

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

JULY 29, 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 Peter S. Tingom Sharon Moody Uria
Mayor:	Rae Carole Armstrong
City Attorney:	Donald J. Lunny, Jr.
Absent:	Robert A. Levy

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2. The invocation was offered by Councilman Fadgen.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Armstrong introduced Senator Nan Rich and thanked her for representing the City of Plantation and the District.

Senator Rich provided a brief legislative update. The \$66.5 billion dollar State budget includes \$5.3 billion dollars in stimulus, which will run out in December 2010. Without these funds the budget would have been \$61.2 billion, the lowest level of funding since 2005. Many of the stimulus funds were shifted to cover a budget deficit from last year and are not being used for their intended purpose. Nearly \$2 billion dollars in health care funds were shifted from one area of the budget to another, essentially balancing the budget on the backs of Floridians who rely on our State's health care services. This fund shift includes \$787 million dollars of the Federal Medicaid Stimulus Funds and about \$1 billion dollars of the tobacco tax. Some thought the money from the tobacco tax would be going to health care unfortunately, that money was used for other gaps in the budget.

- Significant cuts were made in programs for some of the most vulnerable residences such as programs to keep seniors out of nursing homes.
- Nothing was funded for youths aging out of the foster care system.

- Florida continues to rank among the Nation's worst in terms of State funding for public education and nothing was done to fix that this year despite the fact that \$2.4 billion dollars in Federal stimulus will be received for education.
- The per pupil funding in grades K-12 this year was \$6,873 and that will remain; however, to make up that amount per pupil, stimulus money was taken along with capital money from school districts and moved towards operation.
- Legislature made up some of the shortfall in capital funds and told the School Board that they could slightly raise property taxes.
- When there is an economic down turn there is a demand for higher education. There has always been an open door policy in the community colleges; however, that is no longer the case as there are no seats or professors to take care of the large number of people coming to those schools.

A few positive things were noted as follows:

- The Florida Kid Care program. Senate Bill 918 will reduce the waiting period for cancellation of insurance and when someone is late with their payment.
- The primary enforcement of seat belt laws. Under the new law, which went into effect June 30, 2009, a police officer can now pull someone over simply for not wearing a seat belt.
- Foster Care children do not have the right advocates within the school system. The new Bill will create an education surrogate for each foster child that is diagnosed with a developmental disability.

Councilwoman Uria indicated that most of the insurance companies that write homeowners policies in the State of Florida will not cover certain types of dogs. The K-9 officers are being penalized because they bring their dogs home and the companies will either exclude the dog or not write the policy at all. Some of the police officers are being put in a position to lie and when the insurance company comes to inspect and they see the Police car that says K-9 they cancel the homeowners' policy.

In response to Councilwoman Uria, Senator Rich advised that \$50 million dollars out of the \$1 billion dollars was divided between James and Esther King Bio Medical Research and the Bankhead Coli Research program, which will be provided in the form of grants. She believes this will be changed by next year.

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Mayor Armstrong presented Service Awards to the following employees:

Lee Ann Armstrong	Police	30 years
Officer Ronald Camp, Jr.	Police	20 years
Officer Thomas Diemer	Police	20 years
Lieutenant Dominick Ranieri	Police	20 years
Officer Christopher Stilwell	Police	15 years
Brett Finkel	Fire/Rescue	10 years
Officer Christopher King	Police	10 years
Maritza Grajales	Building	5 years
Daniel Tringali	Fire/Rescue	5 years

Congratulations were offered.

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Mayor Armstrong read a Proclamation designating August 22, 2009 as *Honeybee Awareness Day* in the City of Plantation.

The Proclamation was accepted by John Herring on behalf of the Broward County Bee Keeper Association.

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Mayor Armstrong commented that the passing of Jeffrey Siegel has been something that everyone is dealing with very significantly for a period through of time through his illness. We have lost a very special friend and an advocate for many things that are important to us in the City. She suggested that consideration be given to dedicating the playground (Plantation Woods) that is to be constructed at Plantation Community Center in memory of Jeffrey Siegel. This project was the last project that he was working on and it incorporates a lot of his creativity.

