



City of Margate

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Meeting Minutes Regular City Commission Meeting

Mayor Joanne Simone
Vice Mayor Tommy Ruzzano
Commissioners:
Joyce W. Bryan, Lesa Peerman, Frank B. Talerico

City Manager Douglas E. Smith
City Attorney Eugene M. Steinfeld
City Clerk Joseph J. Kavanagh

Wednesday, April 15, 2015

7:00 PM

Commission Chambers

CALL TO ORDER

Present: 5 - Commissioner Lesa 'Le' Peerman, Commissioner Joyce W. Bryan, Commissioner Frank B. Talerico, Vice Mayor Tommy Ruzzano and Mayor Joanne Simone

In Attendance:

City Manager Douglas E. Smith
City Attorney Eugene M. Steinfeld
City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

ID 14-1034 ALEXANDER STREET, 4TH GRADE, ATLANTIC WEST ELEMENTARY

1) PRESENTATION(S)

- A. ID 14-1033 ANTHONY PRINCIPATO AND CAREY BULLEMAN - CITIZEN CIVILIAN RECOGNITION AWARD.
- B. ID 14-1066 RECOGNITION OF MARGATE'S COMMUNITY EMERGENCY RESPONSE TEAM (CERT) MEMBERS FOR THEIR EFFORTS DURING AN EMERGENCY INCIDENT AT THE MARGATE CHAMBER OF COMMERCE FAIR.
- C. ID 14-1070 RECOGNITION OF LAWRENCE HORAK FOR HIS 35 YEARS OF SERVICE TO THE CITY OF MARGATE INCLUDING HIS SERVICE AS INTERIM POLICE CHIEF

ATHLETES OF THE MONTH

Justin Bulleman received his recognition prior to Nicole Rodrigues.

- D. ID 14-1051 SOFTBALL: NICOLE RODRIGUES, 14 YEARS OLD
(Abundant Life Christian Academy, Eagles)
- BASEBALL: JUSTIN BULLEMAN, 8 YEARS OLD
(Margate Pony Elite Baseball and Softball, Pinto Bulldogs)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

Fire Chief Franklin Edwards accepted the plaque on behalf of Dennis Horrigan, who was not present. Dennis Horrigan was presented with his plaque when he arrived following Commissioner Peerman's comments under Commission Comments.

- E. ID 14-1038 DENNIS HORRIGAN, FIREFIGHTER/PARAMEDIC - FIRE DEPARTMENT - 20 YEARS

PROCLAMATION(S)

- F. ID 14-1044 ADMINISTRATIVE PROFESSIONALS DAY - APRIL 22, 2015 (presented to Carole Tolomeo, Office Manager, Margate Police Department)
- G. ID 14-993 NATIONAL CRIME VICTIMS' RIGHTS WEEK - APRIL 19 - 25, 2015 (presented to Tara Nussenblatt, Victim Advocate)
- H. ID 14-1045 CHILD ABUSE PREVENTION MONTH - APRIL 2015 (presented to Melissa Stanley, Senior Programs Manager, Children's Services Council of Broward County)
- I. ID 14-1041 WATER REUSE WEEK - MAY 17 - 23, 2015 (presented to Lorraine A. Mayers, Regional Community Outreach, South Florida Water Management District)
- J. ID 14-1043 WATER CONSERVATION MONTH - APRIL 2015 (presented to Lorraine A. Mayers, Regional Community Outreach, South Florida Water Management District)

2) COMMISSION COMMENTS

COMMISSIONER PEERMAN commended City Clerk Joseph J. Kavanagh and his team for an awesome job at the Relay for Life. She also commended the Volunteer Band for their performance. She thanked everybody involved with the Carnival and Fair. She said that when Skyping at the last meeting, someone commented on needing a Lobbyist and going to Tallahassee. She noted that the reason the Commissioners went to Tallahassee was because it took more than the State Representative and State Senator to get things done. She said that the Commission spoke with other people who would be voting on the subjects wanted for the City. She stated that the Commission needed the Lobbyist to be able to meet with more State Representatives and State Senators than they could ever reach by phone. She said that she was proud that Commissioner Bryan went to Tallahassee with the Broward League of Cities, and that one of the State Representatives she met was very impressed with her.

DENNIS HORRIGAN arrived and was presented with his employee recognition plaque for 20 years with the Fire Department.

COMMISSIONER TALERICO congratulated and thanked Chief Horak for a job well done. He also congratulated and thanked everyone else receiving recognition.

COMMISSIONER BRYAN congratulated Chief Horak for his professionalism, efforts and service to the community. She stated that she was the People Lead this year for the Relay for Life. She said that the Intergenerational Band did a great job. She thanked City Clerk Joseph J. Kavanagh for his excellent work as Event Chair. She thanked Eddie and Teresa DeCristofaro for their work. She stated that the City of Coconut Creek did a great

job. She commended the Margate Moonwalker Team Captain Carol DiLorenzo and her family for phenomenal work. She congratulated the Administrative Professionals and commended them.

VICE MAOR RUZZANO congratulated Chief Horak. He stated that City Clerk Joseph J. Kavanagh, CERT and everybody involved in the Relay for Life did a great job and commended Andrew Pinney on his pulled pork. He stated that on April 18, 2015, the free movie Sandlot would be showing at the Sports Complex at 8:00 p.m. He noted that on May 2, 2015, at 5:30 p.m. was the Sounds at Sundown. He spoke about the two week Swimming Classes being held at Calypso Cove and encouraged everyone to look into it.

MAYOR SIMONE congratulated Chief Horak. She commended the City Clerk's office and City Clerk Joseph J. Kavanagh for the tremendous Relay for Life. She thanked CERT for all they did for the City. She noted that Earth Day was on April 22, 2015, and reminded everyone to recycle, conserve water and electricity. She stated that the City offered faucet aerators and shower heads that will assist with conservation of water.

CITY ATTORNEY EUGENE STEINFELD congratulated Chief Larry Horak for being a consummate professional and wished him luck.

CITY CLERK JOSEPH J. KAVANAGH said that he was appointed Event Chair last October and wanted to make it a great relay, which he hoped the relay did for the City. He noted that \$92,000 was raised, which was well on the way to our goal of \$100,000. He congratulated everybody involved. He also congratulated Chief Horak.

