

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

**May 22, 2013**

The meeting was called to order by Councilman Robert A. Levy, President of the City Council.

1. Roll Call by City Clerk:

Councilmember:	Jerry Fadgen
	Ron Jacobs
	Robert A. Levy
	Lynn Stoner
	Chris P. Zimmerman
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald J. Lunny, Jr.

\* \* \* \* \*

2. The invocation was offered by Councilman Zimmerman.

The Pledge of Allegiance followed.

\* \* \* \* \*

**ITEMS SUBMITTED BY THE MAYOR**

Mayor Bendekovic presented Service Awards to the following Employees:

Ann Bussiere	Police	25 years
Marc Toussaint	Police	25 years
Layneth Seepersal	Public Works	20 years
Sivy Del Rosario	Fire Rescue	15 years
William Gale	Building	5 years

\*Unable to attend.

Congratulations were offered.

\* \* \* \* \*

**Resolution No. 11685**

3. **RESOLUTION** of Appreciation to Darryl A. Richardson for 23 years of dedicated service to the City of Plantation.

***Motion by Councilman Fadgen, seconded by Councilman Jacobs, to approve Resolution No. 11685. Motion carried on the following roll call vote:***

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

\* \* \* \* \*

**Resolution No. 11686**

4. **RESOLUTION** of Appreciation to Joseph R. Sposa, Jr. for 12 years of dedicated service to the City of Plantation.

***Motion by Councilman Jacobs, seconded by Councilman Fadgen, to approve Resolution No. 11686. Motion carried on the following roll call vote:***

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

\* \* \* \* \*

**Resolution No. 11687**

5. **RESOLUTION** of Appreciation to Susan A. Wilson for 26 years of dedicated service to the City of Plantation.

***Motion by Councilman Fadgen, seconded by Councilman Jacobs, to approve Resolution No. 11687. Motion carried on the following roll call vote:***

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

\* \* \* \* \*

Mayor Bendekovic read a Proclamation designating May 18 – 24, 2013 as ***National Safe Boating Week*** in the City of Plantation.

Jim Pinkston along with Dan Hess, Division Commander and Charlie Baggot (sic), Pass Flotilla Commander accepted the proclamation.

\* \* \* \* \*

Mayor Bendekovic read a Proclamation designating May 22, 2013 as ***Employee Health and Wellness Day*** in the City of Plantation.

Lisa Tribble-Brown, Diane Huntley, and Sharon Watt accepted the proclamation.

Ms. Moale announced that IPMA HR International recognized the City of Plantation for our outstanding wellness program.

\* \* \* \* \*

Mayor Bendekovic introduced Linda Buchanan and Joan Kahn (sic) with the Plantation Women’s Club.

Ms. Kahn and Ms. Buchanan presented the following checks:

- Jim Romano, Parks and Recreation Director, for the Summer Camp program.
- \$1,000 each to two students in Plantation;
  - Mario Lopez – Plantation High School
  - Rashad Baptisite – South Plantation High School

\* \* \* \* \*

Jim Romano, Director of Parks and Recreation, made the following announcements:

- A Memorial Day Service will be held on Monday, May 27, 2013, at 9:30 a.m. at Veteran’s Park.
- Summer Camp begins June 10, 2013 and ends August 2, 2013. The City Summer Camps are full; however, there are openings at the Frank Veltri Tennis Camp and Pool; the Share A Pony; the Golf Academy at the Plantation Preserve; the Drama and Musical Camp at Jim Ward Community Center; and Camp Elite at Volunteer Park.

\* \* \* \* \*

Mayor Bendekovic made the following announcements:

- “Florida 500 Years of History 1513-2013” is a new exhibit at the Plantation Historical Museum; the exhibit launches May 28, 2013 until October 26, 2013.
- The Plantation Farmer’s Market is every Saturday at Volunteer Park between 8:00 a.m. and 2:00 p.m.

\* \* \* \* \*

**CONSENT AGENDA**

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 15.

Item No. 10 was removed from the agenda.

Item No.’s 7, 11 and 14 were pulled from the Consent Agenda to be discussed separately.

Mr. Lunny read the Consent Agenda by title.

6. Approve Amicus Grand Opening Event on June 15 from 9:00 a.m. until 5:00 p.m. at 480 North State Road 7.

8. Request for approval to purchase yearly maintenance for Accela – Building Department permitting software.
9. Request for approval to purchase one 2013 Ford F-150 Crew Cab from Plantation Ford, Plantation, Florida.

**Resolution No. 11688**

12. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period May 2, 2013 through May 15, 2013 for the Plantation Gateway Development District.

**Resolution No. 11689**

13. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period May 2, 2013 through May 15, 2013 for the Plantation Midtown Development District.

**Resolution No. 11691**

15. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period May 2, 2013 through May 15, 2013 for the City of Plantation's Community Redevelopment Agency.

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

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

**NOTE:** Mayor Bendekovic voted affirmatively on Item No. 15.

\* \* \* \* \*

Mr. Lunny read Item No. 7.

7. Approve Plantation Community Church Arts & Crafts Show on Saturday, October 5, from 10:00 a.m. until 3:00 p.m.

A memorandum dated May 16, 2012 to Susan Slattery, City Clerk, from Gary Shimun, Chief Administrative Officer, follows:

Please place the attached item on the Consent Agenda for Wednesday, May 22, 2013

Permission for Plantation Community Church to have an Arts & Crafts Show on their church property Saturday, October 5, 2013 from 10:00 a.m. until 3:00 p.m. with set up time to begin at 7:00 a.m. and breakdown time to be completed by 5:00 p.m. Plantation Community Church is planning to have thirty-six outdoor vendors with canopies (vendors will provide their own canopies).

See attached comments from City staff pertaining to requirements for their event.

