

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

July 10, 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
Asst. City Attorney:	Quentin Morgan

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2. The invocation was offered by Councilman Zimmerman

The Pledge of Allegiance followed.

3. Approval of minutes of meeting held April 24, 2013.

The minutes of the City Council meeting of April 24, 2013 were approved as printed.

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4. **ITEMS SUBMITTED BY THE MAYOR**

Mayor Bendekovic introduced Sydney Corbin, Plantation Historical Society President.

Mr. Corbin introduced Betty Cobb from the Plantation Historical Society.

Two checks totaling \$65,000 were presented for the design, fabrication and installation of the Everglades Diorama at the Plantation Historical Museum. The diorama is going to be approximately 22 feet long and about five to six feet wide. The Society thanked the many people who volunteered to raise money for this project over the last five years. Special thanks went to three loyal sponsors:

- GFWC Plantation Woman's Club
- Dr. and Mrs. Joel Jenko
- Mr. and Mrs. Ken Ellington

Ms. Cobb indicated that they recently received a check from the Plantation Juniors for this project for \$500 and they are very appreciative. She announced that Mr. and Mrs. Ellington will be the Plantation Pioneers this year. They will be honored on October 20, 2013 in Coral Springs at the Broward County Historical Commissions Pioneer Days.

Mr. Corbin presented the check to Danny Ezzedine, Design, Construction & Landscape Management Director. He noted that the project will be completed within three to four months.

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

- The Daddy Daughter Sock Hop is scheduled for Friday, July 12, 2013 at Volunteer Park. If cancelled, it will be rescheduled for the following Friday.
- The Florida Gold Coast 14 and under Junior Olympics is going to be this weekend at the Aquatic Complex.
- The USDA Girls' 14 National Clay Court Champions will begin on Sunday, July 14, 2013 and run through Saturday, July 20, 2013 from 8:00 a.m. to 5:00 p.m. at the Frank Veltri Tennis Center. The Championship Finals should take place on Saturday, July 20, 2013 at 10:30 a.m.
- The Plantation Preserve Golf Course will be hosting the South Florida PGA Senior Open Qualifying Event on Saturday, July 21, 2013. The golf course will be closed in the morning.
- The Plantation Preserve Golf Course will be hosting the South Florida PGA Junior Tour on Wednesday, July 24, 2013 and Thursday, July 25, 2013.

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Mayor Bendekovic made the following announcements:

- There will be a Meet and Greet for the new principal at Plantation High School on August 1, 2013 between 6:00 p.m. and 7:30 p.m.
- The Plantation Forum had an article titled "The City Officials See Progress in Efforts to Trim Deficit" by Alissa Cutter. Part of the article has created discord among our residents and we have received many telephone calls on the subject matter. Mayor Bendekovic clarified that at no time did she or any member of the Council suggest cutting the Helen B. Hoffman Library or the Plantation Historical Museum, in fact, it was quite the opposite. The Council stated many times during conversation that evening that this was one of the many amenities within the City that made it very special.

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Mayor Bendekovic introduced Senator Eleanor Sobel.

Senator Sobel commented that it is her honor to serve the City of Plantation and she appreciates all of the hard work Council has done. She became the Chair of the Broward Delegation and they recently had a Town Hall meeting about the Affordable Care Act. They had the support of the League of Cities and Mayor Bendekovic has indicated that she is also concerned about the Affordable Care Act. The Senate supported the Affordable Care Act in the way that was most unusual, where Democrats and Republicans came together with a plan that was based on the Kid Care model. Using that very successful model, they were able to get a bipartisan Bill passed. The \$52 billion would cover 1.2 million people. The House came up with nothing. More than 250

people attended the Town Hall meeting wanting a special session. A letter and a Resolution were written to the Governor urging him to call a special session with the House. It is believed this is very important for the taxpayers to get their due because this is our money that we are not using. There are two parts to the Act. The exchanges are moving forward and there will be navigators to help people navigate the system. Her office will be assisting people with problems. The part about the expansion to Medicaid to 138% of the poverty level is stuck in this State and they are still working to try to get the Governor's attention to work with the House to come up with a solution. A letter has been received from the Senate President requesting some sort of flexibility so maybe we can get to yes in the Florida Legislature.

There was also Ethics reform this year and one of the first Bills to pass was a Comprehensive Ethics Law. They were allowed to vote if they had a Conflict of Interest, which she thought was outrageous. She supported not allowing people to vote if they had a Conflict of Interest. That was fixed and if you have a conflict you cannot vote.

A Bill about lobbying was passed. If you were a member of the Legislature you cannot lobby the Governor and you have to wait two years to lobby any form of government.

They also looked at people getting jobs based on having so called power and that was defined that the job had to be open to the public; jobs could not be created for a Representative or Senator to be a College President.

The Internet Sales Tax did not go anywhere. Small businesses in Plantation are at a disadvantage because people have to pay sales tax. There is probably a loss of \$450,000 to \$800,000. The Governor opposed it because he said it was an increase in tax. We said it could be balanced with a school holiday. We are going to have a School Tax Free holiday but it is going to be very short this year.

Texting While Driving was another issue. You will now be pulled over only if it is a secondary offense. She believes this is a weak law and it needs to be strengthened.

The Election Reform was changed. There is a minimum of eight days of early voting up to a maximum of 14 days of early voting with a minimum of 64 hours of early voting. It could go as high as 168 hours; however, it is discretionary for the Supervisor of Election to have the polls open the Sunday before Election Day. It is believed that the polls will be open but there are many Counties that will not. Many people felt it should be a consistent law. We also expanded the sites that could be used. She questioned whether Plantation has any fairgrounds, courthouses, Civic Centers, County Commission buildings, stadiums, convention centers, government owned senior centers and government owned community centers that could be used for early voting. They would like to utilize more of those sites. If you vote on Election Day and you moved, your vote will be counted; you will not get a provisional.

There was a Bill for Gun Safety. It passed two Committees in the Senate but never passed the House. A Bill was passed that would allow mentally ill persons from purchasing guns.

She has been carrying a Bill for four years that would allow for a Domestic Partnership registry. While the entire country is talking about marriage the State of Florida is talking about registries. This is the first time in the history of the Florida Legislature we mentioned the word "gay" at a meeting. This had no movement in the House. She thanked the Senate President, who signed the bill.

With regard to Children and Families; four children have recently died in the system. There is a program that will improve the counselors doing the intake and the discretion that they have. It is a huge problem that needs to be corrected as soon as possible.

She had a Bill that would require the Assisted Living Facilities to have people who work there be certified in mental health areas. There are 3,000 ALF's and many are not up to standards they would like. We need to make sure that the seniors in Assisted Living Facilities are getting the best care. This Bill passed the entire Senate; not one negative vote; however, it did not pass the House for many unknown reasons.

Councilman Levy thanked Senator Sobel for her service and help to Plantation.

Jaynie Smith, resident, stated that she is currently on COBRA insurance. She questioned how that will work for next year.

Senator Sobel advised that there is a Healthcare.gov website that has choices. Hopefully the insurance will be a lot less than the COBRA payments because COBRA is expensive. The market place opens in October and the telephone number is 954/924-3693.

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Mayor Bendekovic introduced Fire Chief Laney Stearns.

Fire Chief Stearns indicated that as of 4:00 p.m., the storm is weakening and tracking west, which is projected for the next two days. They said the storm might increase 30% so it might come back to a tropical depression. They flew through the storm at 5:00 p.m. and declared it a wave. The way it stands today it is just a rain event but it is an ever changing situation.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 8.

Mr. Morgan read the Consent Agenda by title.

4. Request for approval of a purchase order for Braas Company in the amount of \$28,556.72 for two pumps for lift station 121 and 122. (Budgeted – Utilities)

Resolution No. 11709

5. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period June 20, 2013 through July 3, 2013 for Plantation Gateway Development District.

Resolution No. 11710

6. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period June 20, 2013 through July 3, 2013 for Plantation Midtown Development District.

Resolution No. 11711

7. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period June 20, 2013 through July 3, 2013.

Resolution No. 11712

8. **RESOLUTION** approving the Expenditures and Appropriations reflected in the Weekly Expenditure Report for the period June 20, 2013 through July 3, 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: Stoner, Zimmerman, Fadgen, Levy
Nays: None

NOTE: Mayor Bendekovic voted affirmatively on Item No. 8.

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ADMINISTRATIVE ITEMS – None.

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LEGISLATIVE ITEMS

Mr. Morgan read Item No. 9.