3) PUBLIC DISCUSSION

The following is a verbatim transcript of conversation under Public Discussion:

MITCH PELLECCCHIA: Uh, thank you Mayor, Vice Mayor, City Commissioners. Mitch Pelleccchia, 6890 NW 9th Street, um I appreciate your bravado uh for the Relay for Life initiative. Um if only we could raise a hundred grand as easy as they would so that we could pay taxpayers back for the half a million dollars that uh you all can't seem to find uh that you allocated to the Alzheimer Center. Uh, on that note, uh, congratulations to Joe. Congratulations to everybody else that was involved with the Relay for Life. Um, maybe Cancer is it, more of a, is, it might be more of a physical thing where, but it might be a mental thing as well, because I think there is a Cancer in this City and, a Cancer that needs to be absolved and I think you all are the only ones that can do it. The other thing I wanted to say was that I had an interesting experience uh, at City Hall today and um, after your Workshop with uh, regarding the City Attorney, um, it's a Workshop that uh, it's wonderful that you're all are having it and discussing, you know, your hiring procedures. It's something that you really haven't done in the past. Uh, the City Attorney called me out and I had a question for the City Attorney Eugene Steinfeld and he wouldn't answer because uh, I told him that I hated his guts once in public here at City Hall and I can understand what he's talking about. You know, I wouldn't talk to me either if I said that to you, but the fact is, is that I said, I made a comment, I said, "well it's what we do in our City", and he said, "no it's not what we do." But, you see, Gene doesn't live in our City. He doesn't reside in our City. I have no idea how much money he spends in businesses in our City, uh, but for a fact, he doesn't live here and I was taken aback by the comment. I think Gene Steinfeld has worked hard his whole life and probably has done what he has thought is best in his role as a City Attorney for the City of Margate, but I have to say for him to tell me that after I could if it were, (laughing) he has let this City down on so many occasions that I was completely taken aback by somebody who is telling me this, who doesn't live in my City where I've been living for twenty years and paying taxes, that he had the nerve to say this, and not only that, he

was extremely nervous doing it and it made me sad and I wanted to share that with you. Thank you.

CITY ATTORNEY EUGENE STEINFELD: Madame Mayor?

MAYOR JOANNE SIMONE: Yes.

CITY ATTORNEY STEINFELD: Yeah, I most certainly did not call Mr. Pellecchia out, as he said. Uh, Mr. Pellecchia came to me and said, "I want to ask you a couple of questions" and this is the first time I had talked with Mr. Pellecchia since he got up uh in the CRA meeting, not the last CRA meeting, but two CRA meetings ago, and he got up as loud as he usually is, and said, "I hate Gene Steinfeld's guts." Rather than apologize, I said to him, "Why should I answer any questions for you", with the understanding that this man, in public, had said at a meeting that he hates my guts, alright. Please take whatever he says with a grain of salt, because quite frankly, we've all seen Mr. Pellecchia act out. We've all seen Mr. Pellecchia curse publicly, uh, from the back of the uh, room. We've all seen him get up and sit down and get up and sit down, uh, and quite frankly, rather than to have the good sense and the manners to say, "Well, that's not something I meant" or "That was in a fit of anger" uh, you can see again what type of behavior that Mr. Pellecchia does. It's typical. He's done it before and he will continue to do it again, so, yes, and what I told Mr. Pellecchia is, I've never in my 37 years of, I've been criticized, and you're going to hear it again tonight okay, from one of our other speakers, I'm sure, but I've never had someone get up and say they hate my guts, but again, assuming that that's what he said, and he admits it, quite frankly, take it for what it's worth.

COMMISSIONER PEERMAN questioned whether the \$500,000 was lost or owed to the City.

CITY MANAGER DOUGLAS E. SMITH explained that as settlement discussions had staled, he reserved any statement on what he final number was.

COMMISSIONER PEERMAN clarified that the money was owed to the City.

CITY MANAGER SMITH said that once the negotiations and everything else was finalized, the judgment of a loss could be made.

RICK RICCARDI, 4829 South Hemingway Circle, noted that he was the President of the Chamber of Commerce, Founder of Fellowship Living Facilities and a Board of Director member of the Florida Association Recovery Residences. He thanked the CERT Team for their help with the Fair. He said that he went to the Sheriff's Conference on Flakka, which was a new drug. He said that when someone was out of control on Flakka, it took as many as 10 people to control the individual. He stated that it was a serious problem in the County. He thanked the City Commission for responding to his request regarding leaving a neutral opinion of what was going on in legislature in terms of Recovery Housing. He noted that a Bill was finally passed last week, which the Governor will sign. He read a portion of the Bill aloud. He noted that housing would now have a credentialing entity by the Department of Children and Family Services. He clarified that no treatment center could send anybody to any other kind of housing unless the housing was credentialed, or they would lose their license. He announced that the Foundation Golf Tournament was coming and he asked that a Team be put together for the fundraiser.

EDDIE DECRISTOFARO, 6600 Brandywine Drive South, said that as a Community Champion for the Relay for Life, he wanted to thank City Clerk Joseph J. Kavanagh for

the amazing job he did as Event Chair of the Relay for Life.

TERESA DECRISTOFARO, 6600 Brandywine Drive South, stated that the Relay for Life event was a great success and raised \$92,000. She said that through August, there would be additional fundraising events, such as a Chili's event. She noted that 10 percent of any money raised from Chili's on April 30, 2015, would go toward the Relay for Life. She spoke about many wonderful moments she witnessed throughout the long day from 5:30 a.m. to 11:30 p.m. She spoke about the teenagers working together and building lifetime memories, as well as two strong community leaders, Margate Mayor Simone, and Coconut Creek Mayor Tooley who shared their battles. She mentioned Commissioner Bryan, who worked all day long, as well as Commissioner Peerman who provided much support. She stated that the Relay for Life was about celebrating the survivors, remembering those lost and honoring the caretakers. She spoke about how moving the Survivor's Lap and the Luminaria event was. She encouraged everyone to visit or participate in a Relay for Life event.

RICH POPOVIC, 6066 Winfield Boulevard, spoke about Earth Day and how it began. He commented on the Lobbyist, which he felt the City got nothing out of. He mentioned the Charter being changed so many times, and that the City Attorney advised against having a job description in the Charter. He also felt that Margate should not emulate Coconut Creek. He felt that a paralegal could handle reading the Agenda at the Commission meetings. He mentioned cronyism in Broward County.

MAYOR SIMONE noted that because the Commission went to Tallahassee last year, the City received \$100,000 for Water Re-piping Services.

ANTHONY CAGGIANO, 7856 NW 1st Street, wished everyone a happy holiday. He questioned what was being done over the past two weeks to find out why the City paid out over \$425,000 to the Alzheimer Family Center. He wanted to know who allowed the payments to continue after the \$75,000 limit was hit. He mentioned the Downtown area and suggested that Margate be branded as the place to bring family and friends to for fun. He recommended making the carnival a permanent fixture until a use was found for the land. He said that the City could split the proceeds with the vendor to make the land profitable. He suggested building a mini-golf course, open the waterways for fishing, boating and recreation and get the amphitheater a Commissioner wanted. He felt that if promoted correctly, this would bring people from all over the County to our City to spend money. He felt it was a great idea to have the City make money on the empty property. He commended and thanked City Clerk Joseph J. Kavanagh for a great job on the Relay for Life.

4) CONSENT AGENDA

- A. ID 14-1062 AUTHORIZATION TO ADVERTISE THE REVISION OF THE COMPREHENSIVE PLAN OF THE CITY OF MARGATE, APPENDIX B, AMENDING ELEMENT III.