Councilwoman Bendekovic requested a wind chime be placed somewhere in the park. She believes this dedication would be a living memorial.

Councilman Fadgen encouraged the dedication.

Councilman Tingom commented this would allow people who have worked with Jeffrey in the past a vehicle so they could donate items to the City to create memorial.

Councilwoman Uria believed this would be a way that Jeffrey would always be alive in our hearts.

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CONSENT AGENDA

No items were removed from the Consent Agenda.

As a Commissioner of the CRA, Mayor Armstrong has a voting privilege on Items #10 & #14.

Mr. Lunny read the Consent Agenda by title.

3. Request to extend the Utilities Department's continuing services engineering contracts with Carollo Engineers, Hazen & Sawyer, P.C. and Winningham and Fradley, Inc. until September 29, 2012. (Budgeted – Utilities).
4. Award materials and installation contract to Surge Solutions Group, Inc. for replacement of the Central WTP High Service Generator Fuel Tank for \$129,900 as required by State fuel tank regulations 62-671. (Budgeted – Utilities).
5. Award purchase order to Miller Pipeline for installation of pipe liners at four locations in the amount of \$29,340. (Budgeted – Utilities).
6. Approve purchase of modular work stations for Police Department Second Floor renovation from Pride Enterprises in the amount of \$159,078.63. (Forfeiture Fund).

Resolution No. 10626

7. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 9 – July 15, 2009 for the Plantation Gateway Development District.

Resolution No. 10627

8. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 9 – July 15, 2009 for the Plantation Midtown Development District.

Resolution No. 10628

9. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 9 – July 15, 2009.

Resolution No. 10629

10. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 9 – July 15, 2009 for the City of Plantations' Community Redevelopment Agency.

Resolution No. 10630

11. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 16 – July 22, 2009 for the Plantation Gateway Development District.

Resolution No. 10631

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 16 – July 22, 2009 for the Plantation Midtown Development District.

Resolution No. 10632

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 16 – July 22, 2009.

Resolution No. 10633

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period July 16 – July 22, 2009 for the City of Plantation's Community Redevelopment Agency.

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, Tingom, Bendekovic

Nays: None

NOTE: Mayor Armstrong voted affirmatively on Items #10 and #14.

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS

15. **RESOLUTION** of the City of Plantation; Florida pertaining to the subject of municipal special assessments; relating to an improvement project commonly known as the Plantation Acres Roadway Improvement Project 2009/2010; identifying such improvements as being two public right-of-way facilities; the first being known as the NW 4th 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 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); providing findings; making a final decision to complete such project and levy special assessments to pay for a portion of the costs of such project; confirming the final assessment roll and levying such special assessments; imposing and certifying the superior lien for said special assessments on the benefited property; confirming 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 therefore.

-AND-

RESOLUTION of the City of Plantation, Florida pertaining to the subject of Plantation Acres Roadway Improvement Project 2009/2010 (the "Project"); approving a loan to SunTrust Bank in an amount not exceeding \$475,000; to finance the cost of construction of the project, to be principally repaid from special assessments on property benefitting there from and, if necessary, from legally available non-ad valorem revenues; authorizing execution and delivery of a loan agreement and a note, and other action in connection with the delivery of such documents; authorizing the Mayor or Assistant to the Mayor to make such changes to the loan documents as are deemed appropriate; authorizing the appropriate City Officials to close the loan; making other provisions with respect to the loan; and providing an effective date.

Mr. Lunny read both resolutions into the record.

A continuance to the August 26, 2009 City Council meeting was requested.