Resolution No. 11713

9. **RESOLUTION** ADOPTING THE PROPOSED MAXIMUM MILLAGE OF 5.6142 MILLS, WHICH THE CITY OF PLANTATION CAN ASSESS DURING THE NEXT ENSUING TAX YEAR; ESTABLISHING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER SUCH PROPOSED MILLAGE AND THE TENTATIVE BUDGET; AND OTHERWISE DIRECTING THE TRANSMITTAL OF CERTAIN INFORMATION TO THE BROWARD COUNTY PROPERTY APPRAISER BY AUGUST 2, 2013; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Dennis Conklin, resident, was present. He encouraged Council to take consideration of the original motion for the rollback rate. The City has not changed its course and is not doing anything different than before. The City’s tax and spend policies are effectively costing jobs in the City of Plantation businesses. The City needs to reduce expenditures to operate within its revenue. Even though the millage rate is not being increased this year there is a property appraiser increase in value so there will be an automatic. Millage rates are being increased within the business districts. When the CRA was developed the composition of the Board should have included members of the business community. Prior to the CRA and before the Gateway 7 assessed itself the extra millages, it has been paying the same property tax the rest of the City has been paying. The City is not raising the millage rates but raising fees and a one time sales of property has been addressed. That is not facing the long term systemic shortfall that will occur year after year. The City is proposing a \$2.5 million of reduction of expenditures to close a \$5 million shortfall. Last year the discussion was about a \$10 million shortfall but the City was really looking at \$15 million according to last year’s presentation. The budget presentation workshop

talked about spending of the reserves and from 2009 to 2012 in order to call the deficit in the budget that \$10.2 million of the reserves were used and exhausted. If you go to the CAFER for those same years the City's expenditures and revenues show \$28.3 million more in expenditures than revenues. He urged not passing the motion and going with the rollback millage rate and cutting expenditures to live within those revenue means.

Councilman Levy agreed with some of the statements. The Council takes knowledge of the comments and will review them. He strongly suggested that Mr. Conklin meet with Ms. Caravella regarding his thoughts and ideas because these comments are much too involved than what Council has time to go over. He would like Mr. Conklin to meet with staff and discuss those comments so they can point out that some of the things he believes are correct may not be so. There are two sides to a budget. When we talk about reserves, capital outlay and all kinds of financial matters there is a lot to it; it is not just the budget.

Mr. Conklin mentioned that the post budget for 2013 was published in the Citizens Report and it was \$178,017,730 and he is curious what the figure for the 2014 proposed budget is going to be.

Mayor Bendekovic did not have that information with her.

Councilman Levy stated that no one is questioning the validity, the types of figures and how he reaches certain conclusions; the only one who can go into it in detail is Ms. Caravella.

Rico Petrocelli, resident, was present. He commented that the purpose of having elected representation has always been to allow the voters a voice in the government. He quoted two Council members at the last Budget Workshop. At that meeting all five Council members gave the Mayor, Mr. Shimun and staff direction to bring back a balanced budget that could be voted on. In looking up a Strong Mayor form of government, each article says the Mayor will prepare the budget. The Mayor said a couple of times that Council makes policy but it should be on a completed acceptable budget not including new fees. Council was getting ready to vote on the 5.6142 and that is exactly the direction given; however, he does not think that when the direction was given that Council was considering that new fees would be added. If Council approves the 5.6142 they are actually saying that those additions are acceptable. He questioned how we went from a balanced budget to another \$5 million in debt. What about actual cuts, savings and specific privatization? Administration wanted to add an \$80 fee and now we are looking at a Franchise Fee. He expects the millage rate to be approved at this meeting. He is all right with that because of the property increase; however, the user fees that go along with it should be rejected. There are cuts out there and they need to be made.

Councilperson Stoner clarified that when she mentioned the 10% utility user fee and the business license tax increase Mayor Bendekovic said that she was all right without those.

Mayor Bendekovic clarified that if the consensus is to eliminate those then it will be absorbed somewhere else.

In response to Councilman Levy, Councilperson Stoner indicated that Council voted on water rates last week; that was for the infrastructure.

Mayor Bendekovic advised that it does not have to be 10%; it can be 5%, which would be acceptable to Administration.

Councilperson Stoner commented that it was explained that the charge was for Administrative fees. She questioned the definition of Administrative fees.

Ms. Caravella stated that it is the cost of providing the water so the only thing the rates go for are the infrastructure, capital improvements and capacity expansion.

Councilperson Stoner questioned whether Administrative is encompassing personnel or other things.

Ms. Caravella noted that it is personnel and operating costs. This is a \$26 million business.

Councilperson Stoner indicated that personnel costs are not supposed to be increasing. You are saying \$1.3 million is needed to cover Administrative costs and she wants to know what increased that needs to be covered.

Ms. Caravella advised that it did not increase; we are not recouping any costs from that right now. We are looking at how to recoup some of the costs and how to balance the cost of doing business with people who use that particular service.

Mayor Bendekovic explained that it is the expense we have that we are absorbing.

Councilman Jacobs noted that the General Fund is absorbing the costs. They are trying to charge a fee so that money will not be spent by the General Fund.

Councilman Levy commented that the costs should come from the Enterprise Fund. An Enterprise Fund should stand by itself. He questioned what can be done to make the Enterprise Fund stand alone and pay all of its expenses.

Ms. Caravella stated that they started doing this with the rate increase and this is the other piece. This would free up money in the General Fund. There is a cost allocation that is charged back and we are not recouping the full costs. We work with them because they are part of the City.

Councilman Jacobs indicated that City employees who work part of the time can be allocated to the Utility Department or the Golf Course.

Mr. Morgan explained that the money made for the Enterprise Fund cannot be used for other purposes but it does not necessarily mean that the money made sustains its full costs.

Councilman Levy noted that the General Fund subsidizes it. He thinks the Enterprise Fund should stand alone and pay for everything it should.

Councilperson Stoner indicated that it is interesting that this fund has apparently been self sufficient all of these years and now all of a sudden we are \$1.3 million in the hole. She is not in favor of this.

Mayor Bendekovic advised that we have been subsidizing it.

Councilman Levy mentioned 5%.

Councilman Stoner was not in favor of that either.

Councilman Fadgen believes that Councilperson Stoner has a point; a few months ago a rate study was completed and it seems that the study would cover the entire Enterprise. Elsewhere in the United States they have independent privately run water utilities and he thinks their rates are based on total cost and total administration of that department. He is surprised that the rate making activity did not pick up the rest of the

administration. He questioned whether the administration was out of line in terms of costs with what an independent utility would be.

Councilman Jacobs commented that Council refused to raise the rates.

Mayor Bendekovic advised that the water rate increase that was stated was for the infrastructure and capital improvements, which would serve as a payment for the debt service when we went out for the loans because of the fact that the infrastructure is 60 years old plus other capital improvements that we needed. That was the reason for the water rate study.

Councilman Fadgen indicated that he was not in favor.

In response to Councilperson Stoner, Mayor Bendekovic advised that the business tax is \$36,000.

Councilman Levy noted this would not appear for two years; until 2015. He does not have a problem with this.

Councilperson Stoner stated that she has a problem with it.

None of the other Council members were against raising the business tax.

Mayor Bendekovic commented that we will keep the \$36,000 and eliminate the user fee.

Councilman Levy questioned how the motion should read.

Mr. Morgan stated that the motion has already been made; it is to approve the request from the Administration to approve the maximum millage. Four votes are required.

Lucille ??, resident, indicated that she spoke with someone and was told that the infrastructure is needed. She questioned whether the Council knew we were \$5 million in the hole when they asked for the water increase.

Mayor Bendekovic stated that the water rate increase is within the Utilities Department. The Utilities Department is an Enterprise Fund and stands by itself. It has nothing to do with the General Fund other than cost allocations.

Lucille commented that she still has not got the lights and trees she requested. A survey was done and she was told that it could not be done because there is no money.

Mayor Bendekovic advised that a lot of time when requests are for lights other neighbors do not want it because it brightens the street too much.

Lucille indicated that she did not know that she had to get signatures from neighbors or she would have done so. The problem is that this City is not being run the way it should be run. Things have to be cut across the board.

In response to Lucille, Councilman Levy advised that all employees are entitled to insurance. Everyone is cutting and doing as best we can.

Councilperson Stoner stated that she mentioned the possibility of Council not taking insurance benefits and it was met with silence.

In response to Lucille, Mayor Bendekovic advised that previous Council members are receiving insurance benefits as well as their spouses and dependents. Legally there is no way to get out of that. Lucille commented that the City, the Council and Mayor should seriously consider asking employees to help out.

Larry Ebbert, resident, mentioned the Stormwater Fee. During the Stormwater Focus Group, which he attended, they were told that that fund was going into a lock box strictly to replace the sewers that were in bad need and the Council approved that. Now the Stormwater Fee appears as if it is part of the General Fund.

Councilperson Stoner advised that it specifically goes into its own Enterprise Fund but General Funds were being utilized to do some things.

Mr. Ebbert recalled that money was taken from the roads, etc.

Councilperson Stoner stated that is not happening anymore and it is coming back to the General Fund.

Councilman Levy indicated that the General Fund loaned the money until the other showed up in order to start the process.

Mayor Bendekovic suggested that Mr. Ebbert go to Page 198 and 199, which shows a breakdown.

Motion by Councilman Fadgen to set the millage for the City's General Fund at the rollback rate of 5.5284 mills. Motion died; there was no second.