APPROVED

Approval of the Consent Agenda

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

Yes: 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH congratulated Police Chief Larry Horak on his retirement. He reminded everybody that the City's 60th Anniversary Celebration, Celebrate 60 event was coming up on May 30, 2015. He said that the City was seeking any photos or stories to be submitted pertaining to Margate's past. He noted that information on how to submit photos or stories was located on the City's website. He provided the following updates:

- The Coral Gate Park playground shade canopy had been installed, which he had a picture of to send to the Commission.
- The Sports Champion signs for the Lady Titans and the Inferno were installed at the Sports Complex.
- The Parks and Recreation Master Plan was continuing and was currently in a surveying process, as well as a park inventory and assessment, which was 75 percent completed. He said that a draft Demographic and Trend Report was put together and would be finalized when the survey was completed. He noted that the assessment was in the beginning stages.
- The new street banners in the CRA area were being installed in mid to late April.
- The next session of the Margate Community College new session was beginning on May 4, 2015, and those interested should submit an application available on the City website.

CITY MANAGER SMITH provided a handout pertaining to the discussion held at the last Commission meeting regarding Recreation Program Budgeting. He referred to the Exhibit numbers when briefly reviewing the information.

- Cell Phone Tower revenue was recorded and deposited in the Recreation Trust Fund, which was shown on Exhibit 1. He said that the Recreation Trust Fund revenues were shown, which were budgeted this year for \$408,500. He explained that each year, amounts were transferred from this fund in to the Capital Projects Fund. He noted that Exhibit 2 showed the \$407,000 transfer of \$407,000 coming out of the Recreation Trust Fund, and the Capital Projects Fund Revenue page, which showed that \$407,000 coming in as a transfer from the Recreation Trust Fund. He stated that the Capital Projects Fund also had additional funding sources. He noted that no money was transferred into the General Fund this year; however, \$75,000 was budgeted for the Open Space 75 Park Phase Two Park Project. He stated that all combined in this year's Budget added up to approximately \$1.3 million dollars. He explained that the general categories of projects budgeted in this year's Capital Projects Budget and summary projects were shown. He stated that the total of the Parks and Recreation projects was \$482,000 budgeted was the combination of the Grant Funds and the monies that were transferred from the Recreation Trust Fund. He added that the Public Works Projects and the Fire Department Projects were also shown.
- The money for the Big League Dreams that was expended in 2012, was in the Recreation Trust Fund but then transferred to the Capital Projects Fund, which was where it was paid out of. He explained that when the \$450,000 was returned to the City in 2014, it went into the Recreation Trust Fund and was then transferred to the Capital Projects Fund. He referred to Exhibit Five from the last Financial Report, and showed the Capital Projects Fund under the General Capital Projects Fund with over \$2 million dollars showing in the fund balance. He noted that the \$450,000 Big League Dreams money part of that \$2 million dollars. He explained that the money could be budgeted in this year's Budget for Recreation Project budgeting or it could remain in the fund balance and earmark it for a recreational project to be determined.
- The fund balance for the Recreation Trust Fund was over \$500,000 as of September

30, 2014.

CITY MANAGER SMITH stated that when reviewing the upcoming proposed Budget, he would provide additional information.

VICE MAYOR RUZZANO referred to Page 1 and questioned why the Cell Phone Tower money went up from last year at \$242,100 to this year at \$408,500.

CITY MANAGER SMITH explained that \$500,000 a year was received. He said that last year was showing a transfer from the Recreation Trust Fund balance; however, he was not sure why additional revenue was not shown coming in on last year's Budget.

FINANCE DIRECTOR MARY BEAZLEY explained that the reason it was not show in the 103 was because prior to last year it was coded as a 603 fund, which was an incorrect number in the chart of accounts. She said that the fund number on the chart had been recoded to 103 in 2015, which was a Special Revenue Fund.

VICE MAYOR RUZZANO stated that there was \$408,500 in the Recreation Trust Fund, but there was another \$75,000 that went in for the County Grants on Page 3, which would bring it up to \$478,000.

MS. BEAZLEY said that Page 3 was fund 334, which was the Capital Projects Fund and was a separate fund. She noted that \$407,000 was transferred out to Capital Improvement Fund.

VICE MAYOR RUZZANO said that the money should only be used for parks.

MS. BEAZLEY said that it was and that the money was spent out of a Capital Projects Fund.

CITY MANAGER SMITH clarified that the money was moved to the Capital Projects Fund where the money was actually expended.

VICE MAYOR RUZZANO felt that would not provide a true number of what was being spent on the parks.

MS. BEAZLEY said that was tracked.

VICE MAYOR RUZZANO stated that if the Cell Phone Towers took in \$480,000 from last year, the park expenses were not even close to that.

MS. BEAZLEY stated that the Parks Project in the Capital Projects Fund was budgeted at \$482,000, and that \$407,000 of that came from the Cell Phone Towers.

CITY MANAGER SMITH clarified that if additional money was received for Cell Phone Tower revenue that was not budgeted it would stay in the Recreation Trust Fund in the fund balance and would be part of the \$500,000 fund balance. He said that money did not have to be expended during a particular year, and that it was up to each year's Budget as to how the funds would be allocated.

VICE MAYOR RUZZANO questioned why it was taken from one fund and put in another fund.

MS. BEAZLEY explained that it was for accounting purposes. She said that when capitalizing projects, the Capital Projects Fund would be looked into. She stated that the Recreation Trust Fund was a Special Revenue Fund.

6) RESOLUTION(S)

- A. ID 14-1058 APPROVING AWARD OF BID NO. 2015-006 FOR ON-SITE SODIUM HYPOCHLORITE GENERATION (OSSHG) SYSTEM FOR THE DEES WATER TREATMENT PLANT TO ODYSSEY MANUFACTURING CO., IN AN AMOUNT NOT TO EXCEED \$467,100.00.
- Resolution 15-032*
- A motion was made by Vice Mayor Ruzzano, seconded by Commissioner Bryan, that this Resolution be approved. The motion carried by the following vote:**
- Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone
- B. ID 14-1060 AUTHORIZING THE SETTLEMENT OF THE LITIGATION STYLED *CITY OF SUNRISE, ET. AL. VS. BROWARD COUNTY*; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A SETTLEMENT AGREEMENT WITH BROWARD COUNTY; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A SETTLEMENT PROCEEDS DISTRIBUTION AGREEMENT WITH THE SETTLING MUNICIPALITIES.
- Resolution 15-033*
- A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, that this Resolution be approved. The motion carried by the following vote:**
- Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone
- C. ID 14-1074 APPROVING FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MARGATE AND GRANICUS, INC. FOR THE ADDITION OF THE GRANICUS GOVERNMENT TRANSPARENCY SUITE AND BOARDS AND COMMISSIONS APPLICATIONS
- Resolution 15-034*
- A motion was made by Commissioner Bryan, seconded by Commissioner Peerman, that this Resolution be approved. The motion carried by the following vote:**
- Yes:** 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

- A. ID 14-1037 APPROVING THE SPECIAL EXCEPTION USE OF A NEW FOUR-STORY LIMITED ACCESS STORAGE BUILDING
- Resolution 15-035*
- MAYOR SIMONE explained that Section 286.0114 of the Florida State Statutes provided that discussion from the public was not required on this item. She provided the definition of an affected party.*

CITY CLERK JOSEPH J. KAVANAGH swore in those affected parties wishing to provide testimony.

