



City of Margate

5790 Margate Boulevard
Margate, FL 33063
954-972-6454
www.margatefl.com

Meeting Minutes Regular City Commission Meeting

Mayor Anthony N. Caggiano

Vice Mayor Tommy Ruzzano

Commissioners:

Antonio V. Arserio, Arlene R. Schwartz, Joanne Simone

City Manager Samuel A. May

Interim City Attorney Goren, Cherof, Doody & Ezrol, P.A.

City Clerk Joseph J. Kavanagh

Wednesday, March 20, 2019

7:00 PM

Commission Chambers

CALL TO ORDER

Present: 5 - Commissioner Joanne Simone, Commissioner Antonio V. Arserio, Commissioner Arlene R. Schwartz, Vice Mayor Tommy Ruzzano and Mayor Anthony N. Caggiano

In Attendance:

City Manager Samuel A. May

Interim City Attorney James A. Cherof

City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

[ID 2019-113](#) KEANU MACKINLAY, KINDERGARTEN, COUNTRY ISLES ELEMENTARY

1) PRESENTATION(S)

- A. [ID 2019-112](#) HOME OF THE MONTH - MARCH 2019
(Shelly Ann and Sampson Baychoo, 1595 NW 66th Avenue)
- B. [ID 2019-121](#) POLICE OFFICER DIEGO ESCOBAR & POLICE OFFICER NEIL SOHN -
OFFICERS OF THE MONTH (JANUARY 2019)

EMPLOYEE RECOGNITION FOR YEARS OF SERVICE

Item 1C was heard before Athletes of the Month.

- C. [ID 2019-104](#) AMALIN HERNANDEZ, POLICE OFFICER - POLICE DEPARTMENT - 15
YEARS

NICK CUCUNATO, SUPERINTENDENT - PUBLIC WORKS - 15 YEARS

ATHLETES OF THE MONTH

- B. [ID 2019-110](#) HUNTER MEDINA - DIAMONDBACKS - TRIPLE A DIVISION

BRANDON MAYO - SOCCER U11

LINCOLN CALLAWAY-COY - MARGATE MOTION SWIM TEAM

CONSENSUS was given by the City Commission to move up Item 7A to before Commission Comments.

Meeting went into Recess.

7) RESOLUTION(S)

Meeting Reconvened.

Item 7A was heard before Commission Comments.

- A. [ID 2019-106](#) SUPPLEMENTING ORDINANCE NO. 2018-9 ENACTED DECEMBER 12, 2018; MAKING CERTAIN PROVISIONS AND AUTHORIZING THE AWARD OF ITS NOT TO EXCEED \$10,000,000 PRINCIPAL AMOUNT OF CITY OF MARGATE, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2019 UPON THE SATISFACTION OF CERTAIN PARAMETERS DESCRIBED HEREIN; AUTHORIZING A COMPETITIVE BID AND APPROVING THE FORM OF THE OFFICIAL NOTICE OF SALE AND SUMMARY NOTICE OF SALE PERTAINING TO SUCH BONDS; MAKING CERTAIN PROVISIONS AND AUTHORIZING CERTAIN RESPONSIBILITIES WITH RESPECT TO THE NOTICE, BIDDING AND SALE OF THE BONDS; AUTHORIZING THE ISSUER TO INSURE ALL, SOME OR NONE OF THE BONDS WITH FINANCIAL GUARANTY INSURANCE, WHICHEVER IS IN THE BEST FINANCIAL INTEREST OF THE ISSUER; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE; APPROVING THE FORM OF AND THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT PERTAINING TO SAID BONDS; APPOINTING A BOND REGISTRAR AND PAYING AGENT; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING CERTAIN OFFICIALS OF THE ISSUER TO EXECUTE ANY DOCUMENT OR TO TAKE ANY ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE OF SAID BONDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION 19-029

A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, that this Resolution, be approved.

VICE MAYOR TOMMY RUZZANO thanked the residents for approving this and discussed the City of Hollywood passing a recent Bond for improvements in their City.

This motion carried by the following vote:

Yes: 5 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz, Vice Mayor Ruzzano and Mayor Caggiano

2) COMMISSION COMMENTS

COMMISSIONER JOANNE SIMONE discussed Florida's Bicycle Month and highlighted an event at Cypress Greenway Trail. She asked for CONSENSUS to bring forward to the Metropolitan Planning Organization (MPO), the Roundabout Project for Winfield Boulevard.

