MEETING OF THE CITY COUNCIL
PLANTATION, FLORIDA

August 25, 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
	Peter S. Tingom
	Sharon Moody Uria
Mayor:	Rae Carole Armstrong
City Attorney:	Donald J. Lunny, Jr.
Members Absent:	Robert A. Levy

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2. The invocation was offered by Councilwoman Bendekovic.

   The Pledge of Allegiance followed.

3. The minutes of the City Council meeting for May 19, 2010 and May 26, 2010 were approved as presented.

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ITEMS SUBMITTED BY THE MAYOR

Resolution No. 10997

4. **RESOLUTION** of Appreciation to Sergeant Curtis T. Riddick for 20 years of dedicated service to the City of Plantation.

Motion by Councilwoman Bendekovic, seconded by Councilwoman Uria, to approve Resolution No. 10997. Motion carried on the following roll call vote:

Ayes: Uria, Bendekovic, Tingom Fadgen
Nays: None

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Mayor Armstrong presented Service Awards to the following employees:

Deborah Gallagher	Public Works	25 years
Sgt. Joseph Gallignani	Police	20 years
Cheryl Greenberg	Parks and Recreation	20 years
Nahrawan Taribo	Utilities	20 years
Officer Patrick Vadala	Police	20 years
Brett Butler	Engineering	10 years
Cesar Silva	Landscape	10 years
Garing Lane	Public Works	5 years
Steave Maturah	Utilities	5 years
Charles Reyes	Parks and Recreation	5 years

Congratulations were offered.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Armstrong has a voting privilege on Item No. 13.

Mr. Lunny read the Consent Agenda by title.

7. Request for approval to issue a work authorization to Hazen & Sawyer, P.C. for engineering work associated with the mechanical integrity testing of the two deepwells at the Regional Wastewater Treatment Plant not to exceed $43,990. (Budgeted – Utilities)

Resolution No. 10998

9. **RESOLUTION** for the appointment of an IT Database Developer I for the City of Plantation's Information Technology Department fixing the initial annual compensation to be paid for said administrative position; and the appointment of an individual to said administrative position. (Doman)

Resolution No. 10999

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 5 – August 18, 2010 for the Plantation Gateway Development District.

Resolution No. 11000

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 5 – August 18, 2010 for the Plantation Midtown Development District.

Resolution No. 11001

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 5 – August 18, 2010.

Resolution No. 11002

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period August 5 – August 18, 2010 for the City of Plantation's Community Redevelopment Agency.

NOTE: The Mayor voted affirmatively on Item No.13.

Motion by Councilwoman Uria, seconded by Councilman Tingom, to approve tonight's consent agenda as presented. Motion carried on the following roll call vote:

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

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Mr. Lunny read Item No. 6 by Title.

6. Approve ranking and permission to start negotiating contract terms for architectural services for the Energy Efficiency Team Center with Cataya & Associates, Inc.

A memorandum dated August 16, 2010 to Mayor Rae Carole Armstrong and Members of City Council with copies to Hank Breitenkam, Dan Keefe and Jeff Sabouri from Danny Ezzeddine, AIA, Director of Design & Construction Management, follows:

On May 14, 2010, the City of Plantation solicited a request for qualifications for professional architectural services for the Energy Efficiency Tam Center/IT Bunker, where a portion of this project is funded by the Department of Energy.

The procurement process involves a two (2) stage selection review. Step One (1) Review of qualifications and short listing of minimum three (3) and no more than five (5) firms. Step Two (2) Interview of the five (5) short listed firms and rank the top three (3) and present the ranking to Council.

Step One (1) The selection committee had met on June 28, 2010, and short listed five (5) firms: Manuel Synalovski & Associates, Cartaya and Associates, Inc., Harvard Jolly Architects, Song & Associates, Inc, and Alleguez Architecture, Inc. to be interviewed by the committee.

Step Two (2) On August 12, 2010, the five (5) firms conducted their presentations before the committee. After evaluation of such presentation, the committee ranked the top three (3) firms as followed by order:

Cartaya & Associates, Inc.
Manuel Synalovski & Associates
Alleguez Architecture, Inc.

Accordingly, we are recommending to Council the approval of such ranking, and requesting permission to start negotiating the contract terms with the top ranked firm, Cartaya & Associates, Inc., according to the Consultants' Competitive negotiation Act (CCNA) 287.55, subject to Administration approval.

Should you have any questions, please contact me.

Mr. Ezzedine explained the ranking process and the criteria used. This money is part of the stimulus package and the deadline to use the money was revised. The design should be finished in December 2011 and construction should begin in May 2012.

Motion by Councilwoman Uria, seconded by Councilman Tingom, to approve Item #6 as presented. Motion carried on the following roll call vote:

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

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Mr. Lunny read Item No. 8 by title.