MAYOR SIMONE asked that any Commissioner that engaged in ex parte communications regarding this Quasi-Judicial Agenda item disclose that information. She explained that the communication included City Commission discussions with all interested parties, including the tenant, petitioner or City Staff, as well as any visitations to the site being discussed shall be disclosed.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL explained that the subject property was located at the northeast corner of Coconut Creek Parkway and Banks Road. He said that the portion of the property that was the subject before the Commission was directly east of the existing Social Security building, which was built a number of years ago. He stated that this item was a re-approval of a limited access self-storage facility that was approved prior to the real estate market crash. He noted that the Florida Legislature provided for a number of automatic extensions; however, the extensions on this property expired and the applicant was seeking approval. He said that the applicant appeared before the Development Review Committee (DRC) on April 1, 2015. He noted that there had been a number of changes to the Code specifically with regard to the Transit Oriented Corridor (TOC) and the Landscaping Code. He said that the applicant was working to make those minor design changes. He showed a visual of the south wall of the building, which had architecture designed to match the existing Social Security building. He noted that it was originally approved as part of a two phased campus with the Social Security building being required to be built first. He stated that the second phase was coming on board now and the applicant was present to speak. He noted that the applicant had a developer and a partner ready to start getting permits to bring in taxable revenue to the City from this vacant land. He stated that Staff was recommending approval.

RICHARD WHIPPLE, Dominion Self Storage, LLC, introduced himself.

CITY ATTORNEY EUGENE STEINFELD questioned whether Mr. Whipple agreed with the conditions that were provided by the DRC.

MR. WHIPPLE agreed and that the recommendations were being worked on.

COMMISSIONER PEERMAN asked how much will be done as a green building.

MR. WHIPPLE said that he did not have all of the details; however, he stated that he met all of the Code requirements. He noted that the company was very conscious in terms of Leadership in Energy and Environmental Design (LEED) certified.

MAYOR SIMONE: Would any of the affected parties like to speak at this time?

THE FOLLOWING IS A VERBATIM TRANSCRIPT OF DISCUSSION MADE DURING QUASI-JUDICIAL ITEM 7:

MITCH PELLECCCHIA: Mitch Pellecchia, 6890 NW 9th Street, I consider myself an affected party because it's in my City and it's above a typical height agreement that usually Code and also the people that I elect, that I go to the voting booth on, are here to make a decision, so I do believe that what I have to say is relevant to what's going on. Uh, quite frankly, I'm just looking for a little bit more information on, maybe you

can tell the taxpayers what the impact fees would be on this so that there's some solace in, for instance, if you're going to prove a development in Margate that's outside uh, our regular City Code, which we're all required to follow ...

MAYOR SIMONE: Excuse me, Mr. Pellecchia.

MR. PELLECCIA: Yeah?

MAYOR SIMONE: Um, what I'm ...

MR. PELLECCIA: You might be able to tell us how ...

MAYOR SIMONE: ... to the Statute, um ...

MR. PELLECCIA: Uh, you're wrong ...

MAYOR SIMONE: I don't believe you are a party ...

MR. PELLECCIA: Uh, if anybody would be so transparent ...

MAYOR SIMONE: Excuse me, Sir?

MR. PELLECCIA: ...as to ...

MAYOR SIMONE: If you could please stop.

MR. PELLECCIA: If anybody would be so transparent to tell us what you're

making ...

MAYOR SIMONE: If you do not stop, I will ask you to please leave.

MR. PELLECCIA: Uh ...

MAYOR SIMONE: This is your warning to please leave if you do not stop.

MR. PELLECCIA: Who's fine with that nonsense?

MAYOR SIMONE: We are running a Quasi-Judicial proceeding ...

MR. PELLECCIA: That's right and I'm an affected party. I'm a taxpayer in your City, Mayor. How can I not be an affected party if I'm a taxpayer in our City? I'm happy to walk off here right now, if you could explain to me how I'm not an affected party as a taxpayer for 20 years in your City that drives by any building in your City whatsoever like you do every day. If you could explain that to me, I'm happy to walk off here right now, because this is the most odd thing I've ever heard in my whole life and there is no City around here that will agree with that procedure. Public is always aloud to heard because it impacts us. Just because Gene doesn't like me is not relevant ...

MAYOR SIMONE: That's ...

MR. PELLECCIA: ... enough.

MAYOR SIMONE: That's not the reason for it and ...

MR. PELLECCIA: Okay, so what is the reason ...

CITY ATTORNEY EUGENE STEINFELD: Mayor?

MAYOR SIMONE: ...it's a ...

MR. PELLECCIA: So, so ...

MAYOR SIMONE: The City Attorney will answer you.

MR. PELLECCIA: No actually. No. No. No. Actually I'm not addressing the City Attorney, Mayor. I'm addressing you. I'm asking you. How can a taxpayer in the City of Margate ...

MAYOR SIMONE: Because you are not directly ...

MR. PELLECCIA: ...not be an affected party ...

MAYOR SIMONE: Because you are not ...I'm not going to argue with you.

MR. PELLECCIA: The sun, I know you're not gonna argue with me, because you can't.

MAYOR SIMONE: I, Okay, I'm asking you ...

MR. PELLECCIA: Because signs go up.

MAYOR SIMONE: I asking you to please stop.

MR. PELLECCIA: Signs go up on properties.

MAYOR SIMONE: If you do not stop...

MR. PELLECCIA: You charge businesses

MAYOR SIMONE: Please Stop.

MR. PELLECCIA: ... to put signs go up.

MAYOR SIMONE: Would you please leave? If you do not stop, please

leave.

MR. PELLECCCHIA: I know. Gene is gonna arrest me if I don't leave. Uh.

MAYOR SIMONE: Thank you for your comments.

MR. PELLECCCHIA: Does, is anybody on the ...

MAYOR SIMONE: Please go.

MR. PELLECCCHIA: ...City Commission understand what I'm talking about.

All of you, I'm looking you in the eyes right now.

SOMEONE SPEAKING OUT: ...the law..

MAYOR SIMONE: City Manager?

MR. PELLECCCHIA: The law? Huh.

CITY MANAGER: If you're a ...

MR. PELLECCCHIA: Don't worry. Don't worry.

CITY MANAGER: If you rule him out of order, we'll have him removed.

MR. PELLECCCHIA: I made my point. I made my point. I'm good. I'm good.

MAYOR SIMONE: Thank you.

CITY ATTORNEY STEINFELD: Alright.

MR. PELLECCCHIA: I'm good.

MAYOR SIMONE: Any further Commission discussion?

MR. PELLECCCHIA: (inaudible from audience)

MAYOR SIMONE: Please do not call out. If you call out I will ask you to please leave. Thank you.

CITY ATTORNEY STEINFELD: As you read ...

MR. PELLECCCHIA: (Loud coughing)

CITY ATTORNEY STEINFELD: As you read ...

MR. PELLECCCHIA: (Louder coughing)

CITY ATTORNEY STEINFELD: As you read, Madam Mayor ...