Mr. Lunny explained that the purpose for the requested continuance is that one of the gentlemen, Mr. Panotsky, who is a relatively new owner, has two lots and is considering combining the two lots into one so as to be assessed as one lot. This was allowed for a property on NW 4th Court so that they do not get doubly assessed if they do not have any near term intention of using the second lot for a home. This will be in effect for both lots for a period of 20 years, which is the useful life of the initial construction. Developers normally construct the improvements and the City usually maintains them. When they have not been constructed before, the initial construction is by special assessment. This has been approved by Administration. The gentleman is attempting to get his bank to agree and it will change the numbers of NW 19th Street. The numbers will not increase beyond what was initially advertised because the bids came in so low but when dividing the assessment by five parcels instead of six they will not go down as far as what was in the report. Secondly, Administration requested Mr. Keefe to go back into the market and take another look at interest rates. Initially in April when there was a presentation, the rates were at a certain level and by July they were actually higher than when the report was

written. In late July the rates had slightly decreased and a different lender was considered. Now there is a possibility that the rates may be even lower with a different lender. The City is attempting to get the very best rate possible for the assessment. If that works the numbers will have to be recomputed and it will also result in a cost savings to the residents. The construction bid by Engineering is good for a while; therefore, there is no rush as long as the August 26th date can be accommodated. Thirdly, since April the property appraiser has certified the assessment rolls and the chart numbers will also need to be updated so the best report will be available.

This was placed on the agenda; however, at the last minute, we were advised of the property owner who wants to consider combining the lots. We were then tasked to go back into the market and do better. For property owners present, we should make sure they are going to be able to come to the meeting that we are talking about. Mr. Lunny was not able to speak with the property owners; however, he did speak with their attorney who is representing one parcel owner, who said he would be available on that date after the date was set. If there is no objection he requested keeping that date and if there is an objection there would need to be a different plan. Part of this will give Mayor Armstrong the authority to sign the most favorable commitment she can with the understanding that if Council does not approve the request the City will pay a minor break fee of ten basis points or under.

Motion by Councilman Fadgen, seconded by Councilwoman Bendekovic, to continue the Resolution pertaining to the subject of Municipal Special Assessments until August 26, 2009. Motion carried on the following roll call vote:

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

Discussion was opened to the public.

Sandy Levy, property owner on NW 4th Street, was present. His concern was that if the property owner, Mr. Panotsky was going to pay for one lot instead of two, he should be deed restricted where he cannot separate the lot in the future. Property owners were going to build the road on their own and they had a development agreement among everyone; however, Mr. Panotsky basically restricted the process of building the roadway.

Mr. Lunny explained that in the City of Plantation the developers normally build the roads and the City maintains them if they are to be dedicated to the public and built to private standard. The useful life of a road, according to the City Engineer and Director of Public Works, given the materials that are now being used, is 20 years; therefore, the deed restriction will be that for 20 years the property owner will not be able to subdivide or build. Once the 20 years passes the City will be maintaining the road in accordance with the taxes that everyone pays and the deed restriction will fall away.

Ana Vigoa, property owner in the area of the assessment was present. She stated she never agreed to build any road and never donated land that would be required in order to build the road; therefore, she was curious as to how the project would be able to proceed.

Mr. Lunny advised that NW 19th Street was not a public roadway and there was no access to the site in question. A property owner along NW 19th Street refused to give the right-of-way necessary in order to build NW 19th Street to any kind of public or private standard. That means your home is not conforming to the City's laws and, therefore; if there is any kind of storm damage, any kind of permits needed, you would not be able to get the permits or rebuild the property because the access is non-existent. The City is constructing and improving this road and will determine that it benefits your property.

In response to Ms. Vigoa, Mr. Lunny believed her particular property was in that condition when it was annexed and she was not part of the 1985 roadway assessment project because there was no right-of-way given for that piece of the road; therefore, the property has been illegal for many years and the City is attempting to legalize that condition.

Ms. Vigoa thought her property would be grandfathered in since it had been that way for many years. She referenced the City Code that says, "A person in her type of situation would not be assessed in this type of a scenario".