---

Correspondence dated May 16, 2013, to Ms. Laura Barb, from Gary Shimun, Chief Administrative Officer, follows:

RE: *Special Permission – Arts & Crafts Show*  
*Date: Saturday, October 5, 2013*  
*Time: 9:00 a.m. – 10:00 p.m.*  
*Setup time 7:00 a.m. – Breakdown completed by 5:00 pm.*

Dear Ms. Barb:

I am in receipt of your application dated May 18, 2013 requesting permission to have an “Arts & Crafts Show” on your church property on Saturday, October 5, 2013 from 10:00 a.m. until 3:00 p.m.

Please be advised that your request has been placed on the City Council agenda for next Wednesday, May 22, 2013. We suggest that you or a representative attend this meeting should there be questions posed by members of the City Council. The meeting commences at 7:30 p.m. at City Hall, 400 NW 73<sup>rd</sup> Avenue, Council Chambers, first floor.

Please see attached comments from City staff pertaining to your event.

---

Laura Barb was present. She indicated that their first request was in a traffic area but the City had her pull the vendors over to where it was much safer. She noted that they are allowed a 16-foot sign but questioned whether they would be allowed to put 2’ x 2’ signs that stick in the ground.

Mr. Lunny advised that Mr. Leeds is familiar with the sign code; it is a temporary sign. The sign code was not available at this time.

Ms. Barb questioned if there are more people than what they can fit in their parking area if they can park in their large swale along Cypress Road.

Councilman Levy commented that more than likely they could use the swale along Cypress Road because it is only temporary for this show.

Mr. Lunny advised that it would be all right subject to the approval by Brett Butler, City Engineer, who may request that some sort of a bond is posted in case the swale gets torn up and it has to be re-contoured.

Ms. Barb mentioned that the church takes care of the swale; they pay for the lawn service. Her last question was if the outdoor vendors can set up canopies the night before.

Mr. Lunny stated that would be the Council’s authorization to approve.

Mayor Bendekovic suggested that some kind of security be present overnight to prevent any vandalism.

Ms. Barb indicated that there are a few Police Officers who watch over the church. She noted that all of the vendors have to sign a paper saying that the church is not responsible in any way, shape or form.

***Motion by Councilman Jacobs, seconded by Councilman Fadgen, to approve the Arts & Crafts Show and setting up the canopies the night before. Motion carried on the following roll call vote:***

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

\* \* \* \* \*

Mr. Lunny read Item No. 11.

11. Approve Third Addendum to Health Services Agreement with Marathon Health, Inc.

A memorandum dated May 22, 2013 to Mayor Diane Veltri Bendekovic and Members of Council, from Gary Shimun, Chief Administrative Officer and Margie Moale, Human Resources Director, follows:

Back in February 2013, Council authorized the contract renewal with Marathon Health for the Employee Health & Wellness Care Center. Our on site clinic recently ended its third year as of March 31, 2013 and successfully avoided health insurance costs after all fees by \$1,186,698.41 total in three (3) years. The previous February, we sought and received Council's approval to amend the contract to replace the part time R.N. with a part time Nurse Practitioner. Based upon the demand for these services, Council subsequently authorized increasing the part time hours to full time effective September 1, 2012.

Staff has continued to monitor the volume of appointments with Marathon Health. Even though we have two (2) full time clinicians to handle acute care, physicals, health coaching, and disease management, we find ourselves at another positive crossroad. Employees and their spouses are using the Care Center more frequently and are completing the "3 Steps to Wellness". As a result, the Care Center clinicians are double and triple booked for appointments and there is a waiting list for acute care appointments. If a sick employee or their sick spouse is unable to get an appointment on the same day or the very next day, they will likely go to their own primary care physician or to an Urgent Care facility, costing our health insurance. In discussing this critical matter with senior executives of Marathon Health, staff requested the cost for adding a third full time Nurse Practitioner or Physician's Assistant to alleviate the appointment limitations. The attached contract amendment provides for one more full time Nurse Practitioner or Physician's Assistant at an annual cost of \$168,862 or \$14,072 per month in addition to the current contract rate of \$568,716 or \$47,393 monthly. The one-time implementation fee for recruiting, on boarding, and additional supplies to outfit the new examination room is \$19,601. Construction costs for this expansion are estimated at roughly \$10,000 - \$20,000 by staff.

With the goal in this current plan year to have 100% of the spouses complete the "3 Steps to Wellness" in addition to 100% of the employees, the demand for services will continue to rise. Up to this point, only 24% of spouses have utilized the Care Center. To achieve our goal of 100% of spouses and employees utilizing the clinic to complete the "3 Steps to Wellness", and with the appointment limitations being experienced, we have no other alternative but to increase clinician staffing. With the cost avoidance we have already experienced, we firmly believe that the additional cost of a third Nurse Practitioner or Physician's Assistant will be recouped in redirected health care costs estimated at \$604,360. Our third year chart on costs versus expenses clearly shows a positive impact on costs avoided since the clinic opened. It is projected that increased employee and spouse

wellness participation will result in increased cost containment and disease management while redirecting costs for the City and our employees.

### **RECOMMENDATION**

In consideration of all of the facts surrounding our Employee Health & Wellness Care Center, it is the recommendation by Willis and City staff to approve the marathon amendment at \$168,862 annually. For budget purposes, the health insurance budget can sustain the amendment's fee increases through redirected cost avoidance and the expansion construction costs can be funded by the current designated capital budget.

---

Councilperson Stoner commented that this is not just to extend their services but to expand their services by about \$207,000 between additional staff, recruiting fees and construction costs for expansion. She mentioned the budget and what we are spending that was not originally in the budget. She requested an explanation as to how this pays for itself.

