



City of Margate

5790 Margate Boulevard
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Meeting Minutes

Regular City Commission Meeting

Mayor Tommy Ruzzano

Vice Mayor Arlene R. Schwartz

Commissioners:

Anthony N. Caggiano, Lesa Peerman, Joanne Simone

City Manager Douglas E. Smith

City Attorney Douglas R. Gonzales

City Clerk Joseph J. Kavanagh

Wednesday, December 14, 2016

7:00 PM

Commission Chambers

CALL TO ORDER

Present: 4 - Commissioner Anthony N. Caggiano, Commissioner Lesa Peerman, Vice Mayor Arlene R. Schwartz and Mayor Tommy Ruzzano

Absent: 1 - Commissioner Joanne Simone

In Attendance:

City Manager Douglas E. Smith
City Attorney Douglas R. Gonzales
City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

[ID 2016-765](#) DAVID LAFLECHE, 5TH GRADE, MARGATE ELEMENTARY SCHOOL

1) PRESENTATION(S)

- A. [ID 2016-754](#) FELLOWSHIP FOUNDATION RECOVERY COMMUNITY ORGANIZATION
PRESENTATION TO MARGATE POLICE DEPARTMENT D.A.R.E. PROGRAM
(presented by Rick Riccardi, Founder & CEO)

ATHLETES OF THE MONTH

- B. [ID 2016-774](#) SOFTBALL: SHYANN DALEY, 13 YEARS OLD
(Margate Pony Elite Baseball and Softball)

SWIM: SOFIA OCHOA, 7 YEARS OLD
(Margate Motion Swim Team)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

- C. [ID 2016-764](#) DARIO DURAN, SERVICE WORKER - PARKS & RECREATION - 10 YEARS

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

2) COMMISSION COMMENTS

COMMISSIONER CAGGIANO wished everyone a Happy Holiday. He said that he went to the Ethic's classes and heard that City business and personal business should be kept separate; therefore, he was asking that the City provide him with a cell phone. He noted that other employees had either a cell phone or a stipend for a phone. He also requested that he not be charged \$32 to have his photo put on his business card.

COMMISSIONER PEERMAN said that the City Commission used to have a cell phone allowance and she saw no problem with putting the allowance back. She felt that the photo on the business card should be the Commissioner's preference, because all of the cards looked the same; therefore, she felt that the \$32 should be paid by the Commission.

MAYOR RUZZANO questioned whether it would be better to have a stipend for the cell phone so the phone did not have to be under the City's plan.

COMMISSIONER PEERMAN said that it should be whatever was cheapest and easiest for the City. He mentioned that they had Verizon on the iPad, and that it might be able to be piggybacked.

VICE MAYOR SCHWARTZ noted that she had a personal cell phone, school cell phone and a City cell phone when she was previously on the Commission. She preferred a separate phone because she was on a family plan without unlimited data; therefore, she did not want to increase the cost to the rest of her family. She believed that currently the employees received \$80 per month for the cell phone through the City.

CITY MANAGER DOUGLAS E. SMITH agreed that was the cost for management level employees with a cell phone allowance; however, there were others that had the phones for a lesser amount.

MAYOR RUZZANO questioned whether the Commission would have to hand over the phone if someone wanted to see it, because it was a City phone.

CITY ATTORNEY DOUGLAS R. GONZALES explained that a proper records request would go through the City Clerk's office and the appropriate way to obtain the information would be determined. He noted that IT was capable of providing the information from the phone, and that nobody would ever have to have physical custody of the phone. Attorney Gonzales explained that if done as a stipend, the Commission could obtain the phone or not.

COMMISSIONER CAGGIANO stated that he wanted the second phone and not the cash.

MAYOR RUZZANO stated that if the stipend was received, the Commission could go get a second phone.

The Commissioners were in favor of proceeding with the stipend or City phone.

CITY MANAGER SMITH clarified that the City had a program that allowed for a \$200 phone replacement. He said that it depended on the type of plan set up.

MAYOR RUZZANO clarified that the Commission could get the phone with the stipend.

CITY MANAGER SMITH agreed that it would include the \$80 per month and possibly funds to purchase the phone.

COMMISSIONER PEERMAN agreed that the initial phone needed to be paid for by the City and then the stipend provided for the monthly plan. She clarified that the City would pay the Commissioners back for whatever phone they purchased, and that \$80 a month would also be provided for the plan. She reiterated that the Commission should pay for their picture on the business cards.

