

***Motion by Councilman Tingom, seconded by Councilman Fadgen, to approve Resolution No. 10894 as read. Motion carried on the following roll call vote:***

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

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## **ADMINISTRATIVE ITEMS**

### **13. DISCUSSION ON COMMUNITIES FOR A LIFETIME**

Mayor Armstrong explained that the purpose is to get feedback from Council relative to their understanding of this program and its benefit for us as a City is concerned. This program was developed by the State Department of Elder Affairs. It is supported in Broward County by the Broward County Department of Elderly and Veterans Affairs. Commissioner Wexler and representatives from the Broward Aging Alliance made a presentation at the League of Cities about a month ago and it provides an interesting opportunity. This program brings together a composite focus on seniors and senior programming, which she believes is important in Plantation. She is looking to see whether Council wants to consolidate something for our senior population, identify what we have available and then provide the opportunity for some outreach to see if there is something more that we could do or if there is something we are missing. At the suggestion of Council, we have started the initiative on the volunteer program through Human Resources and have put that into place with the expectation that once that is advertised our pool of volunteers will largely come from our connection with our community through our seniors. The initial step would be to pass a resolution of support and interest.

Councilwoman Bendekovic commented that anytime we can showcase the City is a positive.

Mayor Armstrong advised that there is no cost factor associated with the program other than the work product that will have to be developed and the process of putting the program together. Any costs associated with the program would be, if in the process of bringing the information together, programs or resources are identified.

Another important component is that with this type of program there are opportunities for grants that can be used in order to bring a potential interest into the community.

Councilwoman Uria expressed concern about cost but thought that the program would be beneficial for the community.

Councilman Tingom requested that this information be codified and distributed so that we are aware of what programs we do have within the community.

Councilman Levy believes this type of a program is important and our goal needs to be that no senior should fall between the cracks; no senior should be left home alone.

Mr. Morgan read the Resolution by title.

**Resolution No. 10895**

**RESOLUTION** of the City Council of the City of Plantation, Florida, supporting the Communities for Life initiative.

***Motion by Councilwoman Bendekovic, seconded by Councilwoman Uria, to approve Resolution No. 10895. Motion carried on the following roll call vote:***

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

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14. DISCUSSION ON CURRENT LEGISLATIVE BILL STATUS

Mayor Armstrong advised that she, Mr. Keefe and Ms. Richards have met with each member of the Broward Delegation prior to the time that they went up to Tallahassee. They have also met with members of the Congressional Delegation and if they are not available there is direct aid here locally. In the process of those conversations there have been discussions on most of the bills that Mr. Keefe is going to review to see whether there are any thoughts or suggestions.

Mr. Keefe explained that the session will end on April 30, 2010 unless it is extended. The focus is currently on budget and that is when a lot of bills will go through quickly. Many of the bills have had first reading and never went anywhere. He reviewed the following bills:

- SRJ718 – This bill is being watched very carefully; this proposes to look at Save Our Homes and make some changes, which would prohibit an increase in assessed value of homestead property in any year where the market value of the property decreases.

In response to Councilwoman Bendekovic, Mr. Keefe suggested speaking with the Broward County Property Appraiser with regard to the fluctuation of the Just Value figures.

- HB325 and SB2166 – These are the House Bill and Companion Bill for the red light cameras. This bill shows the amounts that each party will receive out of the fine for running a red light; it looks like this bill may pass this year.

In response to Councilwoman Bendekovic, Mr. Keefe stated that costs would be negotiated with the vendor.

Councilman Levy suggested waiting until this issue goes through the courts with Pembroke Pines, as there are a lot of privacy issues and a number of other things involved when taking pictures of people inside their cars while driving by. He questioned why the Department of Health Administrative Trust Fund gets an amount from this revenue. He feels there are a lot of issues prior to going into the red light cameras and encouraged Council to take a strong look prior to moving forward.

In response to Councilman Levy, Mr. Keefe indicated that the amount received goes towards trauma units.

Mayor Armstrong stated that this has been looked at from a number of different perspectives. On the legal front we have watched this very carefully. The initial indication was that there was potentially a significant amount of money that could be generated and because the State has found out the same information that is why they are taking the larger share. It does have other challenges and we would not move into it until we are sure. One positive note is to have the public safety and to be able to use the cameras as a tool in order to help with crime fighting. At the same time, there is no question that we do not want to get involved in any law suits as to how this is being implemented.