MR. PELLECCCHIA: (continued loud coughing)

MAYOR SIMONE: Okay. Could you please, Mr. Pelleccihia, could you please take your coughing outside.

MR. PELLECCCHIA: I'm sorry. I have the flu.

MAYOR SIMONE: Thank you. Please take it outside.

CITY ATTORNEY STEINFELD: As I explained, oh rather as you explained, there must be an affected party. There must be a showing that this particular decision affects that individual or party that is different and kind, different in kind, not just degree as the community at large. As Mr. Pelleccchia acknowledged, the only standing that he has is as a member of the community and; therefore, he is not an affected party by law.

MR. PELLECCCHIA: (Inaudible speaking out from audience)

MAYOR SIMONE: Do, Do I have a motion?

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

Yes: 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

8) ORDINANCE(S) - SECOND READING

- A. ID 14-1039 CONSIDERATION OF AN ORDINANCE TO REVISE BUILDING HEIGHT REQUIREMENT IN TOC-G GATEWAY DISTRICTS.

Ordinance 2015-1500.613

A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, that this Zoning-Related Ordinance - 2nd Reading be approved on second reading. The motion carried by the following vote:

Yes: 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

B. ID 14-1040 CONSIDERATION OF AN ORDINANCE TO REVISE THE DEFINITION OF "SHED".

Ordinance 2015-1500.614

A motion was made by Commissioner Peerman, seconded by Vice Mayor Ruzzano, that this Zoning-Related Ordinance - 2nd Reading be approved on second reading. The motion carried by the following vote:

Yes: 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

9) DISCUSSION AND POSSIBLE ACTION

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

A. ID 14-1072 SOLID WASTE AND RECYCLING COLLECTION PROPOSAL/RFP

CITY MANAGER DOUGLAS E. SMITH provided follow up information based on the Commission's previous direction, which was to work on discussing with Waste Management regarding their proposal for an extension. He noted that Staff met with Waste Management last week and went over guidelines for what the proposal would include. He said that Waste Management presented Staff with a proposal that they requested be proprietary and confidential for purposes of that meeting. He said that he was not recommending that the Commission proceed with Waste Management's proposal, but he was recommending that the Commission continue with the Request for Proposal (RFP) process, which all vendors were equally able to participate in for solid waste and recycling collection. He noted that Waste Management elected to withdraw their proposals. He explained that Director of Environmental and Engineering Services (DEES) Reddy Chitepu would provide a Powerpoint presentation highlighting key RFP items, as well as choice points pertaining to what the Commission wanted Staff to include in the RFP. He stated that the Commission would be able to view the entire RFP document for approval before it was issued. City Manager Douglas also noted that the services of a consultant would be obtained for assisting and reviewing the RFP process.

DIRECTOR OF DEES REDDY CHITEPU explained that in January there was a Commission Workshop held where various options presented by Staff were discussed. He said that the Commission then directed Staff to negotiate with Waste Management, which was done. He stated that following the negotiations Staff reviewed the RFP options and updated them. He said that the presentation would show the options that Staff planned to incorporate in the RFP with consensus from the Commission to finalize the document. He noted that the RFP would be before the Commission at the May 6th Commission meeting. He noted the following information regarding the RFP:

- *Staff looked into three options for curbside pickup for single-family homes. Staff wanted to incorporate manual collection, garbage carts with size options and Pay as you Throw garbage carts. The manual collection was what the City had now with residents owning the carts and the garbage was manually picked up by the hauling contractor. The second option was the garbage carts with size options. Residents could pick the size of the carts, which were 35, 65 and 95 gallon carts. With this option, all residents would pay the same rate; however, with the last option of Pay as you Throw garbage carts, the rate would depend on the size of the cart. The City currently had automated recycling carts,*

but some residents requested having the option of having a smaller size cart.

- Staff was looking into three different curbside options for the bulk and yard waste options. One option was the separate weekly yard waste and the monthly bulk. The second option was the separate weekly yard waste and bulk. The third option was weekly co-mingle, which meant picking it up together.
- The multi-family rates were being requested, because it was currently based on commercial. The apartments were paying the commercial rate; however, with the multi-family rates, the apartments would pay a separate different rate with the commercial paying a separate rate.
- The language would be included in the RFP for a ratio for recycling capacity, because currently there was none. Requests were received for an increased number of carts or the volume; therefore, there would be a ratio of one cart per 8 units to help with the capacity.
- At the Workshop, there was discussion regarding the volume involved with the condominiums; therefore, two different rate sheets were shown in the RFP. The first rate sheet would be without the condominiums, and the second rate sheet would be based on having the condominiums in the Franchise Agreement.
- Staff met with the condominiums and Director Chitepu met with the associations and determined that the rate would be a major issue to be looked at prior to making a commitment. There was no guarantee that 100 percent of the units would join, but a 75 percent threshold would be included to utilize the volume and get a better rate. If 75 percent of the condominiums joined the RFP the rate would default to the condominium rate, depending on the condominium rate being better due to the increase in volume.
- As a side step, a revision to the ordinance would be done, because it currently did not allow multi-families to be part of the Franchise Agreement. This would provide the condominiums with the option of joining the RFP.
- Service days remaining at Monday through Saturday would be discussed today.
- The term of the contract would be a six year initial term with four optional two year intervals, which would need to be discussed. The six year term was based on spreading out the cost of the cart.
- A supplemental bulk rate would be requested for residents who wanted to go with the monthly bulk pickup. If any resident wanted a supplemental bulk pickup, the rate could be defined in the contract. With a weekly pickup, this point would be moot. There could not be commercial recycling on the Franchise Agreement, but language would be included to define a rate and eliminating the need for the businesses to negotiate.
- Staff was proposing that the contractors propose their own Rewards Program including multi-family, or contract with the current Reward Program. If the hauler performed above and beyond the contract, there was no Incentive Program. The idea was to share the recycling revenue as an incentive so that the contractor could help with marketing and outreach to educate the programs to allow the garbage rate could go down while the recycling went up.
- City service was currently received from the contractor Waste Management. Language would be included in the RFP to expand or keep some of the language the

services the same. Currently the contractor provided for six events in the City, which would be expanded to 12 events, which was the average amount of events done in the City annually. The service would include garbage, recycling and portable toilets.

- With regard to Hazardous Waste, initially Staff proposed six events; however, during negotiations with Waste Management and speaking with surrounding Cities, it was determined that continuing with the County program would be beneficial for the City. Also, instead of one event, the contractor would do two events per year. The two events and the one event held by Broward County would provide for a total of three events in the City. The weekly drop off at the County site would be a good line of service for the residents.
- The Annual Education Notice required the contractor to provide annual notices to the residents including the information on the program. It was a marketing and outreach material. Will also have the contractor help the City with at least 40 hours of participation in the City events and assisting with setting up the booth, educating people with program details, provide graphics and information and help with marketing material.
- Currently there were four solar compactors. Staff was requesting that either similar solar compactors are provided or add the recycling to the compactors.
- The current Franchise Fee was \$1.29 million dollars and was being rounded off to \$1.3 in the new Franchise Agreement Fee Document, which would be adjusted with the Consumer Price Index (CPI). If condominiums were joining and the condominium rate structure was utilized, the Franchise Fee would be increased to \$1.6 million dollars.
- Language would be added to the document for \$150,000 to be provided to the City as part of Activities and Staffing Fund. This was the first time the City would be managing the contract, which would be managed by in-house Staff. The Activities and Staffing Fund monies would be used for expenditures as part of that effort.
- The Special Activity Fund and Scholarship Program were not being changed. Each currently received \$5,000, which would remain the same.