Ordinance No. 2448

8. Second and Final Reading of an **ORDINANCE** of the City of Plantation, Florida pertaining to General Employees' Retirement System amending retirement contributions, dates and benefits for new employees; providing an irrevocable election for current employees to receive new employee benefits; providing a savings clause; and providing an effective date.

Dennis Conklin commented on the City's selection to go with the Defined Benefit System and felt the system should be changed to a Defined Contribution Program.

Councilman Fadgen added the plans are actuarially sound.

Councilwoman Uria noted she asked Mr. Keefe if there could be a defined contribution plan. Because of certain regulations this may not be possible.

Mayor Armstrong felt the plans are well studied, grounded and funded. Much of what has been created today was created by State Legislation which has not allowed adjustments to make the current plans more manageable. The Florida League of Cities will bring forth legislation which may generate savings for taxpayers.

Motion by Councilman Tingom, seconded by Councilman Fadgen, to approve Ordinance No. 2448. Motion carried on the following roll call vote:

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

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ADMINISTRATIVE ITEMS

14. AESTHETIC REVIEW OF SIGNAGE FOR DICK'S SPORTING GOODS AT THE FOUNTAINS.

A memorandum dated August 25, 2010 to Mayor Rae Carole Armstrong and Members of City Council from Gayle Easterling, AICP, Senior Planner and Laurence Leeds, Director of Planning and Zoning, follows:

On July 15, 2009, City Council approved a special exception request to increase the allowable sign area for Dick's Sporting Goods at The Fountains Shopping Center from 60 square feet in area to 200 square feet in area. The approval was subject to aesthetic review and approval of the proposed sign by City Council prior to issuance of a building permit.

The proposed sign is located on the east elevation facing University Drive and is 186.2 square feet in area. The sign material is white channel letters with bronze returns (sides) and trim caps (outlines) on a Harford Green metal entry feature.

This matter is now ready for the City Council's consideration.

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Councilman Tingom reiterated the proposed sign is under the 200 square feet that was approved.

Motion by Councilwoman Uria, seconded by Councilman Fadgen, to approve Item No. 14. Motion carried on the following roll call vote:

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

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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

15. DISCUSSION REGARDING CANAL MAINTENANCE. (Requested by Councilman Fadgen)

A memo dated August 18, 2010 to Mayor Armstrong and Members of the City Council from Daniel W. Keefe, Assistant to the Mayor and Donald J. Lunny, Jr., City Attorney, follows:

I. Introduction

Recently, the Administration established a Working Group consisting of the Assistant to Mayor, the City Attorney, the City Engineer, and the Director of Public Works, to review issues concerning Aquatic Weed Control in tidally influenced waterways in Plantation. As the elected officials may know, the only tidally influenced waterways within Plantation lie within the Plantation Isles Community and a portion of the Plantation Harbor Community. As the elected officials are aware, these communities have "ocean access," are very navigable, and unlike other areas of Plantation, have a significant number of boats moored within the waterways. Additionally, these areas of Plantation contain waterways that are more salty than other areas of Plantation.

II. Survey of Conditions Identified

The Administration received two (2) complaints from homeowners in this area of the City complaining of an accumulation of aquatic weeds within the canals behind their backyards. Additionally, Members of the City Council have contacted the Administration with respect to this issue. Site visits were conducted, and these visits disclose that the areas in question are at the end of canals or are in other areas where the waterway has minimal movement. The vegetation appears to be seasonal, consisting mostly of surface algae. The vegetation does not seemingly obstruct the navigability of the waterway, nor does it materially interfere with the waterway's ability to accept, convey, and transport stormwater. The vegetation does not seem to result from the I-595 construction because surface water barriers have been deployed for the I-595 Project. The affected areas appear to be isolated within the overall Community. Notably, it was felt that the accumulation would be "flushed out: of the areas with a major rain event. Indeed, with a heavy rain event occurring within the past couple of weeks, this has occurred, and the areas were effectively "weed and algae free" after the rain event. Finally, Staff is of the belief that the fact that these waterways are relatively salty and tidally influenced materially contributes to these waterways being less weedy than other waterways in Plantation.

III. Summary

While the City is authorized to conduct an Aquatic Weed Control Program within this area of Plantation, it does not have a specific legal duty or responsibility to do so. The city has a longstanding ordinance indicating its intent not to conduct maintenance activities within tidal waterways. Should the City desire, nevertheless, to commence an Aquatic Weed Control Program within tidally influenced waterways, the program may be either a regulatory one (where permits are issued to authorize this activity by the private sector at private sector expense) or a publicly operated program. If a publicly operated program is desired, a new source of revenue will need to be created to offset new costs of expanded City service.

IV. Discussion

Generally, the Legal Department advised the Working Group that the City has had a longstanding ordinance which has been codified in the City Code as Section 15-38, and which reads as follows:

"Sec. 15-38 Non-liability of City for maintenance of tidal waterways. Not withstanding anything to the contrary set forth or implied by this Chapter regulating tidal waterways, the City is not assuming or becoming liable by the enactment or enforcement of this Chapter for the maintenance for tidal waterways or for the maintenance or construction of seawalls or docks; nor shall this Chapter in any way affect the jurisdiction of other governmental agencies concerning the permitting of docks or seawalls in tidal waterways; nor shall this chapter constitute an undertaking by the City to maintain tidal grades or slopes on private property."