Ms. Moale explained that the reason for the expansion is because of the way Marathon's total health model management goes. It redirects costs from our health insurance instead of United Health Care paying a claim. Additional fees of \$169,000 will not be paid for the additional Nurse Practitioner full time; it will be paid monthly in the amount of about \$14,000 per month. The charge will not be billed to us until the person has been hired and on board. The one-time implementation fee of \$19,601 will be paid for them to recruit, train, travel expenses, equipment, etc; this is not a recurring fee. Our staff, Danny Ezzeddine and Ed Consaul, have given an approximately estimate of \$10,000 to \$20,000 to expand the Care Center the way it is needed. This can be taken out of designated capital from the Wheelabrator money received from renewing the contract. The additional \$14,000 per month for the new staffing is probably not going to start until August 1, 2013. Currently the Wellness Center is double and triple booked and they are turning way people, which will cost us in the long run. We are \$1.2 million in the black for costs we avoided in the three years we have had Marathon. It is believed that only 24% of our spouses have utilized the Care Center and if we can get that to 100% this next plan year that will help redirect about another \$600,000. We would still net about \$400,000 in total cost avoidance.

Councilperson Stoner questioned how the staggering and increase in percentages has gone as to use. She also questioned the reason why the spouses are not coming to the Center.

Ms. Moale advised that currently 100% of General Employees use the Center; about 70% of the FOP and 24% of the spouses. Last year spouses were about 11%. During a survey the question was asked why spouses are not coming and some of the comments were because of the hours; therefore, another evening was added. Another answer was location; they would have drive 30 to 45 minutes to get to the Clinic.

Councilperson Stoner questioned what percentage of the employees live outside of the City.

Ms. Moale indicated that 39% of the employees live in the City. She does not know where the 24% is coming from.

Councilperson Stoner questioned what City space will be lost to accommodate the expansion.

Ms. Moale advised that storage would be lost; Mr. Sabouri is moving things out of the way so the expansion can be done.

Mayor Bendekovic mentioned the savings this year. She noted that what was recommended at benefits time was that spouses need to come in or they will have a 50% charge on their insurance premium.

Ms. Moale indicated that we are already in the black \$101,000 in one month. She stated that there are 419 covered spouses and at \$163 per paycheck for the 50% if the spouse does not come in; it would only take 40 spouses to cover the \$169,000 increase.

Councilman Fadgen mentioned the second to last paragraph that says the goal is to have 100% of the General Employees as well as 100% of the spouses. He questioned how we will get to 100% when we are only at 24%.

Ms. Moale stated if you look at the number of appointments, the hours, and the availability, there will be sufficient appointments to get the remaining 76% of the people in there.

Councilman Fadgen commented that there is no question that the justification for spending less than \$200,000 by netting the \$400,000.

Councilman Zimmerman expressed concern about spouses and dependents using the program; this is all dependent on our employees reaching out to their spouses and dependents and getting them in to use the facility. Offering health benefits we currently offer is tremendous and to have the employees not participate in get their spouses and dependents to use our facility to help us save money is a problem; we need the help and this is where they can help without us having to cut costs. Health care is one of the biggest expenses on the books. Looking straight at revenues versus expenses, we were about 15% over budget last year with what we allowed per department for health care costs, which was about \$1.3 million.

Ms. Moale explained that they have to account for all of the expenses; every dollar paid in claims or anything else. The \$1.3 million was recouped in revenues by employee premiums that they pay for dependents, retiree premiums, pharmaceutical rebates throughout the year and any stop loss reimbursement for catastrophic claims. Catastrophic claims show an expense but all in all it balances. Willis is very adept at giving us our annual budget and we follow it; we have never exceeded the amount. It has an appearance that we are exceeding it but the revenue offsets it.

Councilman Zimmerman stated that he looked at revenue. The way the budget is laid out has an expense sheet and a revenue sheet and it is accounted for on the revenue sheet. The only thing that does is account for all of the revenue coming into the \$85 million. The expense side counts for all of the \$85 million as it is expended divided amongst the budgeted items within the expense side. He reiterated that he is concerned and he will meet with Ms. Caravella.

***Motion by Councilman Fadgen, seconded by Councilman Jacobs, to approve the Third Addendum to Health Services Agreement with Marathon Health, Inc. Motion carried on the following roll call vote:***

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

\* \* \* \* \*

Mr. Lunny read Item No. 14.

**Resolution No. 11690**

14. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period May 2, 2013 through May 15, 2013.

Councilman Zimmerman sustained from check #138521 to the Broward Alliance for Neighborhood Development. He may have a voting conflict on that check only. The appropriate forms are filed with the City Clerk's office.

*Motion by Councilman Jacobs, seconded by Councilman Zimmerman, to approve Resolution No. 11690. Motion carried on the following roll call vote:*

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

\* \* \* \* \*

**ADMINISTRATIVE ITEMS**

**Non-Agenda: Priority Based Budgeting**

Mayor Bendekovic advised that the reason for the non-agenda item is because the Priority Based Budgeting meeting was cancelled because of the information they were going to give out. Ms. Caravella is going to go through it very quickly and give an instructional on how it works then it will be brought back to Council on June 5, 2013. It was felt that since there was so much information that Council would need more time rather than going department by department.

Ms. Caravella gave a brief presentation:

- The first department is Planning and Zoning.
- For every department there are two sheets; the first sheet is a list of the department programs.
- It influences all five of the top Citywide goals.
- Each program is assigned the strategic priorities or the Citywide goals that it hopes to achieve.
- The summary score card is included for each department.
- The last page shows the actual score card.
- Just because one program gets a higher score than another does not mean it is a better program or that is necessarily more valuable to our stakeholders; it just means that it scored on these criteria.

Ms. Caravella indicated that when the Departmental Budget meetings begin each Director will tell if there are any changes to their budget for fiscal year 2014 and at that time questions can be asked.

Councilman Fadgen mentioned that in terms of within departments we are not competing at this point. He questioned when we will get to that type of a criteria.

Ms. Caravella stated that these are ways to describe the programs; it is not to compare one program to another. This is a time consuming process; we are going to try to build a software program to manipulate this data and that way different ways can be filtered for next year.

Councilman Fadgen commented that if a program has some source of program associated with it that might help and if it does not it would hurt.