Motion by Councilman Jacobs, seconded by Councilman Zimmerman, to approve Resolution No. 11713. Motion carried on the following roll call vote:

Ayes: Jacobs, Stoner, Zimmerman, Levy
Nays: Fadgen

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Mr. Morgan read Item No. 10.

Resolution No. 11714

10. **RESOLUTION** ADOPTING THE PROPOSED MAXIMUM MILLAGE OF 2.0 MILLS, WHICH THE PLANTATION GATEWAY DEVELOPMENT DISTRICT CAN ASSESS DURING THE NEXT ENSUING TAX YEAR; ESTABLISHING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER SUCH PROPOSED MILLAGE AND THE TENTATIVE BUDGET; AND OTHERWISE DIRECTING THE TRANSMITTAL OF CERTAIN INFORMATION TO THE BROWARD COUNTY PROPERTY APPRAISER BY AUGUST 2, 2013; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Motion by Councilman Jacobs, seconded by Councilman Zimmerman, to approve Resolution No. 11714. Motion carried on the following roll call vote:

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

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Mr. Morgan read Item No. 11.

Resolution No. 11715

11. **RESOLUTION** ADOPTING THE PROPOSED MAXIMUM MILLAGE OF 1.0 MILLS, WHICH THE PLANTATION MIDTOWN DEVELOPMENT DISTRICT CAN ASSESS DURING THE NEXT ENSUING TAX YEAR; ESTABLISHING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER SUCH PROPOSED MILLAGE AND THE TENTATIVE BUDGET; AND OTHERWISE DIRECTING THE TRANSMITTAL OF CERTAIN INFORMATION TO THE BROWARD COUNTY PROPERTY APPRAISER BY AUGUST 2, 2013; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

Councilman Fadgen commented that the Chairman of the Midtown Board recommends that this be considered as a sunset action in two years.

Motion by Councilman Jacobs, seconded by Councilman Zimmerman, to approve Resolution No. 11715. Motion carried on the following roll call vote:

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

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS

Mr. Morgan read Item No. 12.

12. REQUEST FOR SIGN SPECIAL EXCEPTION FOR WENDY’S RESTAURANT LOCATED ON THE NORTHWEST CORNER OF BROWARD BOULEVARD AND NW 38TH WAY.

A Staff Report dated July 10, 2013, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

SUBJECT: PP13-0009: Wendy’s Restaurant – Sign Special Exception
APPLICANT: Craig McDonald, representative /Bal-Rod Enterprises, Inc.
ADDRESS: 3801 West Broward Boulevard
LOCATION: Located on northwest corner of Broward Boulevard and NW 38th Way
LAND USE/ZONING: Local Activity Center/SPI-2 (Gateway)

REQUEST: From: Section 22-35 limits center establishments to one ground sign for each side of the property that fronts a public right-of-way having a width of 70 feet or more;

To: Allow a fifth ground sign at the West Broward Shopping Center for Wendy's.
(Currently, there are two existing shopping center signs permitted by code plus two existing Walgreen's signs granted by Special Exception).

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

BACKGROUND INFORMATION:

The subject site is 0.9 acres in area, developed with a Wendy's Restaurant with a drive-thru and located on the northwest corner of Broward Boulevard and NW 38th Way. The restaurant is a part of the West Broward Shopping Center, which also includes a variety of in-line retail shops, freestanding IHOP/Sherwin-Williams, and a freestanding Walgreens. The site was recently purchased by the applicant is subject to a unified control document with the shopping center.

The overall site, having multiple buildings with shared access, is considered a "center establishment" by sign code definition. This site category typically has one shared entrance from each adjacent roadway with single or multi-tenant establishments having only internal access into their sites. Section 22-35 limits center establishment to one ground sign for each side of the property that fronts a public right-of-way having a width of 70 feet or more. Therefore, one shopping center ground sign is permitted fronting Broward Boulevard and a second shopping center ground sign is permitted fronting State Road 7.

A special exception was granted in September 1997 allowing two additional ground signs for Walgreens. One sign fronts Broward Boulevard and a second sign is located at the southeast corner of NW 3rd Street and State Road 7. See Exhibit "A" for map of existing and proposed sign locations.

In April 2013, the applicant originally submitted a special exception for a seven-foot tall, 32-square-foot monument sign. Staff recommended denial of the applicant based on non-compliance with sign special exception criteria. The applicant requested deferral and subsequently submitted a revised sign plan, for a 5 1/2-foot tall, 20-square-foot monument sign. The sign location is where originally proposed, the north side of Broward Boulevard approximately 125 feet west of NW 38th Way. If approved, the proposed ground sign will be the third ground sign fronting Broward Boulevard and the fifth ground sign for the center establishment.

STAFF SPECIAL EXCEPTION ANALYSIS:

The original application request did not meet the sign special exception criteria. However, the revised application in conjunction with special circumstances unique to this site allows staff to recommend approval.

- a) Unlike most center establishments, the configuration of West Broward Shopping Center and the location of the Wendy's building creates the perception of a stand alone outparcel when viewed from Broward Boulevard.
- b) Unlike most establishments, the Wendy's site has access from NW 38th Way immediately adjacent to the building on the north side.

- c) Building visibility is somewhat blocked to westbound Broward Boulevard traffic by the building to the east across NW 38th Way.
- d) Building visibility is somewhat blocked to eastbound Broward Boulevard traffic by the shopping center end-cap located just west of Wendy's.
- e) The revised sign plan proposed a 35% reduction in allowable sign size.
- f) The revised sign plan proposes a 21% reduction in allowable sign height.

STAFF COMMENTS:

PLANNING AND ZONING:

Based on the above special exception analysis, staff recommends approval, subject to compliance with all other sign code requirements (setback, color, design, landscape, and intersection vision requirements).

TRAFFIC CONSULTANT: See Engineering Department comments.

ENGINEERING DEPARTMENT: No objection.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

1. Please clarify the impact the proposed monument sign will have on the existing tree/palm canopy (if trees or palms are to be removed or relocated permits will be required at time of permitting).
2. At time of permitting please include landscape plans as per City codes for free standing; monument signs, Chapter 22-106(1) regulations governing signs generally.
3. There is a dead tree on the southeast corner of the property requiring removal as per City codes; please contact the Department of Design, Landscape & Construction Management at 954-797-2248 regarding this matter. Permits are required prior to the removal of this tree.

BUILDING DEPARTMENT: No objection.

Craig McDonald with Corporate Property Services was present on behalf of the applicant.

Mr. McDonald indicated that they agree with all of the conditions in the staff report. This site is unique; it is at the end of the plaza and visibility is blocked for traffic traveling east or west on Broward Boulevard. The sign is a four-foot sign on top of a monument sign so it will reduce the size of the sign. The sign is needed to bring business in.

Mr. Leeds advised that this is the second version of the sign submitted; Planning and Zoning did not support the original sign, which was a full size sign. The applicant resubmitted and reduced the size of the sign, the sign area, as well as the height. With these changes and the unique circumstances at that location this waiver can be supported subject to the conditions in the new plan.

Councilman Fadgen questioned the original size of the sign and the location.

Mr. Leeds stated that the original size was 32 square feet and seven feet in height. This sign is 5 ½ feet tall and 20 square feet. It is a smaller, shorter sign. It addresses just enough of the problem that needs to be addressed. The sign will go at the most southeasterly portion of the property; it is set back a foot or two from the property line, which meets code.

Dennis Conklin, resident, was present. He thought he recalled that there was an option for them to be included on the plaza sign. He is opposed to additional signage for this but he would not be opposed to the inclusion on the plaza sign.

Mr. McDonald advised that they have been trying to work with the shopping center to get on that sign for years and unfortunately that is not an option; it is for larger tenants within the shopping center.

Mr. Conklin withdrew his opposition as a result of that information.

Motion by Councilman Fadgen, seconded by Councilman Jacobs, to approve Item No. 12, request for Sign Special Exception for Wendy's Restaurant, located on the northwest corner of Broward Boulevard and NW 38th Way. Motion carried on the following roll call vote:

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

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Mr. Morgan read Item No. 13.

13. REQUEST FOR SITE PLAN MODIFICATION FOR SOUTH FLORIDA LASER CENTER LOCATED ON THE NORTH SIDE OF SUNRISE BOULEVARD APPROXIMATELY 245' WEST OF UNIVERSITY DRIVE.

A Staff Report dated July 10, 2013, to the City Council, from the Planning, Zoning and Economic Development Department, follows:

SUBJECT: PP13-0008: Site Plan Modification – South Florida Laser Center
APPLICANT: Alan Mashraghi, representative /Zohreh Assad Sangabi Fard, owner
ADDRESS: 8051 West Sunrise Boulevard
LOCATION: Located on the north side of Sunrise Boulevard approximately 245' west of University Drive.
LAND USE/ZONING: Commercial/B-2P (Central Business District)
REQUEST: Consideration of a request for a 1,250-square-foot building addition to an existing medical office.