COMMISSIONER CAGGIANO said that he could pay the \$32 for the business cards, providing the City was providing the cell phone.

COMMISSIONER PEERMAN stated that the State and the Feds were trying to shut down bad sober houses while trying to come up with regulations. She said that they were trying to make sure the good sober homes were recognized. She wished everyone Happy Holidays.

VICE MAYOR SCHWARTZ wished everyone a Happy Holiday and reminded everyone to come to the Winter Festival.

MAYOR RUZZANO wished everyone Happy Holidays. He reminded everyone about the Paintscaping tomorrow at 6:30 PM, 7:30 PM, 8:30 PM and 9:30 PM. He noted that Santa going to the houses was great and the people loved it. He invited everyone to a New Year's Party.

CITY ATTORNEY DOUGLAS R. GONZALES said that he distributed individual emails to the Commission last week concerning a meeting he had with 2 Aztec residents. He explained that the 2 residents wanted to know whether the City was interested in enacting an ordinance, similar to the ordinance enacted in Sunrise, requiring various businesses to have Automatic External Defibrillators (AED's). He said that Cities were requiring certain business, such as those with work out facilities, to have AED's and have them inspected annually by the Fire personnel. He asked the Commission whether they wanted him to draft an ordinance for the requirement to have AED's in certain businesses in the City for consideration.

VICE MAYOR SCHWARTZ said that she read the Aztec people said that their insurance company had a problem with that. She asked whether it was beyond the scope of the City to ask them if that was true.

CITY ATTORNEY GONZALES said that was beyond the scope as a City. He clarified that the 2 residents informed him they were told there was a liability issue. He felt that having the AED's would assist the insurance position because it was adding life saving measures.

VICE MAYOR SCHWARTZ thought that under the Good Samaritan Law nobody could be held liable for attempting to render aid, as opposed to not rendering aid.

CITY ATTORNEY GONZALES stated that he ordinance specified certain things regarding the Good Samaritan efforts. He explained that the AED's came with step-by-step directions.

MAYOR RUZZANO asked about the drafting of the ordinance.

CITY ATTORNEY GONZALES said that he would draft an ordinance for a first reading for the Commission to consider and tell him places they might want to put the AED's in. He stated that he would try to mirror the Sunrise ordinance that had specific places where it made sense, such as places where there was physical exertion. He added that the ordinance would also require the devices to be in City public buildings, which the City already had.

COMMISSIONER CAGGIANO asked how much the machines cost and what the undue burden to the businesses would be.

CITY ATTORNEY GONZALES explained that the ordinance would provide a period of time within each of the entities would purchase the items. He did not know the cost; however, he stated that Sunrise gave the businesses 6 months to come into compliance. He noted that there was also Grant funding available for the devices.

MAYOR RUZZANO thought that the prior amount was \$800.

PURCHASING DIRECTOR SPENCER SHAMBRAY stated that the last AEDs purchased were a little over \$1,000.

CITY ATTORNEY GONZALES noted that new buildings would have them as part of the inspection process per the ordinance.

All Commissioners were in agreement to have the ordinance drafted.

CITY ATTORNEY GONZALES announced an Executive Session and informed the City Commission that he was seeking advice concerning the litigation of David McLean versus the City of Margate, which was filed in the Court system today. He noted that he did not have a case number yet and had not yet been served on the City, but was filed. He requested the Executive Session on a blank date at a blank time that would be filled in. He stated that along with himself, those in attendance would include the Mayor, City Commission and the City Manager. He added that a Court Reporter was required by Law and would be announced.

MAYOR RUZZANO asked whether Executive Sessions were not just for negotiating.

CITY ATTORNEY GONZALES explained that there 2 situations for an Executive Session. He noted that one situation was when there was pending litigation against the City. He stated that it was his opportunity to discuss a case with the Commission and to get their thoughts on potential negotiations or settlements or not. He added that it was also to consider a strategy together. He stated that the second type of Executive Session was a Labor Executive Session, which would not have a Court Reporter and more people may be present. He said that it was again the opportunity for freely discussing without having the other parties who would benefit from knowing what was being discussed, and to address issues that might come up in Labor negotiations. He noted that there would be an Executive Session to be held for Labor negotiations, which would be announced. He stated that both types of Executive Sessions were confidential and anything discussed during those meetings cannot and should not ever be divulged. He stated that at the end of the litigation, when the case was closed and over, the transcript of the Court Reporter would become public record.