Ms. Caravella advised that they have to do certain programs and they may not generate fees but that does not mean that we do not have to do it.

Councilman Fadgen questioned whether a good ranking would be better than a lower ranking.

Ms. Caravella indicated that she would not use good versus bad but they score high in these particular areas. It means that the program achieves these particular things not good or bad.

Councilperson Stoner questioned who is creating the software.

Ms. Caravella stated that it is hoped to be built in-house.

Councilperson Stoner questioned whether hours and time have been budgeted.

Ms. Caravella advised that they have not gotten that far. They saw a webinar at ICMA and they are reaching out to some other cities to see if they could borrow their software. There is nothing for sale at this time; it is nothing more than an Excel database.

Councilperson Stoner mentioned the 6:30 p.m. meetings and questioned having seven presentations and questions in an hour.

Ms. Caravella indicated that the departments would only be asked to mention anything new to their budget. Another date is set aside just in case we go over.

Councilperson Stoner commented that we are not really talking about their budgets; we are talking about their programs and how they are prioritized.

Ms. Caravella stated this is informational this year; Administration is going to use it to make their budget.

Councilperson Stoner questioned why we are spending all of this time on Priority Based Budgeting if we are not going to apply it to the new budget year.

Ms. Caravella advised that it will be applied internally. It can be discussed.

Councilperson Stoner questioned why it would not be discussed with Council. So far they have been given presentation after presentation after piece of paper and now you are saying we are not using it this year.

Councilman Levy commented that he thought we would use it this year.

Ms. Caravella indicated that they are using it and Council is more than welcome to ask any questions. They are not to the point where they are totally ready to make a whole presentation based on Priority Based Budgeting. There is enough information internally to base their decisions to present the budget this year.

Councilperson Stoner questioned what happened to Council's decisions.

Ms. Caravella mentioned that of course Council votes on the budget.

Councilperson Stoner commented that either Council is involved in the process or not. If they are not involved in it she does not want her time wasted.

Councilman Levy indicated that Council is going to make the final decision but he thought the priority of each program would be used in order to make those decisions. A budget will be presented based on Priority Based Budgeting and he questioned whether Council has input prior to that regarding the ranking.

Ms. Caravella stated that Council will make the final decision.

Councilperson Stoner noted that was not what was said; it was said that Administration is going to make the decisions.

Ms. Caravella stated that the Workshops are designed to get feedback from Council. She was not going to have the Directors go into a full blown explanation other than what was provided this week; they were going to stick to the highlights of any changes to their budget and answer any questions there might be on the score card.

Councilman Levy understood that they are going to take this based on the income that is projected, create a budget that will be presented to Council, who is then going to look at the budget after reviewing the types of programs and department priorities and come up with their own conclusions and either amend or change or accept or reject what is presented and a final product will be negotiated.

In response to Councilman Levy, Councilperson Stoner thought the purpose of the Priority Based Budget as outlined was that Council came to a consensus as to what they agreed was really a high priority and something that might be expandable. We have had that ability on a line item budget anyway and it has not gone really far so this seemed to be a little more program related versus dollar related. When we said we would take this line item out we think it is expendable and that is where Council had their consensus as to what stayed in or not.

Councilman Levy commented that if it is a low priority and there is no money for it that would be the one cut. We are not going to start with the high priority items.

Councilperson Stoner advised that the budget is not set up under these categories for each department. The breakdown of the budget would be changed.

Ms. Caravella indicated that the Workshops will be presented according to the Priority Based Budgeting format.

Councilperson Stoner mentioned that the budget usually reflects employee costs, breakdown of insurance, benefits, etc., and then there is a general page that says education, etc. It absolutely does not break it down into these categories shown and she questioned how she is supposed to relate one to the other.

Ms. Caravella advised that they would be able to do that internally; if a program is eliminated they know where to pull the various costs from.

Councilperson Stoner commented that she does not get to see it when it is presented. If it is internally that means Administration is doing it; it does not mean it is coming before Council.

Mayor Bendekovic clarified that Councilperson Stoner wants an itemized list of the program; each program should have an itemized list.

Councilperson Stoner stated that there has to be a cross reference or it does not make any sense.

Ms. Caravella indicated that costs will be provided as they go through the Workshops with those programs.

Councilman Levy mentioned that his impression is that when the departmental presentations Council is going to look at it from a different perspective this year than we ever have, which is based on priorities and Priority Based Budgeting. He felt that when the Department Head comes before us they would have a list of the priority items in order and know how much money is budgeted for that department and they can review the decisions that have been made. He questioned if that is going to happen.

Ms. Caravella advised that they were not going to do that in that much detail this year.

Councilman Levy questioned whether there is a justification.

Mr. Lunny stated that almost an entire budget would have to be done now and then do the Priority Based, link the two and as you work through it come up with a final, which sounds like we are not in a position to do. It sounds like we are in a position to do the priority now and then get to the end product.

Councilman Levy commented that he does not see it as that complicated. He knows what he would like to see in our budget next year regarding the tax rate, etc. He thinks eventually everyone will come to a conclusion that they will present regarding next year's rates and it will be up to Administration to come back to Council with a budget that meets those rates. As part of that we could then take each department and those that are the lowest rates would be the ones that could be discussed to see whether or not there is sufficient support to maintain that program within the budget parameters we already have.

Mr. Lunny indicated that if a decision is made during the Workshop and sent back to staff and they execute that decision in preparing a budget that does not have the same format. The question is, "How do you know that the votes done at Workshops were translated into the final product?" It seems that there either has to be a separate memo that identifies that or if you want to see how the entire budget evolved to get to the end product you almost had to start with one now and it does not seem that there is time to throw one on the table and then go through the intermediate step.