WAIVER REQUESTS:

- 1. From: Section 27-742, which requires 34 parking spaces for medical use;
To: Reduce the amount of required parking from 34 spaces to 25 spaces.
**See Zoning Department comment 4a – recommending a minimum of 29 spaces to be provided.
- 2. From: Section 27-689(c), which requires a building setback equal to one and one half (1 ½) times the height of the building (16.5’);
To: Reduce the east side setback to 24.75’ to 5’.
- 3. From: Section 13-41(a)(b)(c). Pedestrian zones along building facades. Landscape pedestrian zones shall extend the full width of each façade that abuts a parking or vehicular use area; the minimum width of such landscape zone shall relate to the adjacent structure’s wall height.
To: 10’ required along the southern façade – 7’ provided (2’ of planting space provided).
To: 10’ required along the western façade – 5’ provided (the green space outside the property line does not count towards the required green space).

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map, site plan application.

ANALYSIS:

The subject site is approximately 0.6 acres in area, zoned B-2P (Central Business District) and currently developed with a 3,923-square-foot medical office. The site is bound by restaurant use to the north, Sunrise Boulevard to the south, and retail uses to the east and west.

The applicant proposes construction of a 1,250-square-foot addition to the existing building along with exterior modifications consisting of a new covered entrance, painting and architectural trims. Twenty-five (25) parking spaces are being provided with 34 parking spaces required (**See Zoning Department comment 4(a)).

STAFF COMMENTS:

PLANNING AND ZONING:

Planning:

- 1. The proposed expansion is consistent with the Commercial land use designation on the adopted Future Land Use Map.

Zoning:

- 1. In General:
 - a. Please provide a waiver request letter. Three waivers as noted above are required.
 - b. Waiver fees are \$500 per request. Only one fee (\$500) has been paid. An additional fee of \$1,000 is required.
- 2. Site Plan:
 - a. A waiver is required for the side setback. The required setback is 24.75’ based on a building height of 16.5’.
- 3. Elevations:
 - a. A Paint Color Approval form must be approved by the Zoning Department and submitted with the painting permit.

- b. The submitted color renderings do not depict colors agreed to by staff and the applicant. Please meet with the Zoning Department to review the colors prior to issuance of a building permit.
4. Parking and Loading:
- a. **Staff does not support the proposed 26.5% reduction in required parking (from 34 to 25 spaces) given the high occupancy rate of the existing parking during midday site inspections. Staff could support a 15% reduction in required parking (from 34 to 29 spaces) as existing large trees hinder the placement of parking in full compliance with the code. Four additional spaces increases provided parking from 25 spaces to 29 spaces and can be added at the following locations:
- One space in lieu of the proposed nine-foot landscape island at the northwest corner of the building (with the proposed dumpster enclosure shifted slightly to the south); and
 - One space south of the proposed angled parking space at the northwest corner of the building (with the proposed dumpster enclosure shifted slightly to the south); and
 - Two spaces north of the building and on the west side of the east drive aisle (existing drive aisle width to remain as is).
5. Details:
- a. Please note on plan the dumpster and gates will be painted to match the building on the permit set.
6. Signs:
- a. Signage is not part of this review.

TRAFFIC CONSULTANT: No objections.

ENGINEERING DEPARTMENT:

- Please provide civil plans that include, but not limited to, the proposed curb locations, Type D curb detail, pavement detail. 05-25-13: Curb detail is incomplete; please provide Type D curb detail as previously requested. There is no pavement detail, please provide detail as previously requested.
- Please provide the City standard detail for disabled parking, available in the Engineering Department. 06-25-13: Comment not addressed, City detail has not been provided. Please provide as previously requested.
- Please revise the island in the northeast corner to be the same length as the parking space. 06-25-13: Comment not addressed.
- Please show all signing and marking on the plans. 06-25-13: The proposed location of the ADA accessible path to the building is a mid-block crossing. Please provide two (20 pedestrian crossing signs at this location.
- Please show that the access from the public sidewalk to the building is ADA accessible. 06-25-13: Please provide the material and a detail for the connection to the public sidewalk. This location required a break in the Type D curb. Please provide a taper detail for this break in the curb.
- Please re-label the existing sidewalk at 5' and not 15.7'.

Permit Comments (required at time of submittal for permitting)

Note: A detailed review of the civil drawings has not been performed at this time. If the site plan application is approved by City Council, a thorough engineering review will be performed at the time of application for construction permits.

- An erosion and sedimentation control plan will be required and reviewed at time of permitting. An NOI will be required.
- A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
- Drainage calculations may need to be submitted, signed and sealed by a professional engineer registered in the State of Florida.

4. Surface water management permit(s) through the Old Plantation Water Control District (OPWCD) and/or SFWMD may be required and a copy(s) provided to the Engineering Department at the time of permit review.
5. The applicant may be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

Staff appreciates the applicant's efforts to conform to City Landscape Codes – keeping with Plantation's motto-the Grass is Greener in Plantation!

- Tree/palm removal and relocation permits as well as mitigation fees must be obtained directly through the Design, Landscape & Construction Management Department at the time of permitting. Please contact Diana at 954-797-2248 directly to obtain required permits.
- The applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting.

Site Plan:

1. Code requires landscape pedestrian zones to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be half the height of the proposed or 10' (paved areas in the lpz may not constitute more than 5' of the required lpz).

Waivers required.

- a. 10' lpz is required along the southern façade – 7' provided.
- b. 10' lpz is required along the western façade – 5' provided (the green space outside the property line does not count towards the required green space).

Staff has no objection to the proposed waiver throughout the landscape pedestrian zone on the southern and western façade.

Planting Plan:

1. On the northeast side of the building please include both Yellow Tabebuia trees with a tag line (sheet LP-1).
2. I am only able to fine one of two Mahogany trees to remain on the northeast side of the buildings; please include both Mahogany trees with a tag line (sheet LP-1).
3. Please include the spacing on all plant material (sword fern).
4. Under Landscape List please note Live Oak trees will be Root Plus Growers in lieu of 45-gallon containers.
5. As per City codes – ground cover areas at the time of installation shall be planted with a minimum of 75% coverage; please tighten the spacing on the proposed ground cover as needed.
6. As per City codes – hedge material shall be planted so that tips of the plant material are touching at time of installation; please tighten the spacing on the proposed hedge material as needed.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT:

1. No objections as to this 1,250-square-foot addition request with respect to site plan (A-1.0) only.
2. The applicant and/or owner are aware that conditions may arise upon review of all required permitting plans.

UTILITIES: No objection; however, the following comments apply.

1. Prior to a Building Permit being issued, the following must be provided:
 - Additional Capacity Charges must be paid in FULL.

- Contact Danny Pollio if you have any questions; 954-797-2159.
- 2. Full Utilities plan review and approval is required prior to permitting. No plans are for construction until marked "FINAL".
- 3. No structures allowed in utility easements.

Alan Mashraghi, representative, was present on behalf of the applicant.

Mr. Mashraghi explained that the 1,250-square-foot expansion consists of six offices, which will remain in use for equipment and for lasers. Currently there are two lasers in one room and they are going to move one of the lasers to another room. The hallway is sharing the new expansion and the existing building and there are some people working in that area at this time. One of the offices will be dedicated to the office manager and one of the rooms will be given to one of the doctors who is currently sharing an office with another doctor. The expansion is not really for patients; one office will be used for the laser center and it will be used once or twice a week. There is currently about 21 parking spaces and they are bringing it up to 28 parking spaces. He provided colors that will be on the building. The elevations show that this will be a large building visible from Sunrise Boulevard.

Councilman Fadgen questioned if the applicant has a copy of the revised report indicating that the colors were not submitted. As far as parking, he questioned if those comments were seen in the revised report.

Mr. Mashraghi stated that he did the drawings.

Councilman Levy commented that the gray looks greener.

Mr. Leeds advised that this is a challenging site. The applicant wants to add an addition. Parking was recalculated. The applicant gets credit for parking currently on site that is associated with the existing building; however, any addition must meet the current code. Based on that, staff has agreed to support a 15% reduction, which is two spaces in required parking. It is believed that is reasonable; it is similar to what is done on State Road 7. The applicant has indicated that he will provide the three additional spaces. The challenge with this site and parking is that they wanted to avoid removing healthy vegetation. In terms of the building colors, the rendering does not represent what the color by numbers are indicated in the plans. The rendering, which is computer generated, is unacceptable. The applicant was asked for a rendering that more accurately reflects the colors that will be there. The applicant has provided swatches and we can, as part of the permit process in Zoning, can approve it subject to the color swatch numbers. Mr. Leeds requested that this computer generated rendering be tossed and not be part of this approval and that the applicant be required to meet the color scheme in the swatches. All the rendering shows is the placement of the different types of colors but it is not accurate in terms of the numbers. He noted that the only thing he would take a second look at is the red; SW6341. He thinks that may be a little darker than what was agreed to.

Councilperson Stoner commented that it also has orange but there is no orange swatch. Compatible green is shown and she questioned where that goes. She noted that the older plan shows orange; pumpkin.

Mr. Leeds stated that the compatible green is shown, #SW6387. He believes most of the building is going to be compatible green.