COMMISSIONER PEERMAN stated that the Fire Department was having Santa Claus on Saturday, December 17th at Fire Station 58 from 6:00 PM to 6:30 PM.

MAYOR RUZZANO asked how many homes were visited.

CITY MANAGER SMITH said that he did not know how many homes were visited.

CITY ATTORNEY GONZALES thanked each of the Commissioners for their confidence in him this year and allowing him to serve the residents through the Commission. He hoped that strides were made in accomplishing things the Commission wanted to see done in the City. He looked forward to a new year of doing the same. He wished everybody a Happy Holiday season.

CITY CLERK JOSEPH J. KAVANAGH wished everyone Happy Holidays.

3) PUBLIC DISCUSSION

RICH POPOVIC, 6066 Winfield Boulevard, said that at a prior meeting, the Commission was giving money to a group for reading books and was given to the United Way. He noted that United Way spent 60 percent of their revenue on administrative costs and he did not like it. He spoke about discussing things with the public. He also spoke about putting up a Merry Christmas sign outside.

COMMISSIONER PEERMAN clarified that the Reading Program was discussed at multiple Commission meetings. She added that the public was invited to speak on every item at a Commission meeting.

4) CONSENT AGENDA

- A. [ID 2016-753](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES

APPROVED

- B. [ID 2016-779](#) RESOLUTION - APPROVING TERMINATION OF THE UNIFORM SERVICE AGREEMENT WITH ARAMARK UNIFORM SERVICES CURRENTLY APPROVED UNDER RESOLUTION NO. 15-137; APPROVING AWARD OF A THIRTY-SIX (36) MONTH SERVICE AGREEMENT TO CINTAS CORPORATION FOR THE SUPPLY OF RENTAL UNIFORMS AND ASSOCIATED PRODUCTS AND SERVICES; AUTHORIZING THE UTILIZATION OF PRICING ESTABLISHED UNDER U.S. COMMUNITIES CONTRACT NO. 12-JLH-011C, FOR ALL DIRECTLY MATCHED PRODUCTS AND SERVICES; PROVIDING FOR A COMMENCEMENT DATE TO BE ESTABLISHED BY THE ADMINISTRATION TO COINCIDE WITH THE TERMINATION OF THE EXISTING UNIFORM SERVICES AGREEMENT.

RESOLUTION 16-318

APPROVED

Approval of the Consent Agenda

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, to approve the Consent Agenda. The motion carried by the following vote:

Yes: 4 - Commissioner Caggiano, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

Absent: 1 - Commissioner Simone

5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH explained that the Margate Police Department was conducting training for Kindergarten students from Atlantic West, Liberty Elementary and Margate Elementary and Hebrew Academy at Firefighters Park at the Safety Town Center. He noted that various topics were covered such as bicycle safety and safety with strangers. He stated that recently, one of the Homeless Outreach Task Force meetings was held at City Hall and the Burger King Corporation presented Police Chief Dana Watson with a donation check for \$2,500 for the Homeless Program. He thanked the Burger King Corporation for their assistance. He said that there were earlier questions about the visits with the Fire Trucks, and he noted that for 5 nights, 25 homes each night were visited. He stated that there had been an inquiry about the Fitness Park shade structure. He explained that it was approximately 10 weeks out until completion in the ground. He reported that the Holiday Springs Irrigation Project contractor had been put on notice to clean the site and cut the grass and weeds. He stated that the contractor was estimating completion of the entire irrigation system by January 3rd. He noted that Parks and Recreation would follow up. He said that on December 17th Santa would visit Fire Station 58 from 6:00 PM to 6:30 PM with light refreshments being provided.

CITY MANAGER SMITH explained that at the previous Commission meeting, the Commissioners supported purchasing a table for the Aging and Disability Resource Center's upcoming installation dinner in January. He said that the amount mentioned at that meeting of \$900 was actually \$1,000 for a table. He asked for support to update to the correct amount.

CONSENSUS was given and all agreed to use funds from the Resident Project Fund to get a \$1,000 table 5-0.

VICE MAYOR SCHWARTZ questioned whether that was the event the Commission was going to be recognized at for the 30 year contribution.