Councilman Zimmerman advised that there is an existing budget to compare this to right now; it is not even like creating a new budget; you will go into budgeting based on the existing budgets you have now. As you are going through the Strategic Plan the budget you should be reviewing it at the same time and relating the two. Even if it is only the existing budget so at least there is a magnitude of costs associated. He does not think we are looking to create two budgets; this could be looked at according to the existing budget we have right now.

Councilman Levy commented that we all need to be on the same page. He questioned where the Council members are involved in the budget process. He needs to know if it is different than from what was in the past.

Ms. Caravella stated that the process will pretty much be the same as last time; this is a different way of looking at and making decisions about the budget.

Councilman Levy questioned whether Council will get a budget that predicts a certain cost and a certain tax rate and a certain amount of income.

Ms. Caravella stated that is correct. Like they gave alternatives last year; those options will be presented more from a program perspective.

Councilman Levy questioned whether they will have already taken into account the priority based programming. If so, what input will Council have on that priority basis.

Ms. Caravella stated that Council will have the same input has last year. Department Workshops are more informational and there are two larger Workshops where the presentation about the whole budget and that is where they get Council feedback and hopefully some consensus on items.

Councilman Levy questioned whether Council will be provided with each departments priority based programming so they can look at each department individually and come back with suggestions.

Ms. Caravella commented that was correct.

Councilman Levy mentioned that there may be some problems the first year; let's see how it goes.

Councilperson Stoner advised that this is not going to happen. When giving priorities she assumes that the department has also prioritized and knows the allocation of each one of these programs within their department. She wants to see the actual number and have a discussion with the Department Heads about their programs and dollars.

Ms. Caravella indicated that they have the data but did not want to overload everyone.

Councilperson Stoner stated that the data should be added and provided to her before June 5, 2013.

Councilman Levy suggested more interaction so that Council can be part of the discussion.

Councilman Zimmerman questioned whether seven departments can be covered in an hour; that is less than ten minutes. He thinks that needs to be re-evaluated, especially if there are any questions.

Ms. Caravella stated that she will get a revised schedule so there is more time for interaction.

\* \* \* \* \*

## LEGISLATIVE ITEMS

Mr. Lunny read Amended Item No. 16.

16. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION PERTAINING TO THE SUBJECT OF ENVIRONMENTAL CONTROL; EXTENDING THE EXCLUSIVE FRANCHISE AGREEMENT BETWEEN THE CITY OF PLANTATION AND WASTE MANAGEMENT, INC. OF FLORIDA FOR: (1) THE COLLECTION AND DISPOSAL OF SOLID WASTE (EXCLUDING CONSTRUCTION AND DEMOLITION DEBRIS) WITHIN PLANTATION, AND (2) THE COLLECTION AND PROVISION OF SERVICES WITH RESPECT TO CERTAIN RECOVERED MATERIALS GENERATED BY RESIDENTIAL SITES WITHIN PLANTATION AS PERMITTED BY THE TERMS OF THE CURRENT FRANCHISE; APPROVING MODIFICATIONS TO THE FRANCHISE AGREEMENT WHICH ARE NECESSARY TO COMPLY WITH THE BROWARD COUNTY – PLANTATION INTERLOCAL AGREEMENT FOR SOLID WASTE DISPOSAL (AUTHORIZED BY CITY COUNCIL RESOLUTION NO. 11655); AUTHORIZING THE APPROPRIATE OFFICIALS TO EXECUTE AN AMENDMENT TO FRANCHISE AGREEMENT AMENDING THE CODE OF ORDINANCES TO PROPERLY REFERENCE SUCH FRANCHISE EXTENSION (SO AS TO INDICATE THAT THE EXCLUSIVE FRANCHISE AGREEMENT WILL EXPIRE ON SEPTEMBER 30, 2015); AMENDING AND CLARIFYING THE CITY’S CODE PERTAINING TO STREAMLINING THE PROCESS TO EXTEND CONSTRUCTION AND DEMOLITION DEBRIS FRANCHISES THAT WERE INITIALLY COMPETITIVELY PROCURED; APPROVING A MEMORANDUM OF UNDERSTANDING TO FACILITATE THE TEMPORARY RECYCLING OF CERTAIN RECOVERED MATERIALS MADE NECESSARY AS A RESULT OF BROWARD COUNTY’S CANCELLATION OF THE INTERLOCAL AGREEMENT PERTAINING TO A MATERIALS RECOVERY FACILITY; MAKING OTHER PROVISIONS APPROPRIATE TO IMPLEMENT THE FOREGOING; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A report dated May 22, 2013 to Mayor and Members of City Council, from Gary Shimun, Chief Administrative Officer, Edward Consaul, Public Works Director and Priscilla Richards, Strategic Operations Administrator, follows.

- Subject:** Environmental Control Ordinance: Waste Management Franchise Agreement Extension and Clarifying Construction and Demolition Debris Extension Process.
- Request:** Consider Ordinance for First Amendment to Franchise Agreement to Extend the Waste Management Franchise to September 30, 2015 and Clarifying Construction and Demolition Extension Process.
- Analysis:** The City’s Solid Waste Collection Franchise with Waste Management expires September 30, 2013, but allows the parties to agree to a two (2) year extension. Waste Management has requested that the Franchise Agreement be extended an additional two years to September 30, 2015. The matter was presented to the City Council by the Administration on March 20, 2013, and the City Council determined to extend the Franchise. An ordinance enactment is needed to extend the Franchise as desired by both parties. The extension would include terms now required by the Broward County – Plantation Interlocal Agreement (effective on July 2, 2013)

which are set forth in the draft amendment to Franchise which is attached Exhibit "1" to the proposed Ordinance.

Administration has negotiated with Waste Management to provide the following as additional consideration of granting the requested extension:

1. Waste Management Inc. is to provide processing of the City's single family and multi-family single stream recycling program materials according to the attached letter dated March 22, 2013.

This commitment is contained in a Memorandum of Understanding (MOU) which is also attached to the First Amendment to Franchise Agreement as Exhibit "A".