CONSENSUS was given by the City Commission to have the City work with the Broward MPO regarding the Roundabout Project at Winfield Blvd.

COMMISSIONER ANTONIO V. ARSERIO discussed the grand opening of El Presidente in Margate and advised that they were hiring staff. He spoke about the Broward Days event being successful. He said that he met with the City's Lobbyist, Ron Book's office and said that he followed up with some of the legislators that they had met approximately one month ago. He said that to date, all three of the Bills have gone through appropriations and that the Mobile Command Unit made headlines in Florida politics. He discussed and highlighted his involvement in becoming a Volunteer Income Tax Assistant (VITA) and explained that it was a service that offered free tax services and also encouraged the City Commission to get involved. He said that he wanted to move the process along concerning the City Attorney interview process and wanted CONSENSUS on a process to select applicants to interview.

CONSENSUS was given by the City Commission on the rating system for the City Attorney applicants.

COMMISSIONER ARSERIO presented pictures from Armature Works in Tampa and explained that he wanted to introduce ideas to the residents and requested feedback for what they want in the Downtown area. He presented pictures of some work that had been completed by the State and County along the 441. He also compared the work done by the State and County to neighboring cities and recommended meeting with Project Managers and to also inspect their work.

Discussion ensued on who carried out the work along 441.

CITY MANAGER SAMUEL A. MAY recommended that they should meet with the State contacts.

COMMISSIONER ARLENE R. SCHWARTZ thanked the Parks and Recreation Director, his Department and residents who attended Margate's Spring Cleanup and Garage Sale. She questioned if this initiative could be carried out twice per year. She thanked Oriole Gardens III for inviting them to the St Patrick's Day Parade.

VICE MAYOR RUZZANO wished everyone a safe Spring Break. He highlighted the upcoming Development Review Committee (DRC) meetings in March and April and referenced 228 apartments on the corner of Banks and Coconut Creek Parkway. He also discussed the extension plans of an existing church opposite Applebee's and the overflow of parking which was affecting that restaurant.

Discussion ensued on the church extension project and whether they should initially report to the City Commission before going to the DRC.

DEVELOPMENT SERVICES DIRECTOR, ROBERT J. MASSARELLI discussed the application for the existing church and explained that the challenge was that it was also approved as a two phase project and that there were concerns pertaining to parking. He advised that the site was also an office and school which had different parking requirements and their use at different times and indicated that this would be discussed at the DRC meeting.

Discussion ensued.

VICE MAYOR RUZZANO discussed his positive meeting with the City Manager, Department of Environmental and Engineering Services (DEES) and Culvers Restaurant. He indicated that they would hopefully open by the end of the year and would be located next to Wawa.

Discussion ensued on Culvers Restaurant.

MAYOR ANTHONY N. CAGGIANO said that Margate's Spring Cleanup and Garage Sale was a tremendous success. He discussed the successful events of the St Patrick's Parade and Tuff Start football tournament at Southeast Park. He spoke about the senior and youth programs that Margate operated within the community. He also discussed a School Board meeting he attended at Margate Elementary and referenced the use of the Bond and his concerns about bringing the schools up to Code.

3) PUBLIC DISCUSSION

ARTHUR J. KRELL, 6117 EDWARDS ROAD discussed his property being abated. He referenced the hiring of a City Attorney and discussed the previous one concerning his property.

JULIE JONES, 7871 NW 1ST STREET thanked the Police Department for the recent Crime Watch Meeting. She said that Margate's Spring Cleanup and Garage Sale was dynamite. She forewarned about three cacti on the City swale on 77th Avenue between 1st Court and 1st Street.

COMMISSIONER ARSERIO thanked Mrs. Jones for bringing up the City Crime Watch meeting and advised the Police Chief that it was a job well done.

Discussion ensued on the Crime Watch meeting and adopting the "See Something, Say Something" policy.

EDWARD A. DECRISTOFARO, 6600 BRANDYWINE DRIVE AND REPRESENTING MARGATE COMMUNITY EMERGENCY RESPONSE TEAM (CERT) referenced Margate's Police Department being the greatest in the world. He also provided an update on sponsorship for the CERT SafetyFest on April 27th.

CHARLIE ARTNER, 6631 NW 22ND COURT commented on the church opposite Applebee's and referenced the City's Code and the Golf project.