Mr. Mashraghi indicated that when they sent it to the printer it came out that color and he did not have time to adjust it.

Councilperson Stoner questioned what color the pumpkin is really supposed to be.

Mr. Mashraghi advised it should be cream.

Councilman Levy commented Coastal Green is a greenish gray.

Mr. Leeds agreed 100%. The applicant was requested to provide a rendering so what you see is what you get; however, the applicant has indicated that there is an expense in that.

Councilperson Stoner stated that they also show some windows with one that is black framed and says typical window but all of the other window frames are white. She questioned why one is different from the others.

Mr. Mashraghi advised that they are all white.

Mr. Leeds stated that if all of the windows are white that needs to be changed on the plans so there is no confusion.

Councilperson Stoner suggested deferring this until the applicant brings it back.

Councilman Fadgen questioned if the item could be approved pending the authority to the Planning and Zoning and Building.

Councilman Jacobs suggested giving the applicant some time to come back.

Councilman Zimmerman agreed.

Councilperson Stoner mentioned that the other issue is the reduction of the setback. That is a huge reduction.

Mr. Leeds explained that the west side of the building is adjacent to the drive aisle that is in back of Publix. He does not have a problem reducing the setback; the setback is to protect something and this is the back of a supermarket.

Councilperson Stoner indicated that the owner has the ability to put up a fence or a wall and that cuts down on that potential ingress and egress behind that building when the setback is reduced.

Mr. Leeds believes there are only one or two spaces that come off of that driveway. There is a handicap space and a loading zone. The setback is relating to the building. He does not have a problem with the setback and he does not know if someone could put up a fence; he does not see it as likely.

Councilperson Stoner commented that putting up a fence is a possibility and if they do the fire trucks cannot get back there.

Mr. Leeds stated that the current setback is 7.5 feet on the west side of the building and there is already a loading area that uses that driveway. He does not see a five-foot setback as being a significant change.

In response to Councilman Levy, Councilman Fadgen advised that he would prefer to approve the item subject to the colors being verified on the rendering.

Mr. Morgan indicated that Mr. Leeds' report states that he is recommending that the colors come back to his office.

Councilman Levy stated that is something that he would prefer.

Mr. Leeds commented that the objective is that there is no problem with the color of the building but they want it muted; they do not want to create a carnival atmosphere. There is a trend with some buildings because they are not happy with the size of the sign they attempt to paint the entire building so it can be seen from great distances. They are trying to get something soft, muted, consistent and compatible.

Motion by Councilman Fadgen, seconded by Councilman Jacobs, to approve Item No. 13, request for site plan modification for SOUTH FLORIDA LASER CENTER located on the north side of Sunrise Boulevard approximately 245' west of University Drive, subject to the agreement of the colors to the approved color scheme set up by the Planning and Zoning Department; that a better mounted rendering be provided; that all window frames shall be white, not black; and subject to the staff report. Motion carried on the following roll call vote:

Ayes: Jacobs, Zimmerman, Fadgen, Levy

Nays: Stoner

* * * * *

COUNCILMEMBERS' COMMENTS

Councilman Zimmerman thanked the Police Chief and some of his staff. We had a resident and a group of residents call and ask that officers or a spokesman be sent to inform them of the crime in the area and what the police were doing. The officers were great. Residents came together in the neighborhood and were extremely impressed.

* * * * *

Councilman Levy mentioned Phil's Sub Shop on the northwest corner of Broward Boulevard and State Road 7 were recognized by New Times as one of the top ten sub shops in all of Broward County. Because of the construction they have lost some business and he would like to ask everyone to congratulate them.

* * * * *

Councilman Levy did a culinary tour of Broward Boulevard and State Road 7. He mentioned some wonderful new restaurants in the area. He would love to get a brochure together on the culinary treats available in that area.

Mayor Bendekovic commented that would be a good thing for the Gateway Advisory Board to do.

* * * * *

Mayor Bendekovic made the following comments:

- She thanked all of the residents who came out for the 4th of July parade and all of the departments for making it such a successful event.
- The Meet and Greet for the new principal at Plantation High School will be on August 8, 2013.
- The next meeting will be tomorrow at 5:30 p.m.

* * * * *

PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Rico Petrocelli, resident, commented that the Chamber of Commerce needs to get the residents involved in the City. We give them a lot of money and it is their responsibility.

He requested that the Council write down some cost savings things for the next actual budget. He thanked them for taking the surcharge off.

* * * * *

Steve Refkin (sic), resident, expressed disappointment that Council was not thinking outside of the box. Privatization does one thing; there may be an ongoing annual expense but it removes the pension obligations which have been discussed as being unfunded or way underfunded. Pieces and portions that can easily be outsourced will remove those ongoing obligations that will transform the budget process; it will take away an annual number and an ongoing unfunded liability. His concern is that when a millage is raised it does not affect the entity you raise the millage on; it affects the residents and the shoppers of the places they are going.

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SEALED COMPETITIVE SOLICITATIONS

14. REQUEST TO AWARD BID FOR CENTRAL PARK POOL PIPING REPLACEMENT PURSUANT TO LAWS OF FLORIDA CHAPTER 2011-140. THE BACKUP TO THIS ITEM IS NOT PUBLIC RECORD AT THIS TIME.

Mr. Morgan explained that the State law requires that the bids and prices be sealed until it is opened at this meeting. Because no one is here to discuss this, the bid can be awarded or not awarded.

Motion by Councilman Jacobs, seconded by Councilman Fadgen, to award the bid to Recreational Design and Construction, Inc., a Florida Corporation.

Ayes: Jacobs, Stoner, Zimmerman, Fadgen, Levy

Nays: None

* * * * *

WORKSHOPS

15. BUDGET WORKSHOP #2.

Mayor Bendekovic advised that there is special meeting tomorrow at 5:30 p.m. on a couple of the developments; Amicus and the Crossroads on Peters Road.

This is the second of four Workshops. The Public Hearing on the Budget will be September 12, 2013 and the second Public Hearing will be September 25, 2013. The budget is fluid and it changes; it will not be finalized until the second Public Hearing. Tonight we are here to set the maximum rate. That means that once the Council approves the rate the rate cannot be increased but it can be decreased. Budget priorities are to sustain and maintain Plantation. Plantation is on the road to recovery but it is not going to happen overnight. We will not reach our destination until we have replenished our unrestricted reserve fund and have significantly replaced our capital improvements. There are still some critical decisions looming over us to determine the future of Plantation. As Mayor, her recommendations both in the past and present are based on what is best to serve Plantation and our residents. Sustaining and maintaining Plantation means finding additional revenue while decreasing expenditures.

Mayor Bendekovic gave a brief presentation as follows:

- This budget year 2014 the total revenue is \$82,241,806.
- Personal Services is \$63 million, which is the largest expense.
- Total expenditures are \$87,151,182 which gives us a deficit of \$4,909,376.

The General Fund Proposed Budget:

- Total revenue is \$86,127,707.

Ms. Caravella provided a brief presentation on the Revenues and Expenditures:

Expenditure Reduction Options:

- Reduce capital items and infrastructure expenses by \$300,000.
- Refinance 2003 bond for \$420,000.
- No raised budgeted for general Employees (@ 3%) for \$766,210.
- Add "Choice Plan" for medical benefits up to \$1.1 million.

Other Options Available:

- Take home cars (tabled) for \$133,000.
- Privatization of departments/functions \$200,000 –
- (\$189,000 to \$632,500 unemployment costs will also have to be factored in) for \$5.2 million

Debt Refinance Options:

- Union investment in bonds. The pensions expected investment return is 7% and if they do not meet that 7% that has to be made up through contributions; that would actually be a cost back to the City. It was

recommended that we could offer the pensions the option to look at the loan but they would have to come in at the rate we secured, which is low as 2.5%. This is not a good deal for either party.

- Bank loans. Our RFP closed yesterday. At least seven proposals were received with interest rates as low as 2.5% if we sign by August 15, 2013.
- Local/in-house banks. 25 banks were solicited.
- Bonds. We did not pursue going out for more bonds; interest rates are at a low time low and it was a better deal to look at bank loans.

Privatization Options:

- The City currently privatizes; last year the website function was privatized.
- We also privatize for Tram services; for Solid Waste collection and Golf Course services.
- Examples are shown for large departments, midsize departments and small departments.
- A couple of considerations are that privatization is a private company. Private contractors are looking at making a profit and have to compete with other people in the field, which drives up some of the operating costs.
- Even with privatization you still need a contract manager so you do not remove all staff in-house; you need someone to manage the contract.
- One major complaint brought up with privatizations quality of service and that is often diminished.
- Availability of service; remember we become a customer; we are not providing the services ourselves and we enter the queue with all of the other customers of that private contract so we might not get the same response time or same quality or service than we did if we delivered in-house.

Revenue Options Summary:

Revenue sources included in the proposed budget:

- Taxable value increase; the final taxable increase was \$3.56 million.
- Storm water impact fee for \$585,000.
- Fire inspection/permit fees for \$200,000.
- Property sale (one time revenue) for \$2.25 million.
- Utility user fee for \$1.36 million.
- Increased employee benefits contributions for \$130,000.
- Business tax license increase for \$36,000.