Furthermore, the City cannot be compelled by any third party to conduct aquatic weed control operations, except where the City has knowledge of a true nuisance condition on or within publicly owned or controlled property and where the City is ordered by a Court to abate the nuisance. Under the circumstances, nuisance conditions do not seem to exist, as the conditions appear to be seasonable and isolated, are naturally occurring, and do not seem to create significant long term adverse impacts on the neighborhood or on individual parcels of property. No public health or safety concerns seem to be implicated by the existing condition. The fact that most, if all, of the canals are owned by Plantation or subject to platted easements in favor of Plantation does not necessarily create a specific "duty or responsibility" to conduct aquatic weed control. Other governmental agencies (State of Florida or the U.S. Army Corp of Engineers, for example) own both salt and fresh public waterways and do not undertake aquatic weed control maintenance in all of them. As a further example, there are other waterway areas or public property (the Everglades for example) where little public maintenance occurs.

While the City has no specific legal "duty" or "responsibility" for effecting aquatic weed control and has never done so in tidal waterways, the City can nevertheless assume a public program of aquatic weed control in these areas if it desires to do so. This would be similar to the City deciding to conduct a dredging operation within the subject canals even though no prior dredging operation was ever conducted. The Director of Public Works reports that some herbicides have been known to stain or damage boat hulls, and consequently, given the number of boats moored in these waterways, the type and number of herbicides that may be available or appropriate to use may be limited. Further, the City Engineer has noted that because of the unique "flushing" aspect of these canals caused by tidal influences, the application of herbicides may be much less useful to control localized weed conditions than an application of herbicides in non-tidally influenced waterways. Finally, because these waterways are "more salty" than other areas of Plantation, some updated studies or surveys would be recommended to determine whether they contain any protected vegetation. This also may affect the type, nature, and application methods of herbicides in this particular area. Therefore, the Working Group has advised that any weed control operation desired by the City should be comprehensive in nature, be formulated after these unique areas are further studied, and be formulated in consideration of regulatory requirements of other agencies. The Working Group does not believe that the application of herbicides should be conducted on an "ad hoc" or "as needed" basis (as distinguished from being part of an overall plan of operation). If the City were to implement a maintenance program and be negligent in the use of the chemicals or applications methods and damage property, liability could result.

The Administration has previously advised the County that no new operational activity should be commenced which creates new costs without a concomitant new revenue source. The Working Group evaluated different options to pay for an aquatic weed control maintenance program, should the City decide to undertake a program in this area. The following was considered:

1. Special Assessment. The City has the authority to levy a special assessment for aquatic weed control, and in doing so, would need to make sure that only the property specially benefitted would pay for the program costs. Unlike the canal-wide dredging program, only certain limited portions of the canal system would seem to substantially benefit from aquatic weed control, and thus, imposing a special assessment on property owners adjacent to portions of canals that are reasonably "weed free" would likely be subject to legal challenge. Staff would need to carefully consider how an assessment could be fairly apportioned, and given the fact that weeds are seasonable and may vary in growth in any given year; this will impact whether a uniform assessment protocol can be developed.

2. Adding an aquatic weed control function to the stormwater drainage program and fee. It is possible that the City could include aquatic weed control functions within its overall stormwater fee program. If this were to occur, the stormwater fee which was previously discussed on a conceptual basis would

likely significantly increase in amount. As the elected officials may recall, the past presentation on the stormwater utility only included within the utility budget $500,000 in capital costs or $1 million in capital costs, and did not include any aquatic weed control elements.

3. The creation of a special taxing district. It is possible to create a special tax district within this area of Plantation, with the understanding that the property owners in the area would have to approve as part of an election allowing the costs of aquatic weed control to be included within the special district's assessed millage. The district might also be authorized to conduct dredging operations in the future. Special Districts are governmental entities and thus, would be subject to inherent costs of governance (compliance with public records laws, sunshine laws, budgeting, etc.) because these costs can be expensive relative to the limited purpose of such Districts, the City has rarely employed special districts as a limited purpose public finance tool. When a special district has been employed, it is effectively City run and controlled so as to minimize – and not duplicate – these costs of governance.

4. Increasing City millage to pay for the increased costs, or reducing other budgetary expense. Increasing millage rates at this point in time for the upcoming fiscal year is not practically feasible, and given the fact that the City's budgetary expenses have been reduced to a very minimal level, further reductions to meet a new program expense would not be consistent with the city's current prioritization of necessary programs, or be perceived as being consistent with the best management practices.