VICE MAYOR RUZZANO clarified that the final outcome was not the responsibility of the Building Department.

ELSA J. SANCHEZ, 6930 NW 15TH STREET said that the last City Commission meeting was a disgrace and commented about the behavior of the City Commission.

COMMISSIONER ARSERIO said that he appreciated Ms. Sanchez's input and that he would be happy to sit down and talk with her.

COMMISSIONER SCHWARTZ discussed Ms. Sanchez's comments and spoke about the previous City Attorney's vehicle.

VALERIE PERRY, 6812 DOGWOOD LANE said that she was against any further residential redevelopment in Margate. She commended Commissioner Arserio for bringing forth a progressive idea such as the Armature Works in Tampa and said that it received positive feedback on Facebook.

JAMES A. WEISHAR, 7540 NW 28TH STREET said that he was protesting against the building on the golf course. He also discussed the potential problems that could result in the building of new homes on that site.

TONY SPAVENTO, 3194 W. BUENA VISTA DRIVE discussed comments made at the last meeting pertaining to the MPO Board position. He said that both golf course projects needed to be rejected. He also spoke about a Commissioner's behavior at the previous City Commission meeting. He said that Commissioner Arserio's Tampa-style initiative was very reminiscent to a previous Boston Center proposal for Margate. He also referenced Coconut Creek's Police Department.

COMMISSIONER ARSERIO discussed Mr. Zucchini and denied any conflict of interest.

CITY CLERK JOSEPH J. KAVANAGH clarified a discussion that took place at the previous City Commission on March 6, 2019, pertaining to the Citizens Advisory Committee position for the Broward MPO. He read a statement pertaining to a handwritten note attached to an application from Mr. Todd Angier, who expressed interest in serving on the Citizens Advisory Committee.

4) CONSENT AGENDA

Items listed under Consent Agenda are viewed to be routine and the recommendation will be enacted by one motion in the form listed below. If discussion is desired by the Commission, the item(s) will be removed from the Consent Agenda and will be considered separately. Anyone wishing to comment on any item on the Consent Agenda should approach the podium now. Each speaker is limited to three (3) minutes.

- A. [ID 2019-119](#) MOTION - APPROVAL OF CITY COMMISSION MINUTES: FEBRUARY 6, 2019 - REGULAR CITY COMMISSION MEETING, FEBRUARY 20, 2019 - REGULAR CITY COMMISSION MEETING.

APPROVED

- B. [ID 2019-056](#) MOTION - ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2018.

APPROVED

- C. [ID 2019-116](#) RESOLUTION - APPROVING WAIVING OF BIDDING FOR THE DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES (DEES) FOR THE SOLE SOURCE PURCHASE OF ZENNER WATER METERS

AND RELATED ANCILLARY ITEMS FROM FORTILINE WATERWORKS, INC.; NOT TO EXCEED \$25,000 IN ACQUISITIONS UNDER THE WAIVER; PROVIDING FOR AN EFFECTIVE DATE

RESOLUTION 19-026

APPROVED

- D. [ID 2019-118](#) RESOLUTION - APPROVING REJECTION OF ALL BIDS RECEIVED FOR BID NO. 2019-003 - LIFT STATION NO. 7 RENOVATION PROJECT; PROVIDING FOR REDESIGN OF THE RENOVATION PROJECT AND FUTURE RE-BID; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-027

APPROVED

Approval of the Consent Agenda

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

Yes: 5 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz, Vice Mayor Ruzzano and Mayor Caggiano

5) CITY MANAGER'S REPORT

CITY MANAGER MAY highlighted the City's new employees:

- Customer Services Supervisor of Utility Billing - Daniella Carvajal
- Inspector, DEES - Franklin R. Crandon
- Treatment Plant Operator, DEES – Aleyda M. Zegarra
- Contractor Administrator, City Manager - Michael R Wright
- Human Resources Generalist, HR - Omaine Dennis
- DEES Director – Kenneth Griffin

CITY MANAGER MAY explained that the Broward League of Cities 62nd Annual Gala would be held on May 18th, 2019 and that the sponsorship levels were \$5,000 which included a reserved table for 10 or six dinner tickets for \$2,500. He asked for CONSENSUS to put this on the next City Commission Agenda.

Discussion ensued.

CONSENSUS was given by the City Commission to add a Resolution for a \$2,500 sponsorship for Broward League of Cities Gala Event to the April 3, 2019, Regular City Commission meeting.