Mr. Lunny advised that was not correct and stated that the City conducted a major roadway improvement assessment project in 1985 for the Acres and this one and NW 4th Court were left out. He suggested she contact Brett Butler, City Engineer, for further discussion with regard to the benefits of living on a public road and why access is necessary for fire, police and other reasons, along with increasing the property value.

Discussion to the public was closed.

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16. AWARD CONSTRUCTION CONTRACT TO DAVID FOOTE ENVIRONMENTAL CONSTRUCTION, INC. IN THE AMOUNT OF \$322,994.06 FOR PLANTATION ACRES IV ROADWAY ASSESSMENT.

A memorandum dated July 22, 2009 to Mayor and Members of City Council from Brett Butler, City Engineer, follows:

The subject project involves the construction of two-lane City rural roadway segments in Plantation Acres at NW 4th Court and NW 19th Street for the benefit of adjacent properties. A proposed roadway special assessment is being processed in conjunction with the project. In May of this year staff solicited a Request for Sealed Proposals (RFSP). On June 9th the City received sealed proposals from 12 contractors ranging from \$322,994.06 to \$491,100.71. As a point of information, all bid proposals are below the staff cost estimate of \$513,700.

The apparent low bidder is David Foote Environmental Construction, Inc. with a bid proposal in the amount of \$322,994.06. After review of the apparent low bidder's proposal, list of references and other required supporting information, staff has determined that David Foote Environmental Construction, Inc. has submitted the lowest responsive and responsible bid proposal.

Funding is proposed through a bank loan with repayment by way of a special assessment to the benefitting property owners. Staff is presenting a special assessment report for a required equalization hearing to be considered preceding this bid award recommendation on the same City Council agenda.

If after the equalization hearing the City Council votes to approve the special assessment and associated funding, staff requests City Council to approve the award of a construction contract for the project to David Foote Environmental, Inc. in the amount of \$322,994.06. Should you have any questions, please do not hesitate to contact me.

Mr. Lunny advised this is not an advertised item and it will be brought back on August 26, 2009.

This item was continued to the August 26, 2009 meeting.

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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 announced that there will not be a City Council Meeting on August 12, 2009; the next City Council meeting will be held on August 26, 2009.

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Councilman Fadgen requested a sweep of the Plantation Park subdivision be done, as he has received a number of calls with regard to Code Enforcement issues in that area.

Mayor Armstrong noted that Code Enforcement has already focused attention in that area; however, she will follow up.

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Councilman Fadgen questioned when the closing of NW 74th Avenue and NW 7th Street would be revisited.

Mr. Butler indicated that residents were advised that solutions that had been presented were going to be implemented and that quarterly monitoring would be performed, which would dictate the first monitoring shortly after the beginning of school; the latter part of September or early part of October. Observations are being made and documented with some assistance by the Police Department; however, formal counts are not dedicated to be performed until September or October.

In response to Councilman Fadgen, Mr. Butler reiterated that residents in the neighborhood were informed that information would be broadcasted via the City website. All information will be posted as it becomes available; at this point and time the monitoring being performed is more informal. His intention is to have a discussion with Mayor Armstrong some time in mid August.

Councilwoman Bendekovic questioned whether the speed tables were being considered, as that was something the residents really wanted.

Mr. Butler indicated there was an interest by some residents on NW 73rd Street for the speed tables and they have been advised that Engineering would like the opportunity to implement the solutions discussed and presented but that the speed tables are Plan B as a fall back if it is determined to be necessary. He noted that the quarterly data

needs to be collected, which would occur in September or October, when there is “normal” traffic so that it can be determined whether there is a need to do something different. In the case of the traffic diverter, they are watching some other situations that developed immediately after it was implemented. This is the matter he is going to discuss with Mayor Armstrong in the next two to three weeks. The situation on NW 74th Street is not desirable and that is why he will meet with Mayor Armstrong.

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Councilman Tingom announced that the next meeting for the PAL Task Force will be held on August 5, 2009 at 7:00 p.m. on the second floor at Central Park. Progress is being made and a proposal should be ready for presentation to the City and PAL by the end of August 2009. He noted he has started a website listing some of his activities with the City; PeteTingom.com.