Additionally, the Administration requested the Council to extend the Construction and Demolition Franchise for the two (2) providers currently in effect until September 30, 2012, so that Staff could evaluate whether a new procurement should be recommended. This review is complete, and staff would prefer to offer two (2) year renewals to all franchises that were originally competitively selected, so as to have them expire September 30, 2014. To do so, it is necessary to clarify the C & D Franchise law so as to allow this to occur. Section 3 of the Proposed Ordinance contains the Code amendments needed, and authorizes the use of a Resolution to streamline this process.

**RECOMMENDATION:** Approve the ordinance on First Reading.

Mayor Bendekovic explained that there are three different issues and they are looking for a consensus. Ms. Richards will explain the changes.

Ms. Richards reviewed the three parts as follows:

- To extend the exclusive solid waste collection franchise agreement for two years.
- The recyclable materials processing. As of July 2, 2013 we need to find an alternative place to take our recyclable materials.
- We would like to extend the construction and demolition non-exclusive franchise agreements.

The reason this was changed is because originally the item received was going to continue through an MOU to take recyclables through Waste Management. A call was received very late Friday afternoon from Sun-Bergeron and they informed us that they had just signed a contract with the Town of Southwest Ranches and asked us to consider the portion having to do with processing our recyclables. We looked at and initially decided that it looks financially more favorable than the MOU; however, we need more time to meet with Sun-Bergeron. There is a tentative meeting on Wednesday at 1:30 p.m. to discuss such things as access, egress and things of that nature at the site they are suggesting that they use in Davie for this purpose.

With regard to Item #1 on March 20, 2013 Council asked staff to extend the exclusive franchise agreement to haul solid waste from the City with Waste Management. If you still agree that you would like us to extend this for two years that would be until September 30, 2015.

There was a consensus.

With regard to Item #2; recyclable materials processing; they would like to have a little more time and plan to meet with Sun-Bergeron next week. They will then bring a recommendation back to Council for the Second Reading of this ordinance on June 12, 2013. It would either be the Sun-Bergeron site or the Waste Management site. Waste Management has agreed to hold their price for at least 60 days and not to increase their price for hauling because they will haul. There will be no price increase.

Councilperson Stoner mentioned that the first one was given to Wheelabrator.

Councilman Jacobs advised that Wheelabrator is just disposal. Then there is the hauling contract, which we are agreeing to extend for two years. There is recycling.

Mr. Lunny indicated that initially the recycling was given to Broward County; however, they cancelled their agreement and now there is no place for us to dispose of household recycling. Waste Management gave the City a proposal to handle residential recycling for a time period until the County figures out what it wants to do. Now Sun-Bergeron has called saying they can do it too and staff wants to compare those two. It will be temporary until the County comes up with an overall program because the County is the first person authorized by State Law to have these programs and they will likely present all of the County Cities with an option to jump in or go alone.

Councilperson Stoner questioned whether that is where we came with the ILA and did not have to put it on the street.

Mr. Lunny advised that construction and demolition debris is a different item.

Councilman Levy commented that this one allows an opportunity to review the latest developments and does not lock us into anything.

Councilperson Stoner mentioned that we can review both companies.

Councilman Levy stated that Waste Management has agreed to continue what they are already doing for us while we review the latest effort from Sun-Bergeron. Waste Management is not out of the picture; we are going to look at both of them.

Councilperson Stoner questioned whether we can review both without putting anything on the street.

Mr. Lunny replied affirmatively. He does not know if these are the only two providers but he does know when the County canceled the Interlocal Agreement, which we joined a long time ago, it left us in a position that we have to make sure that our residents have a place where this can be processed and there is not a lot of time to make that happen.

Councilperson Stoner questioned whether it is an open discussion with both companies.

Ms. Richards stated that is correct.

There was consensus.

With regard to Item #3; construction and demolition; this is a non-exclusive franchise. There were two companies that haul C & D from this City and the two companies were Waste Management and Southern Waste Systems. Earlier in the year Ordinance No. 2477 was passed on March 13, 2013, which allowed us to extend those two contracts until September 30, 2013 so that staff could review the possibility of going out and competitively bidding on that non-exclusive franchise. After review, in 2008 four companies competed and provided qualifications. The four companies who were qualified were Waste Management; Southern Waste Systems; Choice Environmental and All Service, which is now part of Republic Services. After a period of time Choice Environmental and All Service decided not to continue to haul within the City. It is her understanding that these are basically the hauling companies and staff is asking if we can extend the existing contracts with Waste Management and Southern Waste Systems for two years, until September 30, 2015 and contact the two additional companies who were already approved and qualified in 2008 and ask if they would like to come back in and work in the City and compete with the two companies that we already have so we will have more than two.

Councilperson Stoner questioned whether we need more than two companies.

Ms. Richards advised that the reason is in case one goes out of business. It would also offer a little more competition in the City.

There was a consensus.

Mr. Lunny indicated that if that is the decision on all three items it was requested that this ordinance be moved on First Reading.

***Motion by Councilman Jacobs, seconded by Councilman Zimmerman, to approve the Ordinance on First Reading. Motion carried on the following roll call vote:***

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

Councilperson Stoner mentioned bulk pick up. The City gets charged by yardage.

Mr. Lunny questioned whether she was talking about hauling or disposal. The disposal has a pure bulk charge and yard trash has a lower charge. He previously questioned whether there should be different pick up dates for bulk and yard trash but that was not a good idea because it was believed that everyone would get confused.

Councilperson Stoner stated that it seems to her that every month the yards are piled high and there is also a lot of yard debris. A comment was made a while ago as to when the City started offering all of these yard debris removal services and she questioned how much more that costs the City.

Mr. Lunny believed it was quarterly before.

Councilman Jacobs stated that the County added a fee to the Utility bill, which did not exist before.

Ms. Richards indicated that everyone pays \$6.69 per month and it is called an availability fee.