CITY MANAGER MAY discussed the City Attorney search asked for CONSENSUS on the direction of this procedure.

Discussion ensued.

CONSENSUS was given by the City Commission to keep the City Attorney application process open until the end of March.

MAYOR CAGGIANO said that he would discuss the application process with HR and the City Manager.

CITY MANAGER MAY discussed the Cellphone Tower amendments which was set for the City Commission Agenda for April 3rd. He requested that the Agenda Item be tabled to a date uncertain to enable them to research the best possible deal.

Discussion ensued.

CONSENSUS was given by the City Commission to table the Cellphone Tower Agenda Items, currently scheduled for the April 3, 2019, Regular City Commission meeting, to the May 15, 2019, Regular City Commission meeting.

CITY MANAGER MAY said that the Dandee Donut Factory would be opening very soon and that Culvers Restaurant would open within the next six months.

Discussion ensued on the Dandee Donut Factory.

COMMISSIONER ARSERIO said that it should be put on record that he had long term concerns with the Cellphone Towers and that they should consider other ways to generate revenue.

6) PUBLIC HEARING(S)

- A. [ID 2019-114](#) PUBLIC HEARING AND RESOLUTION - APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY OF MARGATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN FOR FISCAL YEAR 2018; PROVIDING FOR REDUCTION IN ALLOCATION; PROVIDING FOR FUNDING OF ACTIVITIES; PROVIDING FOR EFFECTIVE DATE.

RESOLUTION 19-028

A motion was made by Commissioner Simone, seconded by Commissioner Schwartz, that this Resolution, should be discussed.

ASSISTANT CITY MANAGER, CALE CURTIS advised that the action was for a reduction in the 2018 Community Development Block Grant (CDBG) allocation from \$352,000 to \$167,000. He explained that the Housing and Urban Development (HUD) reduced the allocation as the City was not in compliance in spending due to an investigation in the Grants program.

The motion carried as follows:

Yes: 5 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz, Vice Mayor Ruzzano and Mayor Caggiano

7) RESOLUTION(S) CONTINUED

- B. [ID 2019-100](#) APPROVING APPOINTMENT(S) OF:

TO THE FIVE MEMBER MARGATE BOARD OF ADJUSTMENT FOR A TERM COMMENCING MARCH 22, 2019 - MARCH 21, 2020.

RESOLUTION 19-030

MAYOR CAGGIANO explained the process by saying that each Commissioner should select an applicant and vote on it as a slate.

COMMISSIONER SIMONE appointed EDWARD A. DECRISTOFARO.

COMMISSIONER ARSERIO appointed ASSIA ZOUBIRI.

Discussion ensued on the method of nominating candidates.

CONSENSUS was given by the City Commission to provide nominations as a slate.

COMMISSIONER SCHWARTZ appointed JULIE LORE.

VICE MAYOR RUZZANO appointed CHARLIE ARTNER.

MAYOR CAGGIANO appointed ROB REINER.

COMMISSIONER SCHWARTZ thanked applicants for applying to the various Boards and also thanked previous members who had served.

MAYOR CAGGIANO thanked applicants for applying and explained that those who were not selected could apply to other available Boards.

CITY CLERK JOSEPH J. KAVANAGH advised that Mr. Rob Reiner only submitted an application to be on the Planning and Zoning Board (P&Z).

MAYOR CAGGIANO changed his nomination to CHAD DANGERVIL.

MS. SANCHEZ said that she was in support of Mr. DeCristofaro.

LAUREN BERACHA, 6950 NW 14TH PLACE said that she was in support of Mr. DeCristofaro.

A motion was made by Commissioner Arserio, seconded by Commissioner Simone, that this Resolution, should be approved with the five appointments. This carried by the following vote:

Yes: 5 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz, Vice Mayor Ruzzano and Mayor Caggiano

C. [ID 2019-102](#) APPROVING APPOINTMENT(S) OF:

TO THE FIVE MEMBER MARGATE PLANNING AND ZONING BOARD FOR
A TERM COMMENCING MARCH 22, 2019 - MARCH 21, 2020.

RESOLUTION 19-031

COMMISSIONER SIMONE appointed TODD ANGIER.

COMMISSIONER ARSERIO appointed DONALD FRITZ.

COMMISSIONER SCHWARTZ appointed JULI VAN DER MEULEN.