Mr. Morgan advised that once the cameras are activated they do not take pictures of individuals driving the car; only of the license plate along with a video of the vehicle as it goes through the intersection with the traffic signal changing from green to yellow to red. Cities already utilizing the cameras are not allowed to place the cameras on State rights-of-way because the Department of Transportation does not allow that. With the new legislation we probably will be allowed to have camera units installed so the revenues may be somewhat similar to what would be had if there was not a legislation which is something to review in order to see the projections from the few intersections that we would utilize versus what would be allowed under the new legislation.

Councilman Levy disagreed that pictures are not taken of the drivers.

- HB 405 – Public Meetings. This bill allows the Risk Manager or Department Directors to attend closed shade meetings as necessary.
- CS/SB 1598 – Public Records and Public Meetings. This bill would require that all elected and appointed individuals undergo education and training on requirements of the Sunshine Law. Ms. Slattery indicated that the Public Records law states that we are not required to present a document to someone if we do not have it in a certain format. One of the items in this bill is that we would be required, if someone requested an electronic format, to create that document. The State has not addressed electronic records as far as public records and the cost; therefore, there would be some revenue loss to cities on Public Records Requests that do take a long time.

In response to Councilman Fadgen, Ms. Slattery advised that an electronic record can be a pdf file.

- HB 495 – Term Limits – This bill, if passed, requires placement on the November 2010 General Election Ballot.

In response to Councilman Tingom, Mr. Keefe stated that constitutionally, they have the right to do this. Last year this bill included U.S. Senators and Representatives, which was unconstitutional. The bill requires 60% of the Senate and 60% approval of the House of Representatives. It extends their limits from eight years to 12 years.

In response to Councilman Levy, Mr. Keefe advised that grandfathering does not appear to apply prior to 2010.

- SB 1076 Public Servants – This bill has been through two committees and is currently in Judiciary.
- SB 225 Pill Mills – This bill addresses pain clinics and pill mills. It is unclear as to whether this will get through the committees.
- SB 2272 Pain Clinics – It is unknown whether the State will come through with the funding to do the registry to meet all of the requirements.
- SB 448 and HB 41 Texting While Driving
- CS/HB 1425 Broward County Inspector General – This bill establishes a County Office of Inspector General. If passed, it will be on the November 2010 ballot. The concern is who will pay for this.

Mayor Armstrong mentioned the Broward Independent Fire District, which is dead in this session. We will be gathering some information, as it is her understanding that this topic will be facilitated for discussion by the Broward League of Cities. Because of the nature of the current bill we opposed this most emphatically. There are two components, which would have particularly affected Plantation. It carries the ability for the District to tax up to 3.75 mills and it was intent upon developing one standard of service. The concern with the bill is how it is written. It was designed to be an opt in/opt out so that you could make your own decision; however, in reality, those two components are problematic for our perception of the bill unless it gets changes as it gets into the next stage of evolution. This bill has already been to Tallahassee and it is expected that it will go to Tallahassee again; therefore, we want to watch it very carefully.

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**LEGISLATIVE ITEMS - 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 thanked everyone who participated in the Arts of Plantation along with the Library and the Historical Museum.

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Mayor Armstrong announced that there will be a City Council meeting next week; we are trying to get onto the second and fourth week time frame.

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Councilwoman Uria appointed Stacy Bomar to the Board of Adjustment.

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Councilman Tingom thanked everyone who participated in the Relay for Life. He commended Pat Ortega who works in the Police Department, for the tremendous amount of work she puts into this program.

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Councilwoman Bendekovic stated that approximately 400 people came to the Cultural Arts event and the most popular was the dinosaur dig.

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Councilwoman Bendekovic indicated that she has received several comments that the Farmer's Market does not have a lot of choices and it has been requested whether vegetables other than organic could be added.

Mayor Armstrong advised that an assessment is being done as to the interest level is, what the costs would be and how we would be able to operate it functionally at that location. She is hopeful that the Farmer's Market can be expanded, as people who have been to the market are excited about it. If the market were larger it might attract more people.

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Councilman Fadgen questioned the status of the residents around Jacaranda Country Club.

Mayor Armstrong advised that there is a game plan that has been progressively constructive. She will be reporting back to City Council in the near future and stated that we are moving in the right direction.

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

Dennis Conklin, resident, was present. He mentioned Earth Day, discussed the green resolution and urged the City to nullify the resolution.

Mr. Conklin referenced the relic from the World Trade Center and how we could possibly obtain and have someone contact the New York/New Jersey Port Authority.

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Councilwoman Bendekovic announced the Mayor's Interfaith Prayer Breakfast which will be held at the Renaissance Hotel on May 6, 2010.

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**WORKSHOPS - None**

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Meeting adjourned at 9:17 p.m.

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Jerry Fadgen, President  
City Council

**ATTEST:**

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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