5. Establishing a Permitting Scheme. Another option to control aquatic weeds within this area of Plantation would be to establish a permitting program where the City would issue a permit to an owner or to a contractor to conduct aquatic weed control activity at the expense of the permittee (meaning the affected owner or the association.) Under this scenario, the City would have a list of chemicals and application methods which would be approved for this purpose, and would keep track of application times and quantities within the canals so as to not issue permits so often as to risk adverse effects to the environment. A permittee would need to obtain not only permits from Plantation, but other regulatory authorities, as appropriate. This option would not create any taxpayer expense for operations and public expense would be perceived as being minimal. This option would allow the property owners most affected to address the temporary conditions locally.

6. Adding an Environmental Control Fee to the City Utility Bill. The elected officials may recall that owners of land adjacent to the privately owned E-Lake requested the City to conduct an aquatic weed control program. The conditions then existing were substantially "lake wide", and were much more severe than the conditions identified in the Plantation Isles/Plantation Harbor area. E-Lake is not a navigable waterway. The homeowners consented to the City adding the contract costs of aquatic weed control to their utility bill, and are effectively, thus, bearing this localized cost. If this option were to be explored, the homeowners that would like to have this charge placed on their utility bill should get together as a group, and contact the Administration as a group. Once the program costs are ascertained, the City would then ask these homeowners to propose a payment plan (quarterly, monthly, etc.) and to complete a form for these additional charges. The charges would be approved by City Resolution.

V. Conclusions

After review of this matter, the following conclusions were made by the Working Group:

1. The City Administration would not recommend that the City change its longstanding policy of not conducting aquatic weed control within the areas of Plantation Isles and Plantation Harbor communities. Unlike the canal-wide dredging problem which was a community request, these complaints are isolated and do not appear to affect a large population of this particular community. Moreover, as stated previously, the weed condition appears to be naturally occurring, seasonal, and subject to abatement with heavy rains. Finally, the City is not equipped at the present time to undertake this operation and does not have the ability to do so without a new revenue source being established. The Administration advised the residents of the City ordinance concerning this matter.

2. If the Council desires an aquatic program to be established, then the Administration would recommend that further review be conducted and that the program be limited to the permitting program described above. This would not create too much public expense and would permit local and temporary conditions to be addressed by those homeowners most affected, or by their association, or by a group of homeowners affected, without creating costs for homeowners not affected.

3. If the City wished to have a public aquatic weed control function in terms of spraying and removal, then Staff would need to further evaluate regulatory aspects, obtain cost estimates from potential contractors, solicit competitive proposals from contractors, and the City would need to create some mechanism for paying for this new service.

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Mr. Lunny summarized the aforementioned memo.

Ann Ebbert, resident, commented about the sludge in the canals and requested that the City do something about it. Estimates were received for treating the canal and the total cost for 20 canals would be approximately $4,000 for one treatment. She presented a book of photographs for Council to review.

Councilwoman Bendekovic referenced the E-Lake issue and noted that it would take several processes to kill growth, as it must start at the bottom, and it will take a while to resolve.

The following are comments by residents:

Al Peterson, resident, was present. He stated that the canals were sprayed sometime in the early 80's. When damming the place was considered many years ago, an account was made and there were 550 homes at that time that had water access. Dredging was done about five or six years ago; however, the canal they are on did not require any dredging. He would like to see the properties maintained and if it requires a reasonable payment to cover the cost of spraying he is all for it. Everyone is probably aware of an ordinance that is about shallowing of the canals. He noted that the properties need to be maintained and it was realized quite some time ago that the City, acting as an Agency on behalf of the homeowners, would be a lot more effective than each homeowner going out and having their particular section of the canal dredged or sprayed.

Michael Strassel, resident, was present. He fishes in the canals all the time. This probably occurred in the early part of August. There was not a lot of rain in June and July and the canals were clear. On the high side of the dam the weeds grew like crazy because someone stopped cutting the grass on that side. In early August there were tremendous rains and the pump house and the dam were opened on a full incoming tide. On a full incoming tide it pours through the pump house and through the dam and runs directly into the canals. It will go

away over a period of time but it is now starting to grow. If you go through the process of eliminating the problem, which is mostly at the end of some of the canals, and get in touch with Water management and avoid the dumping on the high side during an incoming tide the problem will be mitigated. They are not dealing with it on the high side like they used to and now the low side is dealing with it and the City of Plantation will continue to pay for it if the people don't do a better job of taking care of the high side.

Robert Mulvaney, resident, was present. He noted that Mr. Strassel gave the first part of the story, which is correct. This year has been the hottest year of record. When fresh water goes into saltwater, which is navigational waterways according to Broward County, it should be salt water. The problem is on the other side of the dam. They should be charged every time they open the flood gates for every 1,000 gallons they pump into the canals. There are barges on their side of the canal that pick up the weeds and throw it on the sides of the canal and the State Road 84 canal gets dredged. They need to be given two options; bring their machine and clean it up or for every 1,000 gallons they will be charged a certain amount of money. They will either pay it or clean it. Mr. Mulvaney explained that Plantation Isles has one way in and one way out; the State Road 84 canal. Once you go to the other area they are on a peninsula and they get everything from Fort Lauderdale and from the cutoff canal from Dania; salt water. That salt water comes in and goes up the State Road 84 canal slowly because it is a two or three-foot tide. Once the gates open there is more fresh water than salt water. The dam needs to be stopped.