VICE MAYOR RUZZANO appointed ROBERT REINER.

MAYOR CAGGIANO appointed RICHARD ZUCCHINI.

COMMISSIONER ARSERIO asked the City Attorney if he needed to be recused from this
vote.

INTERIM CITY ATTORNEY JAMES A. CHEROF confirmed no.

**A motion was made by Commissioner Arserio, seconded by Commissioner
Schwartz, that this Resolution, should be approved with the five appointments.**

MR. SPAVENTO commented on Commissioner Arserio. He said that he thought that
Mr. Zucchini was unsuitable for a position on the P&Z Board.

COMMISSIONER ARSERIO questioned the process of being recused from voting.

INTERIM CITY ATTORNEY CHEROF explained that recusing meant that you had an
obligation to vote unless you had a conflict of interest that qualified as a true conflict
under the Statute.

Discussion ensued.

LESA B. PEERMAN, 6921 NW 4TH PLACE asked the Board members to be quiet
during the meeting.

This motion carried as follows:

Yes: 5 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz, Vice
Mayor Ruzzano and Mayor Caggiano

- D. [ID 2018-737](#) APPROVING A TRANSFER FROM THE GENERAL FUND TO STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) FUND FOR 2012/2013 AND 2013/2014 SHIP PROGRAM EXPENDITURES AND A TRANSFER FROM THE GENERAL FUND THROUGH THE SHIP FUND TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND, TO PROVIDE FOR REQUIRED RECAPTURE RESULTING FROM 2018 FLORIDA HOUSING FINANCE CORPORATION (FHFC) COMPLIANCE MONITORING AUDIT; PROVIDING FOR CONSISTENCY WITH PREVIOUS FEDERAL AND STATE GRANT SYSTEM ENTRIES; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-032

A motion was made by Commissioner Simone, seconded by Commissioner Schwartz, that this Resolution, should be approved. This carried by the following vote:

Yes: 5 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz, Vice Mayor Ruzzano and Mayor Caggiano

- E. [ID 2019-082](#) APPROVING ACQUISITION OF A 2019 RESCUE UNIT FOR THE FIRE DEPARTMENT FROM REV RTC D/B/A/HALL-MARK RTC, TO INCLUDE A 2019 FREIGHTLINER M2 CHASSIS WITH PRICING PER THE FLORIDA SHERIFF'S ASSOCIATION BID NO. FSA18-VEF13.0; PROVIDING FOR WAIVING OF BIDDING FOR A CUSTOM WHEELED COACH AMBULANCE BUILD-OUT AS STANDARDIZATION TO MATCH EXISTING UNITS; NOT TO EXCEED \$336,591.46; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-033

A motion was made by Commissioner Simone, seconded by Commissioner Schwartz, that this Resolution, should be approved. This carried by the following vote:

Yes: 5 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz, Vice Mayor Ruzzano and Mayor Caggiano

- F. [ID 2019-092](#) APPROVING THE SUPPORT OF THE BROWARD COUNTY CHIEFS OF POLICE ASSOCIATION'S STANCE ON THE SCHOOL BOARD OF BROWARD COUNTY'S PROMISE (PREVENTING RECIDIVISM THROUGH OPPORTUNITIES, MENTORING, INTERVENTIONS, SUPPORT & EDUCATION) PROGRAM; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Schwartz, seconded by Commissioner Arserio, that this Resolution, should be discussed.

COMMISSIONER ARSERIO discussed the letter written by the Police Chiefs but questioned the next steps for Margate.

Discussion ensued.

CHIEF OF POLICE, JON SHAW explained that they had some issues with the Promise Program. He said that the Chiefs Association asked for a seat at the table at the School Board but ultimately, this had not yet occurred.

Discussion ensued.

A motion was made by Commissioner Schwartz, seconded by Commissioner Simone, to remove this item from the Agenda and direct the Police Chief to draft a letter in response.

MANNY LUGO, 1129 EAST RIVER DRIVE said that he had not heard a well thought out philosophy about the problems with the Promise Program that the public could understand in a simple and straightforward way. He questioned what relationship would Margate have with the School Board if they decided not participate in the Promise Program.

VICE MAYOR RUZZANO explained that the Promise Program took policing out of schools. He said that if problems were not reported, they would be rewarded and said that it was a dysfunctional system.