Other Options Not Included in the Proposed Budget:

- Use of Reserves.
- Increasing Millage rate.

Occupational/Business Tax License:

- Won't see benefit until 2014 budget year (can only bring up for discussion every other year).
- Maximum increase of 5%.
- Would increase revenues by \$36,000 per year.

Fire Inspection/Permit Fees:

- No increase since 2009.
- Would generate revenue of \$200,000.
- Back-up information provided in Council Agenda packets.

Surplus Properties: North Acres Park

- One time revenue.
- Originally we had the ten-acre lot and we are now considering the sale of a five-acre lot.
- Together the lots are valued at \$2.25 million.

Utility User Fee Option:

- Utilities department water fees total approximately \$13 million each year.
- A 10% franchise fee would net approximately \$1.3 million.
- The Utility Rate Change is for infrastructure and capital improvements whereas the User Fee is for the Administrative end of supplying water to the public.

Ad Valorem Millage Scenarios:

- There are three Resolutions; the Millage Rate for the City and the other two are Millage Rates for each of our Special Districts; the Gateway and Midtown.
- The proposed balanced budget does not include a millage increase for the City.
- 2014 Proposed millage rate (5.6142) - \$37,588,489. This is with the taxable value increase of 3.56%; however, there is no millage increase.
- Once the maximum millage rate is set it cannot be adjusted up in a future workshop without doing a first class mailing to all of the residents. That cost usually runs between \$30,000 and \$35,000. If an increase in millage is being considered it is better to make a motion to set it higher and you can always lower it later. A millage increase was not included in the proposed budget.
- .01 Mill increase (5.7142) would generate \$669,525.
- .02 Mill increase (5.8142) would generate \$1,339,050.
- .05 Mill increase (6.1142) would generate \$3,347,626.

Gateway Millage

- Proposed millage rate = 2.0 mills.
- Property value increase = 2.96%.

These proposed increases were presented to both of the Boards at their last quarterly meeting.

Gateway is currently operating in the red, which means their expenditures are higher than their revenues. Each year their deficit is growing. There was discussion with the Board to determine ways to reduce their operating expenses and ideas of generating more revenue. During those discussions several ways were found to cut operating expenses and they felt it would be appropriate to increase the revenues in the District by increasing the millage rate to 2.0. They have a lot of capital projects they would like to pursue and they felt that by

reducing their operating budget and increasing revenues that they would be able to accomplish these things. Both Boards submitted a letter of their actions when they heard these proposals.

Midtown Millage

- Proposed millage rate = 1.0 mills.
- Property value increase = 2.05%.

Midtown operates in the black; they have a surplus of about \$20,000 per year which goes into their funding or reserves. This is recommended because they are completing some major capital projects that will be seen as a liability in the fund. Those projects are coming to an end and the full cost is going to be charged to the fund. This liability will use up the rest of their funds in the reserves. The Board did not vote in favor of the 1.0 millage rate; it was a 3-2 vote. They said that they would be in favor of some increase at the Council's discretion and requested that they have some type of sunset and revisit after two years. The reason behind that was because they feel there is a lot of development coming on board that will increase the property tax value in the district.

It was noted that both of these proposed millage rates will require a unanimous Council vote.

Mr. Shimun provided the following presentation:

Current vs. Proposed Sick Leave:

- Sick leave accruals:
 - 104 hours/13 days.
 - Maximum accrual as of January 1st; 480 hours.
- Sell back yearly – 1st 240 hours not paid; hours above 240 and 480 paid at 50%; no payment for hours above 480.
- Resign/Termination payout; hours above 240 paid at 100%; no payment above 480 hours.
- Retirement payout: 50% of all hours up to 480 at full pay; no payment above 480 hours.

Proposed Sick Leave for New Hires after 10/1/13:

- Sick leave accruals:
 - 80 hours/10 days.
 - Maximum accrual 480 hours of January 1st.
- No sell back yearly.
- Resign/Termination payout: hours above 240 are paid at 25%; no payment for hours above 480.
- Retirement payout: 50% of all hours up to 480 at full pay; no payment above 480 hours.

Current Annual Leave:

- Annual leave accruals:
 - 1-5 years: 104 hours/13 days.
 - 5-14 years: 156 hours/19.5 days.
 - 15+ years: 208 hours/26 days.
- Maximum accrual of 240 hours.

- Sell back yearly for Administrative/Executive Only: hours in excess of 120 can sell back up to 80 hours at full pay.
- Resign/Termination/Retirement payout – hours paid at 100% up to 240; no payment above 240 hours.

Proposed Annual Leave for New Hires after 10/1/13:

- Annual Leave Accruals:
 - 1-10 years: 80 hours/10 days.
 - 10-14: 120 hours/15 days.
 - 15+ years: 160 hours/20 days.
 - Maximum accrual 240 hours.
- No sell back yearly.
- Resign/Termination/Retirement payout – hours paid at 100% up to 240; no payment above 240 hours.

Councilman Jacobs questioned if the Council were not to improve increases in the millage on the Districts whether the General Fund would have to make up that difference.

Mayor Bendekovic advised that whatever their expense will be will have to be incurred into the General Fund. She noted that we have to keep an Advisory Board in the Gateway because of the CRA; that is a requirement. We can never get rid of the Advisory Board and she does not recommend it because that Board has come such a long way over the years.

Councilman Levy questioned whether the Gateway Advisory Board has looked at why they are running in the red and whether they have tried to correct it.

Mayor Bendekovic indicated that it was reduced by \$170,000.

Ms. Caravella stated that the cost allocations of the City were taken away, which was \$30,000. The City does the maintenance contract for the Gateway District and it was reduced by \$100,000. They will remain slightly in the red but not as deep as they are now.

Mayor Bendekovic commented that the Gateway Advisory Board is good until 2015. They also looked at the water consumption and it was cut down.

In response to Councilman Levy, Mayor Bendekovic advised that Charity Good no longer works in the Gateway; her position was one that was eliminated last year. The Economic Development was divided between two departments.

Councilman Fadgen referenced the Gateway maintenance budget. The City supplies the maintenance service for the District and he questioned whether that means by cutting it that the City is absorbing that cut rather than being just cut and there is no take back by the City of taking up those costs.

Ms. Caravella indicated that the City is absorbing the cost.

Councilman Fadgen reminded everyone that we had a contractor in Gateway maintaining the landscape and they were not doing a good job. Another contractor was brought in at twice or three times as much and perhaps the first contractor was not doing a good job because they were not paid enough. After two contractors were thrown out the City took over the services and he feels that it was a structured deal; that we had to get the cost

up from the private sector in order to get it accomplished. He thinks it is good that we can cut the maintenance costs in the Gateway area but he is not in favor of the City absorbing the costs that are not going to be paid. There should be something done with what is being done; redesign the services offered by the City to the District to accomplish what needs to be done at whatever level.

Mayor Bendekovic stated that she was present during the discussion concerning the contract. It was the Board that brought it to their attention. They were adamant that the Gateway did not look like the rest of the City and requested that we consider doing the landscaping. It was not the City's idea to do the maintenance; it was the Board's request. The cost was \$270,000 and it was lowered to \$200,000.

Councilman Fadgen mentioned the cost allocation and he understood that the City does accounting for insurance, etc. that covers the District. In reading Mr. Hurley's letter, he wanted \$30,000 cut out of that also. He is saying that the Administrative fee for the District was too high. It is really the City's Administrative costs that are too high and this is a matter that we may have to look at the City side of this for the allocation that was going to be relieved from the Gateway District. He believes that both areas mentioned in Mr. Hurley's letter are important. He would like the City to be able to cut out those amounts rather than just absorbing them.

Mayor Bendekovic indicated that a software, Maximus, did the cost allocations and recommendations. In many instances we have cut the cost allocations because the recommendations were substantially higher. We do have someone who does do the recommendations but we do reduce and decrease them.

Councilman Zimmerman commented that he was on the Gateway Board when a lot of this was discussed. Part of what was presented to the Board was the entire Gateway budget and it seemed like almost all of the extra mills they were getting were going just to maintain the landscaping; there was no other money to do anything. The question by the Board was why they need to be a CRA. The City maintains Broward Boulevard and other streets through the City; therefore, the City should maintain State Road 7. There was nothing the Board could do to improve the Gateway. The Board is also in favor of the millage increase and as a business owner in the Gateway he is also in favor of the millage increase.

Mayor Bendekovic advised that Councilman Zimmerman was the one who started the conversation prior to becoming Councilperson. The Board was very appreciative of his recommendations.

Councilperson Stoner indicated that she is not completely on board with all of the revenue sources listed. She is not big on the Utility User Fee or the Business Tax Licensing.

Mayor Bendekovic stated that she can absorb both of those.

Councilperson Stoner noticed a timeline presented on the property sale. She questioned how we did not get that to the sale point since it was on the list of things to accomplish for last year.