Mr. Lunny advised that the City does not have the authority to close the dam because South Florida Water Management District is a superior Water Management District.

Rod Easson, resident, was present. He referenced taxes and noted that roads in front of the house get taken care of; however, they do not get any additional benefit because of the water behind the houses. He does not feel that residents should have to pay for the waterways; he believes this should be taken care of by the City. He commented that Fort Lauderdale maintains all of their water management without assessing the homeowners.

Mayor Armstrong stated that the millage assessment for Fort Lauderdale is six or seven mills and Plantation has consistently been two, three and four mills.

Hunter Thomas, resident, was present. He did not feel that Mr. Lunny was on the residents' side, but he would like to see a demonstration in the future that he is unbiased and maybe a little bit for the residents and looking for ways to help.

Councilman Fadgen advised that Mr. Lunny did a great job reviewing the memo and stated that they are all on the residents' side and want to find a solution.

Mr. Thomas gave the City credit for sending a team to examine the canal; however, when the titles were announced of the people who conducted the inspection he did not hear a marine biologist, an environmental engineer, or the environmental protection agency. He does not feel that a proper study of the canal has been done. A comprehensive evaluation needs to be done by someone who knows what they are talking about, which involves people who are experienced in studying these kinds of waterways. Unless we fully understand what is going on in the canals we may be wasting money.

Mr. Lunny indicated that was a recommendation. "If the City wishes to have a public aquatic weed control function in terms of spraying and removal, staff would need to further evaluate regulatory aspects, obtain cost estimates from people contractors and the City would need to create some mechanism for paying and because the waterways are more salty than other areas a study would be recommended to determine whether they contain any

protected vegetation. This may also affect the type, nature, and application of herbicides in this particular area. The Working Group has advised that any weed control operation desired by the City should be comprehensive in nature, formulated after these unique areas are further studied, and be formulated with regulatory requirements of other agencies. The Working Group does not believe that the application of herbicides should be conducted on an ad hoc or as needed basis as to being part of an overall plan." He concurred that there was no one that was competent and qualified to draw any conclusion other than what was reported; there was no aquatic weed operation conducted by the City before and that it did not seem to be a widespread or longstanding problem. It was also reported to the City that because of the barriers in the waterway for the North New River Canal that the I-595 project may not be a contributing factor. There was no discussion about the opening of the gates or incoming tide or anything like that. The report may be incomplete.

Mr. Thomas stated that what was just read is subject to so much interpretation. He would like to hear that an environmental expert be hired so that a comprehensive evaluation can be done. Those waters should be pristine. Even if the weeds were removed the water would still be murky. There is marine life and fish in those waters and it should be environmentally safe for those animals to exist. He believes that the responsible thing to do would be to find somebody who can provide an answer which can be relied upon and he does not feel that has been done. After that, a decision can be made as to what has to be done. He suggested that an annual review be done by the same person or organization to make sure that once a comprehensive solution has been received that it continues and is maintained. Those waterways are a great asset to the City, they improve property values. In his opinion, something happened after the dredging.

Joel Stryker, resident, was present. He advised that he came to a very similar meeting about 11 years ago when there was a dredging problem. At that time he and other residents paid the price to solve the problem that affected a few. He does not want the same situation to occur again. Residents who reside on the waterway rather than on a dry lot pay a lot more for their homes and more for taxes and that is an asset to the City. He believes it is appropriate for the Council to decide that the homeowners should get a little something for that extra tax money, which could be someone taking on the Water Management District. None of the residents created this problem and he requested that the City look into this and perhaps hire an Engineer.

Lori Jenkins, resident, was present. She is part of a group of new homeowners who have moved in within the last five or six years. They purchased at the top of the market and paid a lot of money for their homes. They are all boaters and moved here specifically to have tidal ocean access. At this point she has a large boat in the water that is in trouble and if it is not removed there will be permanent damage. Messages have been left with Mayor Armstrong and she has spoken with four committee members that were mentioned and none of the conversations were pleasant. She was given the same attitude that is seen tonight. She is very upset. She mentioned her tax bill for this year, which is just under the double digits. If she would have had more time she would have been able to get a lot more residents to attend tonight's meeting. She requested, as a very high taxpayer, that this get resolved. The damage to her boat is costing a lot of money and she wants to find out who is responsible. It is crazy to be told to take the boats out of the water when they are paying for tidal waterways.