COMMISSIONER TALERICO asked whether the collection was currently manual; however, with the carts it would be automated. He said that the State mandated that the more water used the more you pay per gallon of water; therefore, if someone wanted more than one cart would they be able to obtain one for special events. He mentioned his daughter having to put her garbage in the garage because there was not enough room in the cart.

DIRECTOR CHITEPU explained that based on the input from the Workshop, various options were looked into. He said that currently Staff saw an average of four carts of approximately 35 gallons each equaling 140 gallons total. He stated that residents could be allowed up to two 65 gallon carts. He said that providing the carts stayed up to 135 gallons the rates would remain the same, with only a \$5 per month additional charge if going over 135 gallons. He noted that smaller households wanting smaller carts would have the option of having the 35 gallon cart. He said that was an option that could be incorporated into the RFP. He stated that the contractor could define the added charge or Staff could put it in the RFP.

COMMISSIONER TALERICO felt that the residents should have the option of paying additionally to be able to get rid of the garbage.

MAYOR SIMONE questioned whether someone could put out a small bag in addition to

the cart if they had only the small cart.

DIRECTOR CHITEPU said that they could not. He explained that once the carts were automated, and the resident chose the size of the cart, it would be picked up by the truck; therefore, anything left outside the cart would not be picked up.

MAYOR SIMONE asked what the advantage was for residents to want carts if they could not put out the amount of garbage they wanted.

DIRECTOR CHITEPU responded that the advantage was that the garbage generation would be reduced. He said that there might be an issue only once in a while such as when having a party, but on a routine basis, the 65 gallon cart would be enough. He added that residents could request the smaller or larger cart as well.

MAYOR SIMONE said that some individuals might not have room for the larger container and might find the smaller container more convenient.

DIRECTOR CHITEPU explained that the driver would not get down from the truck and that most Cities had an automated program. He said that the residents would get used to the program and over time it would actually become more efficient.

COMMISSIONER PEERMAN asked whether she could order two or four 35 gallon carts, and DIRECTOR CHITEPU agreed.

COMMISSIONER PEERMAN suggested having two 35 gallon carts so that an extra cart was always available for parties, etc. She questioned whether it would cost them \$5 after exceeding the \$130 cost.

DIRECTOR CHITEPU said that if choosing the option that defined the size limit, the carts could be received in whatever combination wanted with the rate remaining the same.

COMMISSIONER PEERMAN said that she wanted both the yard waste and the bulk pickup on a weekly basis. She felt that a large portion of the bulk was yard waste and a large portion of the garbage was yard waste. She wanted to get everything the City could get and was not a fan of co-mingling.

DIRECTOR CHITEPU said that if doing separate weekly yard waste and bulk, twice the number of trucks would be needed, which would increase the costs.

COMMISSIONER PEERMAN reiterated that she wanted everything that could be offered at a really good and low price for the residents. She said that she was good with the automated carts and separate yard waste.

VICE MAYOR RUZZANO understood what the Mayor was referring to with regard to the pickup and size of the carts. He noted that other Cities had yard waste pickups once per week and Margate was one of the only Cities to have monthly pickups. He said that the City was going automated rather than manual. He noted that only one City did the Pay as you Throw Program, which he heard was a nightmare.

DIRECTOR CHITEPU said that Plantation did that program; however, they did not use the cart system. He explained that the RFP process would be made easier with one option; however, there would be three options so the prices could be reviewed and decisions would be made at the time of the award.

VICE MAYOR RUZZANO wanted to see the RFP simplified and felt that the limit of two 65 gallon carts totaling 130 gallons would be fine.

MAYOR SIMONE was in agreement with the carts and explained that she was unaware that individuals could have two. She expressed concern with how the City would look with weekly bulk pickup.

CITY MANAGER SMITH noted eliminating any of the options was at the City Commission's discretion. He clarified that the Pay as you Throw Program would not be the bag system where bags would have to be acquired, but would be based on the size of the cart.

DIRECTOR CHITEPU said that the RFP was getting a little complicated; however, it could include all three options with the pricing and then make a decision based on the rates.

COMMISSIONER BRYAN agreed with eliminating the manual collection and supported the Pay as you Throw Program option. She noted that Coral Springs had one size cart, which caused a problem when you had excess garbage.

COMMISSIONER TALERICO mentioned residents cutting down trees and bushes, which sat around waiting for the monthly pickup.

DIRECTOR CHITEPU noted that a majority of the bulk was yard waste, which would be cleaned up by providing the weekly yard waste pickup.

COMMISSIONER PEERMAN felt that the majority was yard waste. She said that having bulk pickup once a week would not provide for the same amount of bulk pickup when picking up once a month. She questioned whether there would be one truck for the weekly pickup.

DIRECTOR CHITEPU said that currently it takes the truck one week to complete the City once a month. He felt that the same scenario would happen four times a month with weekly pickups. He said that having the yard waste during the first pickup with the bulk as part of the second pickup could be considered.

COMMISSIONER PEERMAN said that she wanted prices on both. She felt that separating the yard waste would make a huge difference in the amount of bulk. She mentioned the Pay as you Throw Program option and noted that Paradise Gardens other areas might only have 35 gallon carts; therefore, they would have to pay for a 35 gallon cart twice.

DIRECTOR CHITEPU said that pricing would have to be looked into, because pricing for different sizing was not determined at this time.

COMMISSIONER PEERMAN wanted to leave the Pay as you Throw garbage carts in the RFP in order to get an idea of the pricing. She felt that the City was done with manual pickups.

VICE MAYOR RUZZANO questioned why Commissioner Peerman wanted to keep the Pay as you Throw Program option.

COMMISSIONER PEERMAN explained that with the size options someone would receive

a 35 gallon cart, but was paying the same as for a 65 cart. She noted that with the Pay as you Throw Program option someone would have a 35 gallon cart and be paying for a 35 gallon cart.

DIRECTOR CHITEPU said that the Pay as you Throw option there would be a different rate depending on the size of the cart.

VICE MAYOR RUZZANO said that meant that people with more children would pay more.

COMMISSIONER PEERMAN said that was because they would have more garbage. She explained that having the 35 gallon person pay the same amount. She felt that we owe it to the residents to get the prices and that the Pay as you Throw Program option should remain in the RFP to provide for a comparison.

VICE MAYOR RUZZANO felt that the Pay as you Throw option depended on the size of the cart and was regulated by usage, and he asked where the line was drawn. He questioned why people were paying taxes for living in different places. He felt that it was micromanaging.