CITY MANAGER SMITH noted that the 11th Annual Holiday Decorating Contest was coming up and there were currently 6 residents registered. He stated that judging would be done on December 22nd. He stated that on January 16th information would be provided regarding the 2nd Annual Dr. Martin Luther King Jr. Together We Make It Great service at the Senior Center.

CITY MANAGER SMITH clarified that the address for Fire Station 58 was 600 N. Rock Island Road.

VICE MAYOR SCHWARTZ stated that a letter was sent to the Commission by a retired botanical expert who was taking care of certain areas around Margate. She said that the retiree said that he could no longer do what he was doing free of charge, and asked whether the City would consider doing the things he was doing.

PARKS AND RECREATION DIRECTOR MIKE JONES explained that the retiree lived at the stone grotto property. He noted that in 1979, the resident asked for permission from the Commission to have a privately maintained public park. He stated that there was a flag pole closer to Rock Island Road and it was near the Dog Park portion of the Florida Power and Light (FPL) easement. He said that in 1985, the new owner took it over who was in his 80's. He stated that the Parks and Recreation Department and the resident's neighbor helped with the cleanup. He said that Parks and Recreation would work with the

resident to see about taking it over and treating it like a park.

VICE MAYOR SCHWARTZ said that it would be nice to continue the resident's work.

COMMISSIONER PEERMAN said that she was tired of hearing about the crime in Margate. She asked whether the City Manager could add in his report something about the Police Department and the crime rate, etc. to counteract some of the rumors.

CITY MANAGER SMITH stated that the Police Chief was working on something that will be put out to everybody.

MAYOR RUZZANO asked who was paying for the Police cars at WalMart.

CITY MANAGER SMITH said that WalMart would be paying the rates under the new agreement regarding detail officers.

POLICE CHIEF DANA WATSON said that WalMart now paid for a Police Officer detail to be there for security reasons. He added that the Police Department also put vehicles and the Skywatch Tower at WalMart and sometimes they were on a call. He stated that there could be multiple reasons for a car to be at WalMart. He said that he was putting together an official document to address some of the issues he read recently. He explained that crime in the City was the Police Department's responsibility, which he took very seriously. He said that over the last 11 years, crime rates had been the lowest they had been and Margate had one of the lowest crime rates in the County. He stated that currently the City was 5.6 percent down from last year. He noted that last year had the lowest violent crime rate in the last 11 years since 2005. He stated that Margate had incredible success in the past 11 years at keeping the crime rate down overall. He said that every City had some crime, but sometimes it was portrayed in a very unfair way. He explained that the crimes were addressed and the department worked very hard to fight crime and predict where crime would be, as well as looking for crime patterns. He said that Margate had a high rate of clearances in the Detective Bureau. He noted that his department did an incredible job not only preventing crime, but also solving crimes and taking measures to make sure they do not occur in that area again.

MAYOR RUZZANO asked whether WalMart was paying for the detail because of the season.

POLICE CHIEF WATSON said no and he explained that the Police Department, City Manager and City Attorney were working with WalMart Corporation to get an agreement in place to have a Police Officer present to address some of the crime issues there. He noted that there was a considerable amount of retail theft crime incidents at WalMart including crimes in the parking lot. He said that probably about 15 to 20 percent of the crimes happened near or around WalMart because it was a 24 hour store. He felt that the detail would help reduce crime more within the City. He reiterated that WalMart was spending money to have officers at the location to deter and decrease the crime. He said that he was certain there would be a crime reduction in 2017.

COMMISSIONER PEERMAN asked whether the Sub Station was used.

POLICE CHIEF WATSON said that it was used from time to time and was available when needed; however, he wanted his officers in the street rather than in the office.

MAYOR RUZZANO asked whether it was considered a Police Station.

CITY ATTORNEY DOUGLAS R. GONZALES explained that a Police Station was actually a place where Police regularly congregate and certain other functions occurred.

6) RESOLUTION(S)

- A. [ID 2016-766](#) APPROVING A RENEWAL AGREEMENT FOR PARTIAL FUNDING OF FOUR (4) SCHOOL RESOURCE OFFICERS (SRO) FOR ASSIGNMENT IN ATLANTIC WEST ELEMENTARY, MARGATE ELEMENTARY, LIBERTY ELEMENTARY AND MARGATE MIDDLE SCHOOL FOR OCTOBER 1, 2016, THROUGH JUNE 9, 2017 UNDER THE FUNDING TERMS PROVIDED BY THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA.