Nathan Conner, resident, was present. He stated that the canals have never been like this and now you can almost walk across the canal. Just from casual observation, he does not believe they are getting the flow they used to get. The other thing is the safety issue. If someone falls off a seawall they are going to drown. If they get tangled up in the weeds they will not be able to come back up. Not only is this an aesthetic problem, it is a safety issue.

Gwen Coffeye, resident, was present. She recommended that a horticulturist who specializes in rain or aquatic plants, as they would know more about the subject. She feels that her family as well as her neighbors purchased

the homes because of the location and access to the waterways. Plantation is considered the "Venice" of Florida and it is the City's responsibility to take care of the waterways. It is restricting a lot of residents from using and/or moving their boats and is also causing damage to the boats. As a community, the water should be taken care of.

Elaine Timpone, resident, was present. She indicated that there are weeds and slime and it is disgusting. The canals have never been like this. The water used to be clear and now it is green.

David Anderson, resident, was present. He lives at the end of the canal and has not seen water except for right after the rains. At this time, 20 feet up his canal is solid weed. Before the last rain storm the ducks walked across the weeds. This problem is much worse that what was reported.

Councilwoman Uria commented that there is obviously a problem because she heard too many people say it has never been like this before. Anyone who lives at the end of the canal will always have some debris, depending on the weather. In looking at the pictures, she does not believe this is typical. She called Dragosa and tried to speak with the project manager. If Mrs. Ebberts has a meeting scheduled for September 3, 2010, she questioned whether we could contact South Florida Water Management and invite them. She thinks Bergeron is doing the road work on I-595. We have to first find out where the problem is coming from because obviously something has changed and then we can determine what must be done. She stated that she was elected to Plantation Acres Improvement District, which is a special district dealing with canals, and they do a lot of work with South Florida Water Management District. She had to say they are extremely tough to deal with. If we can get them to attend a meeting, that would be amazing. Perhaps Administration has a little more clout to call a meeting because there has to be some answers. She read a paragraph from the minutes of February 18, 2004, which was a meeting about the dredging. The City Engineer, Brett Butler, was discussing the end of the canals, "Councilman Edwards expressed concern with regard to debris accumulating at dead-ends. Mr. Butler suggested encouraging the Homeowner's Association to strategize a budget process for routine maintenance." She requested that Mayor Armstrong schedule a meeting incorporated with Mrs. Ebbert in an attempt to come up with what is causing this, perhaps we could get some help from other governmental entities or businesses. She does not think this is the time to try to do something; we have to find out where this is coming from because it may be a routine and consistent cost.

Mayor Armstrong stated that there is no question that if it is your desire to do so and if the community will step forward with an element of confidence that in taking this step and if anyone wants to be there in terms of trying to strategize and listen in on a discussion that is fine. She wants everyone to understand that as far as the Working Group and putting a group together was the first step to try to see exactly what the problem was and the extent of the problem. By the number of residents at this meeting, the extent of the problem was not truly appreciated because it did not appear to be that significant in number as far as the number of people who were affected. She agrees that there is a problem and every problem needs a solution. There have been discussions with Pat O'Quinn from Old Plantation Water Control District, as he is one of the premiere experts in environmental engineering and how to control aquatic weed. In looking at his opinion, he said that a large part of our susceptibility was environmental; it was part of a hydrology in plant growth, part of the hydrology in the way water moves, and certainly impacted by the conditions in the environment relative to our heat. This does not mean that there is not still something that can be identified with a much more thorough examination of the exact conditions. The Working Group did speak with the Old Plantation Water Control District, South Florida Water Management District and the contractor who is doing the I-595 project and basically the same response was received, "We are not responsible for that". If moving forward, a meeting should be scheduled to determine everyone's thoughts are in terms of problem and solution. If Council would like to go that direction we will report back. We do have an ordinance with regard to tidal waterways, recognizing that when Plantation Isles

was formed that was very much part of the up front discussion in terms of how the Homeowner's Association at that time wanted to and chose to manage within the property that is in Plantation Isles and Plantation Harbor. As the City Attorney has indicated, that does not mean that we have to follow that same model today if there is a better solution. As far as Council is concerned, there are a significant number of canals in the City of Plantation and water bodies that are currently being maintained by private Homeowner's Associations and by the public in general. When we start moving in a direction and potentially identify where the revenues will come from in order to pick that up City wide, we can move forward.

Councilman Fadgen suggested getting whatever maintenance schedules the South Florida Water Management District has for the last several years of the North New River Canal above the dam as well as what their dam opening and pump schedule is for dumping water into the tidal water to see what changes might have occurred from prior to years to current.

Councilwoman Bendekovic would like to be sure that the group gets an agenda with set goals so that they come prepared for discussion. She believes everyone should go on a field trip and after that problem solving can begin. There should be a lot of transparency, which has been encouraged.

Mayor Armstrong indicated that a meeting can be done in Workshop form with South Florida Water Management District, Old Plantation Water Control District and contractors.