COMMISSIONER PEERMAN said that taxes were not for garbage, but were for Fire, Police and the City.

VICE MAYOR RUZZANO questioned why are they charged if not using the service.

COMMISSIONER PEERMAN mentioned a lot of people would like to stop paying School Board taxes because they do not have children in school.

VICE MAYOR RUZZANO agreed; however, he felt that this was being micromanaged.

COMMISSIONER PEERMAN said that it was the first time in 25 years the City had gone out for bid; therefore, she felt it should be micromanaged.

VICE MAYOR RUZZANO said that if micromanaging, the manual collection should be left in.

COMMISSIONER PEERMAN said that nobody wanted the manual collection.

MAYOR SIMONE said that she received a letter from a resident who wanted to continue with the manual collection because she was elderly and lived by herself and the recycling container was too heavy to roll out. She noted that she spoke with Director Chitepu who informed her that elderly residents could have backdoor pickup. She wanted to make sure this was also included in the new contract.

DIRECTOR CHITEPU said that he spoke to the resident about the option of the smaller cart, which made her very happy. He clarified that the manual would be removed from the RFP, garbage carts with size options and the Pay as you Throw garbage carts were still to be included. He added that the three options would also be looked into for the yard and bulk waste. He said that the recycling carts would remain with different options for pricing.

COMMISSIONER PEERMAN questioned how co-mingling the yard waste and the bulk would provide for recycling credits.

DIRECTOR CHITEPU explained that currently credit was received because it was going

to the Wheelabrator as part of the incinerator credit; however, if in the future the City went to a different disposal contractor, separate would be better. He said that if co-mingling a disposal site would need to be found that would separate it.

VICE MAYOR RUZZANO asked how it all was regulated.

DIRECTOR CHITEPU said that it was regulated by the County and the Department of Environmental Protection. He said that the disposal site was considered a transfer station that had its own policies and procedures. He said that all three options could be kept in the RFP and pricing could be obtained. He said that co-mingling would be cheaper, because it would eliminate a set of trucks; otherwise, there would be one truck for yard waste and one for bulk. He said that operationally the cost would be higher. He felt that not enough revenue would be generated from the disposal difference in grades to pay for the second set of trucks, which was why co-mingling was left in. He said that a decision could be made when the rates were seen.

DIRECTOR CHITEPU explained that two different rate sheets would be provided to the condominiums. He said that having condominiums on the Franchise Agreement must be looked into depending on the rates. He added that the ordinance revision would have to be looked into at that time. He said that the number of days wanted was six days.

COMMISSIONER BRYAN and COMMISSIONER PEERMAN agreed with having six days.

VICE MAYOR RUZZANO noted that there were no terms provided and he questioned whether the six year option term was typical.

DIRECTOR CHITEPU said that it was typically four, five or six years and that it varied. He explained that it was not on the spreadsheet shown because it was not readily available information. He said that the reason for the six year term was to spread out the cost of the cart. He stated that a reduced term could be looked into; however, there might be a higher number because of the carts.

VICE MAYOR RUZZANO said that he understood that the term was to pay for the carts and that the more tonnage, the less the rates. He noted that the spreadsheet indicated that Lauderdale By-The-Sea was a smaller City that was paying the least. He said that he was previously told there was no other City similar to Margate; therefore, a comparison could not be made. He noted that Coconut Creek was very similar, but Margate was paying almost 90 percent more than Coconut Creek. He thanked Director Chitepu for providing the spreadsheet he previously requested; however, he did not understand how other Cities were handling it.

DIRECTOR CHITEPU stated that it was not only the contract term, but what was included in their contract. He said that the contracts were completely different. He noted that Coral Springs had all of the multi-family residences and commercial property was included. He stated that to compare, each of the contract details must be looked into.

VICE MAYOR RUZZANO noted that other Cities were paying \$14 per ton and he asked how Margate could get down to that.

COMMISSIONER PEERMAN questioned which figure the Vice Mayor was referring to, and she said that was the figure for the single-family homeowners.

DIRECTOR CHITEPU explained the spreadsheet.

VICE MAYOR RUZZANO questioned how Margate could get down to the \$13 bid.

COMMISSIONER PEERMAN said that the City would go out for an RFP for a new garbage contract.

VICE MAYOR RUZZANO questioned what they had in their RFP when going out for their new garbage contracts.

DIRECTOR CHITEPU stated that the Coconut Creek rate was really good.

VICE MAYOR RUZZANO asked whether Margate could get their RFP to see what they put out so Margate could get that really good rate.

CITY ATTORNEY EUGENE STEINFELD asked whether all of Wynmoor came into Coconut Creek's contract, and DIRECTOR CHITEPU agreed. CITY MANAGER STEINFELD noted that Margate specifically excluded all of its condominiums; whereby, Coconut Creek included all of the Wynmoor condominiums. He said one of the easiest things to pick up was multi-family.

DIRECTOR CHITEPU noted that Coconut Creek had 15,000 multi-family units and there were different criteria in the contract. He said that without going out for an RFP Margate would not be able to test the market.

VICE MAYOR RUZZANO suggested that Margate look at what the other Cities had in their RFP when they went to bid.

DIRECTOR CHITEPU stated that the information being discussed at this meeting was from surrounding Cities. He said that because Margate never did this before, Staff looked into the RFP's from surrounding Cities of Coconut Creek, Coral Springs, Pompano Beach and Tamarac. He stated that Margate did not have anything special in the RFP and it would be very similar to what other Cities had.

MAYOR SIMONE clarified that a firm would be looking at the RFP.

DIRECTOR CHITEPU stated that a consulting firm would be reviewing the document to make sure we do not have something missing, etc.

CITY MANAGER SMITH said that there might be some Cities that have not gone out to bid for a long time as well and had continued their contract. He also said that with some of the smaller Cities it would take so few trucks to pickup it would be less of an investment into equipment.

DIRECTOR CHITEPU said that it also included disposal costs; therefore, depending on where the other Cities were taking the garbage would make a difference in the cost. He noted that Wheelabrator was a little more expensive than other disposals, such as a landfill. He stated that some of the other Cities used the landfill for their waste, which would also cause the rate to be cheaper. He said that these factors made it difficult to compare the rates.

COMMISSIONER PEERMAN felt that Margate could not be compared with other Cities because many of the rates were from 2013, and not 2014, rates. She noted that Miramar was indicated as having WastePro, but they were not WasetPro anymore. She said that Margate had a contract with Waste Management for 11 years. She said that during that time every October the rates went up. She said that other Cities could have a fixed

Franchise Fee. She noted that Wynmoor was 5,000 condominiums, but Margate had 11,000. She said that the reason to go out for bid was because it was unknown what the lowest prices were because we were with Waste Management for 11 years. She stated that the people who would answer the RFP were going to give a lower price than \$24.42, because that was how competition worked. She said that the price the residents were charged was based on what the RFP stated.

COMMISSIONER TALERICO spoke about previously being on the Resource Recovery Board and stated that a lot of haulers made deals in the past that they regretted because they wanted to obtain the City. He said that it was very competitive and drives the City to get what you pay for and good services. He stated that he was adamant that Margate not use the landfills, and that he wanted it to go to Waste Energy.