RESOLUTION 16-319

A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, that this Resolution be approved. The motion carried by the following vote:

Yes: 4 - Commissioner Caggiano, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

Absent: 1 - Commissioner Simone

- B. [ID 2016-755](#) APPROVING AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF MARGATE FOR PREPARATION, IMPLEMENTATION, AND ADMINISTRATION BY BROWARD COUNTY OF THE CITY OF MARGATE'S STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM FOR THE STATE OF FLORIDA'S FISCAL YEARS 2016-2017, 2017-2018, AND 2018-2019; PROVIDING FOR A JOINT LOCAL HOUSING ASSISTANCE PROGRAM; PROVIDING FOR AN AFFORDABLE HOUSING ASSISTANCE TRUST FUND; PROVIDING FOR PAYMENT TO BROWARD COUNTY FROM SHIP FUNDS, AT THE MAXIMUM AMOUNT ALLOWED BY SHIP GUIDELINES FOR ADMINISTRATIVE FEES AND EXPENSES; PROVIDING FOR A CONTRACT PERIOD ENDING JUNE 30, 2019; PROVIDING FOR TERMINATION.

RESOLUTION 16-320

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that this Resolution be approved. The motion carried by the following vote:

Yes: 4 - Commissioner Caggiano, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

Absent: 1 - Commissioner Simone

- C. [ID 2016-776](#) AUTHORIZING THE USE OF THE CONTRACT BETWEEN BROWARD COUNTY AND BROWARD ALLIANCE NEIGHBORHOOD DEVELOPMENT, INC. FOR SINGLE-FAMILY HOUSING ACQUISITION, REHABILITATION AND RESALE THROUGH THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP). FOR PROVIDING SERVICES, ON AN AS NEEDED BASIS; AUTHORIZING THE WAIVER OF COMPETITIVE BIDDING; PROVIDING AN EFFECTIVE DATE.

RESOLUTION 16-321

A motion was made by Commissioner Peerman, seconded by Commissioner Caggiano, that this Resolution be approved. The motion carried by the following vote:

Yes: 4 - Commissioner Caggiano, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

Absent: 1 - Commissioner Simone

- D.** [ID 2016-777](#) APPROVING THE CITY OF MARGATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AMENDED CONSOLIDATED PLAN FOR PROGRAM YEAR 2015-2019 AND THE CITY'S ACTION PLAN FOR PROGRAM YEAR 2015, AND TO PROVIDE FOR LEVERAGING OF FUNDS; AND ADDING ADDITIONAL ACTIVITIES TO THE PLAN.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, to move this item to a date certain of January 18, 2017. The motion carried by the following vote:

Yes: 4 - Commissioner Caggiano, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

Absent: 1 - Commissioner Simone

- E.** [ID 2016-788](#) ~~APPROVING THE CITY OF MARGATE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORTS (CAPER) FOR PROGRAM YEARS 2014-2015 AND 2015-2016; AUTHORIZING THE CITY MANAGER AND STAFF TO SUBMIT SAID REPORTS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AFTER A FIFTEEN (15) DAY PUBLIC COMMENT PERIOD; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND/OR SUBMIT ANY AND ALL RELATED DOCUMENTS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.~~

- F.** [ID 2016-785](#) APPROVING RULES OF CONDUCT OF THE PUBLIC AT PUBLIC MEETINGS AND RULES OF PROCEDURE AT MARGATE CITY COMMISSION MEETINGS FOR 2016-2017.

A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, to grant a continuance until the first meeting in January. The motion carried by the following vote:

Yes: 4 - Commissioner Caggiano, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

Absent: 1 - Commissioner Simone

7) ORDINANCE(S) - SECOND READING

- A.** [ID 2016-763](#) AN ORDINANCE AMENDING ARTICLE II, FINANCES, SECTION 2-39, PURCHASING PROCEDURES; PROVIDING FOR PURCHASING PROCEDURES FOR GRANTS.

ORDINANCE 2016-17

A motion was made by Commissioner Peerman, seconded by Vice Mayor Schwartz, that this Ordinance - 2nd Reading be approved. The motion carried by the following vote:

Yes: 4 - Commissioner Caggiano, Commissioner Peerman, Vice Mayor Schwartz and Mayor Ruzzano

Absent: 1 - Commissioner Simone

ADJOURNMENT

There being no further business, the meeting adjourned at 9:14 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo

Joseph J. Kavanagh, City Clerk

Date: _____

DRAFT