Councilman Fadgen advised that the meeting at Mrs. Ebbert's house is on September 3, 2010 at 9:30 a.m.

Larry Ebbert, resident, indicated that residents requested to attend the meeting that was previously held and Dan Keefe stated that it was a staff meeting. It was believed that if the residents could have attended they could have added some reasonableness as to what the situation was at the time. With regard to the dredging, all of the canals were not dredged. The information that every canal was dredged is incorrect from that meeting. The Homeowner's Association is not a mandatory Association like a lot of the gated communities, it is strictly volunteer. He added that kids jump off the SW 16th Street bridge into the water near Seminole Middle School and suggested that the area be patrolled due to the safety issue.

Councilman Fadgen stated that there are a lot of meetings held throughout the City and to invite the public to each one would be very difficult to do. He attended the meeting as an observer and reported what he heard. Staff is able to meet alone at times. He thanked everyone for coming to tonight's meeting.

Mayor Armstrong requested that any information received from the biologist Mrs. Ebbert contacted be sent to her or to Dan Keefe at City Hall so that it can be reviewed.

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A brief recess was taken.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Mayor Armstrong announced a Budget Workshop meeting will be held on August 26, 2010 at 5:00 p.m.

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Councilwoman Uria commented that the public needs to be aware of what is on the Primary ballot in particular Amendment 4.

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Councilwoman Bendekovic noted the Plantation Chamber of Commerce is holding a golf tournament on September 23, 2010.

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Dennis Conklin was present. He commented with regard to passing a resolution regarding the World Trade Center Impact zone. He reiterated this is not a religious issue this is based on an attack on America.

In response to Mr. Lunny, Councilman Fadgen suggested that the resolution language should state the opposition to erecting the Mosque at that location. He felt this would be solidarity with those who have lost loved ones and that the message should be sent to the State of New York to find an alternative location.

Mr. Lunny questioned the impact of the resolution and that the resolution perhaps should be directed to Congress rather than the State of New York.

Councilman Tingom expressed his reluctance to tell another City what to do. He concurred that all Americans feel the loss. He felt it would be more beneficial to issue a letter of support for the wall.

Councilwoman Bendekovic felt the freedom of religion issue needs to be supported; however, common sense and the sensitivity of the issue should have some reconsideration. She noted there have been several articles in USA Today. She also expressed reluctance to tell another City what to do.

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WORKSHOP

16. DISCUSSION CONCERNING STORM WATER UTILITY.

A report and recommendation dated August 25, 2010 to the Mayor and Members of the City Council from Brett Butler, City Engineer, Frank DeCelles, Public Works Director and Daniel W. Keefe, Assistant to the Mayor follows:

REQUEST: Proceed with steps outlined in staff report

ANALYSIS: Storm Water Utility Staff Workshop July 20, 2010
Attendees: Scott McClelland, Frank DeCelles, Brett Butler, Don Lunny (portion of meeting) and Dan Keefe.

RECOMMENDATIONS:

Public Awareness

Focus Group Review (recommended invitees: a representative to be selected by each group.):

- Chamber of Commerce
- Midtown
- Industrial Park
- Gateway 7
- Fountain Shoppes / Residences at the Fountains
- Westside or Plantation General Hospital
- Broward County Environmental
- Local Engineering Firm
- HOA / HOG
    - Park East
    - Country Club Estates
    - Jacaranda Area
    - Jacaranda Lakes
    - Plantation Isles / Harbor
    - Lauderdale West
    - Omega
    - Maleluca Isles
    - Marcano Estates / Mirror Lakes Area
- Clergy Group
- Public Schools
- Private Schools

Approximately 15-20 representatives will meet 3-4 times, once every two weeks beginning Thursday, September 9th for approximately two hours at the Fire Administration Community Room at either 10 AM – 12 noon or 6:30 PM – 8:30 PM (Stakeholders to provide preference).

Scott McClelland to serve as facilitator and to provide information to participants in order to receive feedback. Staff (Mr. DeCelles, Mr. Butler and Mr. Keefe) to provide resources and information as needed. Participants and City Council to receive information in binders provided by Mr. McClelland.

Meetings will be by invitation, but anyone form the public will be welcome to attend. Staff would request that Council Members not attend so as not to influence participant discussion.

Focus Group members will be invited to attend and participate in the consultant/staff presentation to City Council.

Proposed tentative schedule:

- Workshop with City Council – August 25, 2010
- Stakeholder Meeting #1 (Basic storm water management, introduction to Level of Service and current city programs) – September 9, 2010
- Stakeholder Meeting # 2 (field tour) – week of September 16, 2010
- Stakeholder Meeting #3 (Improved level of service, program costs, funding options) – September 23, 2010

- Public Awareness Campaign (press release, website information, speaker's bureau, etc.) beginning October 1, 2010 – April 1, 2010
- Stakeholder Meeting #4 – (Storm water utility fee concepts, rate structure options) October 14, 2010
- Stakeholder Meeting #5 – (Discussion of preferences and feedback) October 28, 2010
- First reading of Stormwater Ordinance November 10, 2010
- Second reading of Stormwater Ordinance December 8, 2010
- Anticipate implementation date April 1, 2011.