Mayor Bendekovic advised that people were not using our services and saving their garbage for bulk pick up so they would not have to pay for the blue bags. That is why that had to be changed along with clear bags because of the fact that they can see there is no garbage. It seems like the lawn maintenance people are saving all of their lawn maintenance for two weeks and dumping it in front of yards they service. They are taking advantage of the system.

\* \* \* \* \*

Mr. Lunny read Item No. 17.

17. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION PERTAINING TO THE SUBJECT OF FINANCE; AMENDING THE GENERAL RATE OF INTEREST THE CITY CHARGES IN THE ABSENCE OF ANOTHER APPLICABLE PROVISION; THEREFORE, TO TWELVE PERCENT (12%) PER ANNUM, SIMPLE INTEREST; MAKING OTHER CLARIFYING CHANGES TO IMPLEMENT SUCH SIMPLE INTEREST RATE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum dated April 25, 2013 to Mayor and Members of the City Council, from Donald J. Lunny, Jr., follows:

As the Council may recall, at a recent Council meeting a consensus was received to amend the City's default interest rate provision in order to change the compounded rate to a Twelve Percent (12%) per annum simple interest rate. Attached, please find an ordinance reflecting this request.

The Administration determined that no Workshop was necessary for this ordinance, and consequently, the matter is now ready to be considered for First Reading.

---

***Motion by Councilperson Stoner, seconded by Councilman Jacobs, to approve the Ordinance on First Reading. Motion carried on the following roll call vote:***

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

\* \* \* \* \*

Mr. Lunny read Item No. 18.

18. DEFERRED PUBLIC HEARING AND FIRST READING OF AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA, PERTAINING TO THE SUBJECT OF COMPREHENSIVE PLANNING; ADOPTING THE ANNUAL AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF PLANTATION; APPROVING TRANSMITTAL OF THE AMENDMENT TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND THE RELATED AGENCIES FOR THE PURPOSES OF SUFFICIENCY REVIEW IN ACCORDANCE WITH FLORIDA STATUTES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE THEREFOR.

A memorandum dated May 22, 2013, to Mayor and City Council Members, from Laurence Leeds, AICO, Director, and Peter S. Dokuchitz, AICP, Principal Planner, follows:

Background: The State of Florida, pursuant to Chapter 163, requires local governments to annually update their Capital Improvements Element (CIE) of their Comprehensive Plan. State Law requires the updated element include:

- Goals, objectives, and policies describing how the City will maintain minimum adopted levels of service (“LOS”) for sanitary sewer, solid waste, drainage, potable water, parks and recreation, schools (as per interlocal agreement) and transportation, and
- A schedule for completing projects required to maintain LOS standards for the next five years.

The five-year project schedule has been updated based on the recommendations of the various City departments. New language in the attached CIE is underlined; deleted language is ~~struck through~~. Please note the following details:

Transportation CIP (New Page 1.106): State Law requires us to identify Hiatus Road and I-595 for LOS purposes based on their location. State Law does not require us to provide the five-year Local Street Resurfacing Program (Public Works). Local Road CIO is provided as an information item.

Sewer and Water Main Rehabilitation CIO (Page 1.106): Please see Footnote 1 on Page 1.107. The Utility Fund narrative on Page 2.195 was prepared by the Planning Division and approved by Utilities.

Ability to Finance, Projections, Expenditures, Revenue, etc. (Pages 2.198 – 2.200). This information is taken from the City of Plantation CAFR, Finance Department, 2013.

#### Planning and Zoning Board Recommendation

On April 2, 2013, the Local Planning Agency (LPA) unanimously recommended approval of the proposed Ordinance (meeting minutes attached).

#### Staff Recommendation

Approve on First Reading.

Councilman Zimmerman mentioned the five-year schedule for capital improvements and referenced the table that shows water and sewer. The numbers are quite large and it appears that this is what is supposed to come back to Council for a vote regarding the rate increase. He questioned if we approve this tonight if we are forcing ourselves to approve the rate study.

Mr. Leeds replied no. This is what you are telling the State of Florida you are going to try to do and if you ultimately do not do it we amend this document. The reason this is in this document is because this is what the Utilities Department is using for their five-year capital improvements plan. It is based on that initial study that was done last year. This does not commit Council in any way to doing this. If Utilities would rather submit something else now he would rather change it later after the Council has made a decision to approve the rate study. He needs to get that information from Utilities and direction will have to be given to the Utilities to provide that.

Councilman Zimmerman questioned if there is a deadline to submit this.

Mr. Leeds advised that there is a technical deadline but it is not a practical deadline. He would like to wait and send the most correct and current information; we can always change it later.

In response to Councilman Levy, Mr. Leeds indicated that this is a yearly update.

Mr. Lunny mentioned Mr. Leeds' first statement about approving this does not mean you will fund it is correct. Approving this shows that the need is there and is based on a need for the improvement. By putting it on the list it allows the City some opportunity to work toward it. A lot of times in grants and public financing they want to see the numbers on the bulletin board. This is not a funding decision.

Councilman Zimmerman questioned whether this has to be amended if we do not vote for the rate study and it does not get approved.

Mr. Lunny stated if Council chooses not to do the rate study or fund it this year it does not mean that the improvements are not needed it only means that the improvements are not going to get done this year. This is evidence that the improvements are needed.

***Motion by Councilperson Stoner, seconded by Councilman Zimmerman, to approve the ordinance on First Reading. Motion carried on the following roll call vote:***

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

\* \* \* \* \*

**QUASI-JUDICIAL CONSENT AGENDA – None.**

\* \* \* \* \*

## QUASI-JUDICIAL ITEMS

19. REQUEST TO DEFER SIGN SPECIAL EXCEPTION – WENDY’S RESTAURANT (PP13-0009) ITEM UNTIL THE JULY 10, 2013 COUNCIL MEETING.