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Councilwoman Uria thanked Mayor Armstrong for the Pension Workshop held on Tuesday, July 28, 2009.

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In response to Councilwoman Uria, Mayor Armstrong clarified there is a bid for services for a proposed preventative health care clinic. Information is being gathered in order to bring this before the Council. This is being looked at in a constructive way, as it will reduce costs, benefit our employees and do a number of things that are believed to be important at this time as far as wellness and getting costs under control. A location has been found and that will be discussed further, once Code Enforcement moves out of the Annex building and over to the Police Department. The clinic would be implemented in this coming budget year.

In response to Councilwoman Bendekovic, Mayor Armstrong advised the focus of the clinic is multi purposed in terms of services that are provided to the employees. The components of the proposed clinic by Plantation General Hospital would not be serviced and available. She noted that Plantation General Hospital could bid for the City’s preventative health care clinic if they wished to do so.

Mr. Keefe commented that both of the hospitals have been given the bid information with regard to the on-site clinic. It will probably be done some time in the spring, as the space that is being considered will not be available until after the first of the year. The bid is due by August 18, 2009.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

David Weiss, President of Hawks Landing Homeowner Association, was present. He thanked the Council for all of their hard work on the I-595 expansion project and noted that the sound barrier is beginning construction.

Mr. Weiss referenced the operation of cell phones while driving. Different cities in the United States have passed ordinances regarding this and he submitted samples for Council to review. He questioned whether the City has any interest in passing an ordinance and whether the City has the ability to pass the ordinance. If not, the question goes to the State. Mr. Weiss noted that he would be willing to volunteer to help with a Workshop.

Councilwoman Bendekovic suggested Mr. Weiss work with Senator Rich.

Mayor Armstrong stated the better venue would be to do this State wide rather than with local jurisdictions because that makes it extremely difficult on the Police Departments and officers. The other way to go would be to bring this forward to the Broward League of Cities that might get all of the municipalities in Broward County involved.

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Lena Gillis with Zoe Life Training Center was present. Pastor Derek Gillis passed away in March 2009 and she has taken over. A special exception was granted for them to operate their House of Worship on the site where they are currently located. They fully expected to operate on this site without any challenges. Over the last five years they have experienced questionable unsolvable challenges. The first issue was that initially they were advised at the signing of the lease by the former landlord that they could use a sign that was already on the grounds; however, after moving in, the requirements for signage changed and for reasons unknown to this date, they have been unable to secure and enjoy property signage to help meet their needs. As a result they have been operating without a landmark. The other issue is the confusion they have experienced with regard to their mailing address of 6500 West Sunrise Boulevard, which is the same as their landlord. The remedy was to put numbers on their doors and install a mailbox to correspond with the adjustments; however, that was only a surface adjustment, as their address was never changed on public records even though they processed a change order years ago.

Mr. Lunny advised that he would speak with Larry Leeds, Director of Planning, Zoning and Economic Development, to determine whether he is aware of this issue; however, he noted that postal addresses are not controlled by the City. As to the signage and the special exception, Mr. Leeds should be able to resolve these issues.

Councilwoman Bendekovic indicated the signage issue would have to come before City Council. She suggested Mr. Leeds attempt to work this out without coming before Council.

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Dennis Conklin, resident, was present. He questioned whether a missing portion of a sidewalk between the Seventh Day Adventist Church and the Jim Ward Community Center could be repaired, as the plywood that was covering that area has completely deteriorated.

Councilwoman Bendekovic noted that Frank DeCelles, Director of Public Works, would take care of this.

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Mr. Conklin questioned whether a citizen's report with regard to the budget would be available in the near future.

Mayor Armstrong advised the report comes in September after the Workshop.

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Mr. Conklin offered condolences to Jeffrey Siegel's family.

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WORKSHOPS – None.

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Meeting adjourned at 9:02 p.m.

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