Rate Structure

Method of Billing – recommendation to use Utility Bill

Billing Units – recommendation to use Single Family Equivalent Residential Unit (ERU) = 4,490 sq ft (impervious area)

Residential
- Single Family – recommendation to use single tier
- Non-Single Family Residential (e.g., MF, Condos, Mobile Homes) – recommendation to use 1 ERU per dwelling Unit (DU)

Exemptions
- Public Road Rights-of-way "Yes"
- Minimum Impervious Area "Yes"

Credits Allowed:
- Best management Practices (BMPs) Equaling Current Code – NO CREDIT
- BMP's Exceeding Current Code – PARTIAL CREDIT
- Separate Credits for Attenuation and Water quality – PARTIAL CREDIT SYSTEM
- Low Impact Development (LID) – Write a LID ordinance first (not necessarily as a part of setting up thw SWU), then implant a partial credit
- NPDES – "NOT APPLICABLE"
- No Discharge to Tertiary System – Credit from a component of the city SWU Program for which the City does not provide the service
- Quid-pro-Quo Activities – NO CREDIT
- Consultant will develop a proposed credit system

PAID

The City does provide some assistance to residents covered by PAID relating to NPDES and CRS activities. The City will discuss with PAID paying an annual fee rather than including PAID properties in the SWU. Consultant will provide cost information for staff to consider.

Additional information will be provided during the presentation by Mr. McClellan during the August 25, 2010 City Council Workshop.

RECOMMENDATION: Proceed with steps as outlined to provide information to the City's Storm Water Utility Focus Group and report findings to City Council in November.

Mayor Armstrong noted this initiative is being brought forward due to the needs of the City, the economic conditions and to meet the responsibilities to manage the City's drainage.

Mr. Butler introduced Scott McClellan from CDM.

Mr. McClellan presented a power point discussion. A copy of the power point presentation is on file in the City Clerk's office. He clarified staff is requesting to move forward with the focus groups and start the process to obtain feedback. He noted each Focus group meeting would be documented and the salient points would be provided to Council prior to the next meeting.

Councilman Fadgen expressed his belief that this is the worst possible time for a new fee and suggested delaying it for one year. He agreed that there was a need.

In response to Councilwoman Bendekovic it was noted there would be no service that the City would provide and no additional fee for the residents in Plantation Acres. It was clarified that the Park East area may receive the higher fee in the Level C range because the City would provide more services. She suggested consideration be given to phasing so that the monetary impact could be minimal. She felt there is not a good time to add a fee and that the work needs to be completed. She concurred that it was important to educate the residents.

Councilman Tingom expressed his belief this matter needs to be addressed and acknowledged the additional monetary burden placed on residents. He did not favor an ad valorem increase.

Councilwoman Uria felt there would be standing water during certain events no matter what was done. It was her belief this would clear the water quicker. She suggested moving forward with the stakeholder meetings, the awareness campaign and to review the system. If there are objections the plan could be delayed or terminated.

Mayor Armstrong noted this process has identified a problem and felt the problem could be addressed responsibly or delay addressing the problem in the future. She reiterated if nothing is done, residents may be paying more for flood insurance or not being able to obtain the appropriate ratings for mortgage approval and that it is irresponsible way to approach this matter.

Donald Foster, 7810 NW 5 Place, was present. He noted his swale for the past 25 years has been underwater every time it rains. He urged Council to deal with this issue and delay repairing the system. He thanked staff for visiting his property and listening to his concerns.

Robert Mulvaney, 5990 SW 13 Street, was present. He questioned the effects of the runoff water on the canal system and whether this would increase vegetation in existing canals. It was his belief that people cannot afford the additional fee. He discussed the process in which a house he owns in Fort Lauderdale went through the process to be assessed for septic tanks. He questioned the cost for the focus groups.

Mr. Lunny explained if more than one Councilperson attends the meeting and there is communication regarding an item that will be coming back for Council to act upon would be a violation of the Sunshine Law. He noted the intent of the focus group is to have a dialogue with the residents and that there may be a possibility that resident's may not be willing to speak openly.

Discussion ensued with regard to the Sunshine Law.

It was the consensus to move forward with the focus group and obtain feedback.

Mr. Keefe noted information was to be provided to the residents and Councilmembers before the focus groups and the results of the focus groups.

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Mr. DeCelles commented the City has not sprayed canals in the Plantation Isles area. Homeowners complained and were billed for a contractor to spray the canals. He noted the City did not have the proper equipment to spray the canals. The problem has existed for several years. The City has never been responsible for maintaining the canals.

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Meeting adjourned at 11:07 P.M.

_____
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 _____, 2011.

_____
Susan Slattery, City Clerk