A memorandum dated May 22, 2012, to Mayor Diane Veltri Bendekovic and City Council Members, from Gayle Easterling, AICP, Senior Planner, Zoning Department, follows:

Staff is requesting deferral of the above referenced item until the July 10, 2013, City Council meeting. The applicant has requested additional time to submit a revision to the application.

---

*Motion by Councilman Fadgen, seconded by Councilman Jacobs, to continue this item until July 10, 2013.  
Motion carried on the following roll call vote:*

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

\* \* \* \* \*

Mr. Lunny read Item No. 20.

20. APPROVE SIGN SPECIAL EXCEPTION – TD BANK (PP12-0029) LOCATED AT 1 NORTH STATE ROAD 7.

A Staff Report dated May 22, 2013, from the Planning, Zoning and Economic Development Department, follows:

**EXHIBITS TO BE INCLUDED:** Planning and Zoning Division report, subject site map, aerial, Sign Special Exception application, and sign details.

### **WAIVER REQUESTS:**

- From: Section 22-20(b), which requires compliance with a uniform sign agreement which specifies sign attributes such as materials, letter style, size and color for wall signs;  
To: Deviate from the uniform sign agreement material (to allow a pierced box sign instead of channel letters).
- From: Section 22-20(b), which requires compliance with a uniform sign agreement which specifies sign attributes such as materials, letter style, size and color for wall signs;  
To: Deviate from the uniform sign colors (to allow one additional color, light green PMS 361 C).

### **ANALYSIS:**

The subject property is zoned SPI-2 (Four Corners Commercial), consists of approximately 9.4 acres, and is developed with a retail shopping center encompassing approximately 102,972 square feet. The site is bound by

office use to the north, Broward Boulevard to the south, State Road 7 to the east, and single-family residential use to the west.

The most recent approval of August 24, 2011, modified the site plan to include two new freestanding buildings; a 2,997-square foot bank and a 6,861-square-foot multi-tenant building. The proposed bank building is located in the southeast corner of the shopping center, at the northwest corner of Broward Boulevard and State Road 7. Site work for the parking lot and construction of the multi-tenant building are underway. Both buildings are an integral part of the shopping center with shared parking and access.

The approved sign material for the center is an individual channel letter in red, blue, dark green or white. The applicant requests approval to deviate for the center material and construct a pierced box sign with white letters on a light green background.

**STAFF COMMENTS**  
**PLANNING AND ZONING:**

1. There are no special conditions or circumstances that create a site-specific justification for this request. The site is one of the most visible locations in the City as it fronts State Road 7 and Broward Boulevard with no obstructions.
2. A TD Bank branch located in the City of Coconut Creek has white channel letters on a green backdrop. Staff recommends construction of the same sign type at this location which would not require a special exception.

---

Mr. Leeds indicated that he looked at an existing TD Bank and is changing his recommendation. He recommends approval of the sign special exception. The applicant has withdrawn his monument sign request and for that reason he is going to support this as long as the sign looks just like the sign at the Broward Boulevard/Pine Island Road branch of TD Bank.

Scott Backman, representative, was present on behalf of the applicant.

Mr. Backman advised that they did not have any problems with the comments.

***Motion by Councilman Jacobs, seconded by Councilperson Stoner, to approve Item No. 20. Motion carried on the following roll call vote:***

Ayes: Fadgen, Jacobs, Stoner, Zimmerman, Levy  
Nays: None

\* \* \* \* \*

**COUNCILMEMBERS' COMMENTS**

Councilman Zimmerman questioned if there was a way to move the Quasi-Judicial hearings after the Consent Agenda of the meeting so the people speaking on these items do not have to stay until the end, costing their clients money. He noted that would also work with Public Comments.

Mr. Lunny advised that it can be moved anywhere you like.

Councilman Levy indicated that the President of the Council can set the agenda anyway they want; therefore, he has the option at any time.

\* \* \* \* \*

Councilman Zimmerman would like to avoid having an Executive Session while any of us are on vacation.

Mayor Bendekovic advised that May 31, 2013 is the next Collective Bargaining meeting and she does not know when the Executive Session was scheduled. She noted that she would not have an Executive Session without five people present.

\* \* \* \* \*

Councilman Zimmerman made the following appointments:

- Kevin Bingham – Plantation Gateway Development District Advisory Board
- Manny Synalovski – Planning and Zoning Board

\* \* \* \* \*

Councilman Zimmerman questioned if there is a way Council members can get an e-mail copy of the monthly Financial Reports.

Mayor Bendekovic indicated that they can be forwarded via e-mail.

Councilman Fadgen stated that he would prefer a paper copy.

\* \* \* \* \*

Councilman Fadgen mentioned a discussion a couple of weeks ago about putting up “No Parking” signs on Old Hiatus Road. He noted that the present signs were not put up by South Florida Management District or P.A.I.D. and he recommended that we not put up the signs as it may aggravate the situation.

Councilman Levy believes that the homeowners met last night to discuss whether or not they want the signs. He was not aware of the results of that meeting but is sure we will hear from them.

\* \* \* \* \*

Councilman Fadgen indicated that he understands the static might be cleared up on the Comcast broadcast and questioned whether that is true.

Ms. Slattery advised that the static is gone.

\* \* \* \* \*

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

Dennis Conklin, resident, was present. He mentioned that the Plantation Park East Homeowner’s Association had a meeting and requested that he thank the City and the Departments that corrected a very dangerous sidewalk at the First Baptist Church of Plantation at the corner of Broward Boulevard and NW 46<sup>th</sup> Avenue.

Mr. Conklin noted that Mayor Bendekovic and the two new Council people do not have their pictures up in Council Chambers.

\* \* \* \* \*

**SEALED COMPETITIVE SOLICITATIONS – None.**

\* \* \* \* \*

**WORKSHOPS – None.**

\* \* \* \* \*

Meeting adjourned at 9:15 p.m.

\* \* \* \* \*

\_\_\_\_\_  
Councilman Robert A. Levy, 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 \_\_\_\_\_, 2013.

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