DIRECTOR CHIUTEPU stated that Margate had a separate contract to take the garbage to the Wheelabrator site, and that the RFP would reference that contract for disposal.

COMMISSIONER PEERMAN asked whether the Franchise Fee was fixed and DIRECTOR CHITEPU agreed.

VICE MAYOR RUZZANO questioned whether the businesses would have to use the supplier that the City was using, and DIRECTOR CHITEPU agreed.

COMMISSIONER TALERICO noted that the State mandated that with regard to recycling, commercial establishments could go to anybody they wanted. He questioned the rationale for that and questioned how hard it was to change it.

CITY ATTORNEY STEINFELD said that the State believed that there was no reason to provide a monopoly for commercial establishments because it was not protecting neighborhoods and it was on commercial streets. He stated that Tallahassee was big into free market and free enterprise; therefore, they made the decision to take it away from Cities and make it a free for all.

VICE MAYOR RUZZANO thanked Director Chitepu for providing the spreadsheet.

COMMISSIONER PEERMAN asked whether the City received a portion of the Franchise Fee for trucks that go to the condominiums.

DIRECTOR CHITEPU said that was one of the questions Staff had, because it was not clear. He said that Margate's Franchise Fees were negotiated a long time ago; therefore, it was very difficult to dig through the documentation to determine. He stated that Margate had a non-exclusive Franchise Agreement where 5 percent above the revenue was paid into the City, and the language was included; however, it was not clear for the Franchisee providing the service.

A motion was made by Commissioner Peerman seconded by Vice Mayor Ruzzano, to go out for an RFP for the garbage contracts and bring back RFP for tweaking and approval as per discussions .

RICH POPOVIC, 6066 Winfield Boulevard, felt that the manual pickup should be left in because everybody needed a job. He said that the Franchise fee was raised in past and the rights of the commercial taxing district were taken away to negotiate their own contracts, which was why the trash was so high at \$10 a metric ton. He stated that the money was being siphoned from the citizens and was a backdoor tax increase. He said

that nothing was given to the residents, but they were charged. He said that even the scholarship provided was being paid for by the citizens. He reiterated that it should be left manual.

PHILLIP MEDICO, Senior Vice President of Southern Waste Systems and Sun Bergon, commended the City for providing the opportunity to the industry to bid. He noted that he had been around the Resource Recovery Board and this business as a lawyer and an industry professional, and that he had a lot of respect for City Attorney Eugene Steinfeld, who conducted himself with the highest level of dignity and professionalism in every form. He said that he reviewed the RFP. He noted that his company recently came in second when Pompano went out to Bid. He stated that Southern Waste Systems was just awarded Delray's contract and saved them \$7 million dollars. He said that Southern Waste Systems was the largest recycler in the southeast United States. He stated that 100 percent of bulk yard waste was recycled. He said that Southern Waste Systems had a disposal contract to take material to the new Waste Energy Plant in Palm Beach County. He noted that there were restrictions in terms of qualifications that exclude waste companies in the marketplace. He noted that the former Vice President of Waste Management was on his team and collectively, the owners and principal of our company had over 200 years of experience. He stated that there was language in the RFP on qualifications that was exclusionary; therefore, his company would like clarification and an opportunity to have input with the City Staff for the qualification criteria and evaluation criteria. He felt that the evaluation criteria was fabulous and that there were certain elements that only certain companies could provide because they had a sole source and were the only companies that could purchase a certain type of compactor that was in the bid. He told Staff to scrutinize the RFP. He stated that Southern Waste Systems was diverse and was the vendor for the single stream recycling. He noted that currently, the City's single stream recycling went to his company for processing at his plant in Deerfield. He reiterated that the qualification criteria were exclusionary. He felt that the City should include competition, because the larger the bidding pool was the more affordable, predictable and better prices would be obtained.

COMMISSIONER PEERMAN said that the Commission did not know the qualifications, because they had not yet seen the draft RFP. She explained that some of the qualifications were specific because there were many little companies with little experience that were under bidding everyone when they could not do the work. She questioned what the reasons Mr. Medico considered Margate exclusive.

MR. MEDICO said that the company's financial stability for paying performance bonds must be looked at first, and that the company's need to be allowed to provide personnel experience, background and intelligence. He stated that Margate also had to look at the facilities. He noted that his company had 15 facilities with 1,100 employees and could get Margate to the 75 percent goal. He stated that Pompano had a large bidding pool and allowed the personnel and the owner's experience as qualifying criteria. He agreed that Margate should avoid small startup companies that would not perform.

VICE MAYOR RUZZANO said that it sounded like Mr. Medico was trying to make Margate exclusive.

MR. MEDICO said than be exclusionary he wanted it to be inclusionary, which he felt would expand the bidding pool. He stated that Pompano did an RFP only and did not go out for an RFQ.

VICE MAYOR RUZZANO questioned whether Mr. Medico suggested going for an RFQ, and MR. MEDICO explained that the RFP document set the qualifying criteria.

ANTHONY CAGGIANO, 7856 NW 1st Street, thought that a Franchise fee was what a business owner paid to open the business, and he asked whether the Franchise Fee was a tax. He also asked whether the extensions were automatic for the terms, and if not what was the time frame for deciding if an extension would be done. He asked whether an extension would be at the same price or would there be an increasing as time went on for each extension.

COMMISSIONER PEERMAN explained that the Franchise Fee was to use the roads in the City. She noted that Florida Power and Light (FPL) paid a Franchise Fee, as well as Waste Management. She said that 25 years ago the City made the Franchise Fee fixed. She said that was a great deal for the City, but not for the residents, because the residents paid higher garbage prices and getting less service. She reiterated that Franchise Fees were for use of the City streets and every City had it. She noted that the Consumer Price Index (CPI) was what raised the rates every October.

CITY MANAGER SMITH stated that as Staff finalized and prepared to bring this back before the Commission, he would review with Director Chitepu the criteria. He reiterated that there would be a consultant reviewing it as well.

ILENE MICHELSON, present on behalf of Southern Waste Systems, commended the City for taking this procurement out for a competitive process. She said that since the Solid Waste District dissolved, the Cities that went out for competitive procurement generally saw a decrease in their hauling rates. She urged the City to get the best prices by having a level playing field and encouraging the best competition among the most vendors. She suggested having a copy of the draft RFP and attachments available before the meeting so that comments could be offered to make sure the playing field was level and nobody had an unfair competitive advantage. She stated that the City was lucky to have Eugene Steinfeld as the Attorney. She said that she knew him for 30 years, and that she hired him as the Attorney for the Resource Recovery District. She was sorry to hear the comments made about him, because she said that he was one of the most even-tempered, well informed, diligent and hard-working City Attorneys.

The motion carried by the following vote:

Yes: 5 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

ADJOURNMENT

There being no further business, the meeting adjourned at 10:34 p.m.

Respectfully submitted,

Transcribed by Carol DiLorenzo


Joseph J. Kavanagh, City Clerk

Date: 7/22/15