Mayor Bendekovic advised that we did not get it because we gave the Plantation Acres Improvement District and the Plantation Acres Homeowners' Association the opportunity. They were trying to find a way to purchase the property. In speaking with the Plantation Acres Homeowners' Association President, John George, who stated that as much as they tried there was no way they could come up with the funds. The Plantation Acres Improvement District would have been the only one who could have come up with the funds by floating a bond or a loan but they chose not to do it. At that time she noticed that the five-acre park is seldom used. She figured that more revenue could be generated with 15 acres. She is going to have a meeting with all of the perspective buyers to tell them the guidelines, which are two per acre. With 12 acres they would

end up with 24 acres and the other two or three acres would be for easements. There is a list and four people have already shown an interest.

Councilperson Stoner stated that there has been some comment about selling the park land; that we cannot replace the vacant land in the future. She requested confirmation as to whether or not Plantation actually has 1 ½ times the required parks per the guidelines.

Councilman Levy indicated that the State requires three to four acres per 1,000 population; we have far more.

Councilperson Stoner wants the public to understand that there are other parks in the Acres and that the City is not detracting.

Mr. Romano advised that Broward County and a lot of Cities have a standard of three acres per 1,000 people; the City of Plantation adopted four acres per 1,000 several years ago. Currently the total acreage is approximately 629+ acres of total park land in the City, which is about 1 ½ times the average.

In response to Councilman Levy, Mr. Romano stated that waterways are not counted; they count straight park land acreage even though waterways can be counted. Volunteer Park has wetlands of about 32 acres; the golf course is 29 acres and all of the other water throughout the City.

In Councilman Levy's opinion there can never be enough park land.

Mr. Romano indicated that normally there would not be a Parks and Recreation person saying it is also to sell a park land but when you have a parcel that is 83 acres less than a mile away from the site, this site is not one that is used regularly by the community; therefore, it can be sacrificed for the benefit of the overall City to be able to sell the property and bring in some one-time revenue. It will also bring in the annual revenue of the ad valorem taxes that it will generate year after year.

Mayor Bendekovic indicated that it would have to be advertised and then surplus. Once it is surplus we will bring it back to Council.

Councilperson Stoner did a huge presentation on impact fees that had not been raised for many years. She questioned how many years it has been for the Fire permit fee.

Councilman Levy advised 2009.

Chief Stearns advised that before that it was 13 ½ years before it was raised.

Councilperson Stoner knows there are some limitations but she questioned if these fees are reviewed every year. She questioned if the fees of other cities are looked at on a regular basis to be comparable.

Chief Stearns stated that every couple of years we do a survey of the cities that are like us. It is hard to keep up because everyone changes. There is no standard; therefore, we look at cities that manage it the way we try to.

Councilperson Stoner mentioned that this does not affect the average person that already owns a residential home.

Chief Stearns advised that we do not have the legal right to inspect unless we are invited in.

Councilperson Stoner emphasized that this does not affect the regular homeowner; it is commercial; business; yearly inspections.

Chief Stearns commented that by law they have to inspect businesses every year and by law they are allow to charge to recoup those costs and that is what they are trying to do.

Councilperson Stoner noted that she has heard some complaints from business owners about the annual inspections.

Chief Stearns advised that their job is to go in and make sure they meet the Florida Fire Prevention Code. They are trying to do the life safety issues involved in business.

Councilperson Stoner wants everyone to understand that no one is getting picked on; this is strictly a safety issue.

Councilman Levy questioned comparing our rates to Broward County.

Chief Stearns indicated that Broward County was not surveyed because they are all over the map.

Councilman Levy stated that our fees are one-third of Broward County's rates.

Chief Stearns advised that when we originally raised our fees in 2009 we were in the bottom 10%.

Councilman Levy commented that in the last few years Broward County has prided themselves on not increasing their tax rate but they have tripled their inspections fees. If we did not have our own fees we would have a lot of complaints because of what the County charges. People do not look at the hidden fees and costs when they look at doing business with the County; they only look at the tax rate.

Councilman Fadgen mentioned that the impact of the Fire inspection fee is \$200,000 and he questioned how that relates to the fee that is currently being charged.

Chief Stearns advised that the base fee is \$131 and with a 20% increase it would be \$156. It is preferred to go a little bit at a time if needed. There is a cap point and by law you cannot go any further.

Councilman Fadgen questioned when this would be implemented if approved.

Chief Stearns indicated that it would be implemented on October 1, 2013.

Councilman Fadgen questioned how that is distinguished from the Fire Assessment Fee.

Chief Stearns noted that we do not have one and it is currently not being discussed.

Councilman Levy commented that the point that we are not charging a Fire fee is very important because every community around us does. The fees range anywhere between \$125 and \$430 per unit and per square foot for warehouse space. It does not show on the tax rate and it looks like their taxes are lower than Plantation and in reality the people are paying a lot more. The fact that we do not have a Fire fee is something we can be proud of.

Councilperson Stoner mentioned privatization. There is quite a bit of give and take and comments about not wanting to privatize because of the quality of service. She noted that Councilman Levy is the City Manager for Pembroke Park and they do a lot of privatization out of that city.

Councilman Levy stated there is a combination.

Councilperson Stoner commented that Mr. Shimun has mentioned this and questioned what areas are being explored.

Mayor Bendekovic advised that we have a considerable amount in the Utilities Department and at the Golf Course. As far as departments and privatization, she does not recommend it due to the fact that privatization is all about profits. There might be an initial savings but as the contracts go through they will change as well as the quality of the service. We still have to provide a work place for those people to come in and work and there still has to be a Department Head or someone to facilitate the department that has been privatized. She does not recommend privatization even though it has been brought up several times. The savings is such a limited amount and the only savings there are is with the really large departments and again, she does not recommend the large departments to be privatized.

Councilperson Stoner questioned when the existing Council last year unanimously approved the millage increase, one of the questions was how the City is going to change the way it does business so we do not have this in the future. While we may not have the same amount of deficit she questioned what has been changed in the City in the last year.

Mayor Bendekovic indicated that we did the web page and eliminated some personnel positions because of the fact that we could absorb them. This year we looked at the Bonds, which were looked at last year to refinance and now that the loans are down we refinanced. We also went back and designed a new insurance plan that would be cheaper for the employee to purchase but it would also increase their costs instead of the City's costs. Again, there were no raises this year. She did not want to look at furloughs or layoffs this year because she thinks we are thread bear right now with our employees and with each department. These are things we have made a conscientious effort to change but she will not recommend privatizing a department unless the Council insists. She does not see where the savings is a lot. We are in the customer service business and we need personnel in order to facilitate our City with the quality of service they so rightly deserve.

Councilman Fadgen stated that he does not necessarily agree with the premise that if we privatize something it will deteriorate. The question might be why we should privatize a particular activity. Once we decide to do it he believes it is a matter of having contract administration to make sure that the vendor of those services is delivering, according to what was contracted. He does not think we want to privatize everything but we should selectively look at activities that might be candidates for that; not necessarily a small or a large department. There is no question that we have good people working here but a contractor doing the same thing our employees do; they are the face of our City; and we do currently have some of that privatization going on with some of the landscape activities. It is an option and he thinks that it is a matter that we should explore.

Mayor Bendekovic advised that when you have a contractor they service many municipalities. Our Landscaping or Public Works may be doing several duties or several jobs rather than just doing the landscaping. When a hurricane or something of that sort comes they are Public Works and they take on a whole different dimension and are the first ones on the streets. When calling a contractor they may say that you are fifth on the list and in her mind Plantation is first on the list. When you say landscaping, these employees are multitasking; not just landscaping. They have other positions and jobs to do.

In response to Mayor Bendekovic, Mr. Consaul stated that we currently have two contractors doing some of the landscaping. They are going to get additional work because the New Hiatus Road is being expanded. That should be completed in the next year or two.

Councilman Zimmerman commented that he does not see any money going back into reserves.

Mayor Bendekovic indicated that we currently have \$985,000 but we got a check for \$769,000 so we are up to \$1.6 million and we need to take it up to at least \$4.2 million, which is the minimal.

Councilman Zimmerman believes the budget needs to include something that puts something back into reserve every year. If we need to find some other money then we need to look further. A sale of a piece of property is a capital piece of property. If the property is going to be sold maybe that should be invested in some other capital improvements within the City and not just to balance the budget. He has a philosophical problem with selling property to balance a budget especially because we are not making long term changes that are going to sustain us next year.

Mayor Bendekovic advised that once it is built it will give us a long term sustainable ad valorem millage because if a developer buys it those houses will give us the millage that we would need and that would give us extra that we could possibly put back into our reserves.

Councilman Zimmerman agreed that it is a possibility but it will still take three or more years.

Ms. Caravella stated that there is \$2.7 million budgeted for capital this year in this proposed budget.

Councilman Zimmerman questioned whether that includes the Community Center.

Mayor Bendekovic replied no and noted that it also does not include the Deicke Auditorium.

Councilman Zimmerman mentioned healthcare and talk about up to \$1.1 million. We are looking at employees to step up to the plate to get that. He knows that in previous conversations over the last several months even Councilman Levy talked a little about looking at healthcare and that we are supporting spouses and dependents at only about a 6% fee; that is unheard of in today's market. Perhaps this should be reviewed.

Ms. Caravella explained that currently we have the Standard Choice and we have the Preferred Choice. If there are dependents in the Plan, employees are contributing 6% toward dependent coverage. If an employee chooses to stay in the Preferred Choice Plan their contribution for dependents will increase from 6% to 8%. The Choice Plan is a reduced cost to the City and it is also a reduced cost to the employee; it is a lower benefit plan and a lower cost. That is why it says up to \$1.1 million because we do not know how many employees will stay in the Preferred Choice and how many will leave and go into the Choice Plan.

Councilman Zimmerman questioned how much percentage employees pay for dependents if they move to the Choice Plan.

Ms. Caravella advised that employees would pay 4% for dependents in the Choice Plan.

Mayor Bendekovic indicated that cost wise, they are increasing their copayments and what they would pay at the hospital. It will be less out of pocket as far as the premium but increased pocket money when they go to the physician. It is really for healthy people.

Ms. Moale stated that there is a Preferred Choice, the new Choice Plan, and the Standard Choice, which has the \$2,000 deductible for a single person; \$4,000 for family; and if you do not do the three steps to wellness that is where you are going and will pay a lot more money. It only pays 80% of the benefits after the first \$2,000. It will cost the person who chooses not to participate in the three steps to wellness. All employees last year were required, in order to be eligible for the Preferred Choice, to do the three steps to wellness and 100% of them did that. With this new plan, the Choice Plan, it is a lower benefit and it also costs the City about 15% less in premium costs so that is a savings to the City immediately. Their contribution rate is 4% of a lesser premium; however, it has the user fees. The healthier people will probably be better off and they still have to do the three steps in order to gain eligibility for the plan. It gives the employees an opportunity after not having raises for four years to be able to put a little money back in their pocket and not spend so much. The people who choose to stay in the Preferred Choice are making a decision that they are going to increase their contribution by 2% to an 8% level. The reason it was up to \$1.1 million was because if every person switched from the Preferred Choice to the Choice Plan the total savings on the overall health insurance to the City would be about \$1.1 million. She knows for a fact that there are a lot of employees that will make the decision to stay and pay the additional increase in the premiums. It was previously discussed with Administration to raise the premiums to 10% and she requested that not be done because employees have not had a raise in four years; therefore, she came up with an alternate plan, which is the Choice Plan. This plan will give the City a break in the cost, hold down our medical care costs and give the plan a chance to work. This year, as discussed previously, the spouses now have to do the three steps to wellness to be eligible for the Preferred Choice and the new Choice Plan and the employee still has to do it every year because your health can change from year to year. With spouses having to do this by March 31, 2014, if they do not do it they will pay 50% of the cost of the spouse care, which is an enormous increase.

Councilman Fadgen commented that in order to avoid the copay employees can also go to the Wellness Center.

Ms. Moale advised that employees can still go to the Wellness Center and Willis is helping negotiate with Signet, which is an imaging company. They would direct bill the City and charge less on a direct bill than what United Health Care would pay if they submitted the claim. If they do that the employee will not have a copay of \$100 because we are getting lower costs. The Care Center is being expanded and a nurse practitioner is being added; August 14, 2013 is the go live date. There will be more appointments and more availability. We have worked on the health care costs very aggressively in the last seven years and we have maintained the same amount of medical spend as we were seven years, which is unheard of. We are continuing to look at this. The new plan is not just for healthy employees; if someone says they might need it or not but wants to pay a lower premium; that is their choice.

Councilman Zimmerman stated that he was not sure whether he agreed at the moment; it is unheard of at 4% to cover spouses and dependents. There are a lot of companies that do not provide any coverage. He shares some of the same concerns as his colleagues regarding this issue and believes that this is something that needs to be re-evaluated over the course of this budget process.

Councilperson Stoner questioned whether it can specifically be changed for new employees.

Ms. Moale advised that she would have to check with Willis because of Obama Care; they restrict the amount of premiums.

Councilman Levy commented that the question is how Obama Care will affect all of us. It could be done effectively up until Obama Care. It is something that can be looked at through the budget process.

Councilperson Stoner requested that no dependent care be pursued for new employees.

Ms. Moale stated that salaries are low and the total compensation package includes benefits. People do not come to work here because of our pay; they are coming for the benefits. It will be very difficult to recruit if we are not willing to help out.

Councilman Levy reiterated not harming any people who are already here; this would only be a start somewhere at a certain date cutting back drastically on these kinds of benefits while still covering the employee who we have an obligation to and offering the employee different alternatives so they can pick and chose what they want from various plans but they pay for them.

Councilman Zimmerman mentioned privatization and the golf course. He has looked at the golf course quite a bit and we have an appropriated fund balance we are bringing in from our General Fund every year to help fund that. According to the budget we have an appropriated fund balance of \$1.1 million going into the golf course under revenue.

Ms. Caravella stated that is their own fund balance; we have to separate all of those funds because it is an Enterprise. It is their savings; it is not from the City. It shows as revenue because they have to remove it from their savings into the operating budget; it is not from the City. The City does not contribute to the golf course.

Councilman Zimmerman noted that the golf course has a savings that we should see in the CAFER. If they are pulling from their reserves that means they are not making a profit; they are actually losing money.

Ms. Caravella indicated that they did some major capital expenses and decided to use money from their reserves to fund those.

Councilman Zimmerman commented that in 2012 it was \$652,000; last year was \$813,000 and now they are at \$1.1 million.

Ms. Caravella advised that the debt service has been increasing but as part of this refinance we will save approximately \$810,000 from refinancing debt bonds.

Councilman Zimmerman stated that he would like to know how much is left in the fund balance if we are pulling this much out each year to balance the budget out of their reserves; even if it is paying the bond back.

Paul Scott with Guidant Management was present on behalf of the golf course. The money Councilman Zimmerman is referring to generally goes to balance the budget because they need a balanced budget even though they are an Enterprise Fund. It is going to cover the depreciation, which is not an actual expense, so it shows up at the beginning of every year as a fund contribution from the General Fund to the Golf Course Fund.

In response to Councilman Zimmerman, Mr. Scott advised that the General Fund does not contribute to the Golf Course but because they have to have a balanced budget and because they have a great deal of depreciation from the buildings, property and improvements to the land and the equipment that they buy, their depreciation is \$800,000 to \$900,000 per year. If you add the depreciation in, which is an expense, it shows a loss every year for the golf course but if you do not include the depreciation the golf course cash flow is somewhere between \$500,000 and \$800,000 per year after debt service.

Councilman Zimmerman noted that the golf course should be paying the debt service as well.

Mr. Scott advised that it does.

Ms. Caravella indicated that they have \$2.2 million in unrestricted reserves.

Mr. Scott indicated that is the positive cash flow during the course of the six or seven years of the operation that has gone into that fund and as their debt service has increased. They are beginning to need some capital expense to replace older equipment, etc. and are beginning to take from that fund which is basically profit they have made before cash flow profit they made before.

Councilman Zimmerman advised that is what his concern is; that it keeps going up. At that rate and even at the reserve of \$2.2 million, we are looking to take out \$1.1 million in this year's budget; that is half of the reserve.

Mr. Scott stated that about \$700,000 or \$800,000 of that is depreciation, which they are really not taking out. It is going to come out on paper but it is not going to come out of the bank; the money is still in the bank.

Councilman Zimmerman commented that we are not putting money away for depreciation of the buildings.

Ms. Caravella indicated that depreciation is a non-cash expense so there is never any money transferred. The fund balance is only adjusted at year end for the CAFER. At the year end we will adjust the reserves for any profits that they realize but we only adjust the balance at year end; that is for all funds.

Mr. Scott advised that it will not be as good ten years from now because the expense is going to continue to increase with the debt service and that is something they are going to have to deal with as they go forward.

Councilman Zimmerman mentioned that there is nothing coming back from the golf course into the General Fund to help offset some of the costs we have through Parks and Recreation and through Administration.

Ms. Caravella stated that a cost allocation is charged of \$125,000 and it is on page 149 in the budget.

Mr. Scott indicated that is a new expense; this is the first year and it is about \$83,000 year to date through May, which is the most recent financial statements available.

Mayor Bendekovic questioned whether she is going to get a consensus on some of the issues that were discussed.

Councilman Levy commented that the same millage rate is being proposed and the maximum that will be set tonight is the same millage rate.

Mayor Bendekovic clarified that it is the same; there is no increase to homeowners and their property values. It is hoped that property values will go up next year. There will be no increase this year because of what was done last year with the one mill.

Councilman Levy noted that a tentative millage rate will be set that can be adjusted downward between now and the final budget hearing in September.

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Meeting adjourned at 10:54 p.m.

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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 _____, 2014.

Susan Slattery, City Clerk