MRS. JONES said that she agreed that law enforcement needed a seat at the table and that she also disagreed with the Promise Program.

RICHARD ZUCCHINI, 380 LAKEWOOD CIRCLE E, #B questioned whether there was a way to make school officials responsible to report incidents to the School Resource Officer (SRO) and requested that the City could create a Code to make them responsible.

The motion carried as follows:

Yes: 5 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz, Vice Mayor Ruzzano and Mayor Caggiano

G. [ID 2019-097](#) APPROVING LAW ENFORCEMENT MUTUAL AID AGREEMENT FOR MULTI-AGENCY GANG TASKFORCE PURSUANT TO SECTION 23.1225 (1) (2), FLORIDA STATUTES, KNOWN AS THE FLORIDA MUTUAL AID ACT.

RESOLUTION 19-034

A motion was made by Commissioner Simone, seconded by Commissioner Schwartz, that this Resolution, should be approved.

COMMISSIONER ARSERIO questioned the number of agencies involved in the Agreement and if anything had significantly changed.

CHIEF OF POLICE SHAW said that the contract was pretty much the same as it was

before and that that the majority of all the larger agencies participated.

This motion carried as follows:

Yes: 5 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz, Vice Mayor Ruzzano and Mayor Caggiano

- H. [ID 2019-120](#)** APPROVING WAIVING OF BIDDING AND AUTHORIZING THE ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH GCL CONSTRUCTION, INC. FOR THE COMPLETION OF THE SOUTHEAST PARK PREFABRICATED BUILDING PROJECT; BASE SERVICES NOT TO EXCEED \$84,600; PROVIDING FOR ADDITIONAL WORK TO BE COMPENSATED AT RATES OF \$75.00/HR (SUPERINTENDENT), \$55/HR (CARPENTER), \$55/HR (STUCCO TRADESMAN), \$45/HR (GENERAL LABOR), PLUS MATERIALS; PROVIDING FOR FUND TRANSFERS; PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 19-035

A motion was made by Commissioner Simone, seconded by Commissioner Schwartz, that this Resolution, should be discussed.

COMMISSIONER SCHWARTZ quoted "base services not to exceed \$84,600" from the Resolution and questioned the true cost as to whether there was an estimate of all the other hourly items.

PARKS AND RECREATION DIRECTOR MICHAEL JONES explained that this proposal was to demo the existing building, prepare the slab and that the contractor had been onsite and this was his price. He also advised that the manufacturer would be installing the equipment and had priced it very conservatively.

Discussion ensued.

This motion carried by the following vote:

Yes: 5 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz, Vice Mayor Ruzzano and Mayor Caggiano

8) DISCUSSION AND POSSIBLE ACTION

- A. [ID 2019-111](#)** DISCUSSION AND POSSIBLE ACTION - OUTSIDE LEGAL SERVICES TO DISPUTE INSURANCE COVERAGE DENIAL FOR NEW URBAN COMMUNITIES V. CITY OF MARGATE.

COMMISSIONER SCHWARTZ asked the City Attorney to explain this Item.

INTERIM CITY ATTORNEY CHEROF explained that it would start with the denial letters from Summit Risk Services and that they could assert that under the terms of their

policy, they were not required to provide coverage to the City for the defense or the possible exposure under the New Urban lawsuit. He advised that the City was defended in the lawsuit by outset Counsel, Lyman H. Reynolds but he was being paid by the City and not an insurance company and that there was no possibility for extending coverage if there were damages in the defense that he was handling. He provided options that the City could take and the future steps that could occur.

Discussion ensued on proposing a closed door session.

INTERIM CITY ATTORNEY CHEROF advised that they could arrange a closed door session with Mr. Reynolds and evaluate our defense and how far it could go. He said that the purpose of adding it to the Agenda was to alert you in a formal and public setting that someone had denied coverage. He said that if they chose to have a discussion, he recommended that they should table this Item and then arrange for Mr. Reynolds to coordinate the proper time to meet with them for approximately one hour.

Discussion ensued.

VICE MAYOR RUZZANO questioned whether the City could write to every City and Commissioner within the tri-state county region detailing the lawsuit with New Urban.

INTERIM CITY ATTORNEY CHEROF said that he would not recommend initiating that until after they had conducted a closed door session with the Attorney defending the case.

Discussion ensued.

A motion was made by Commissioner Simone, seconded by Commissioner Arserio, to table and have a closed door meeting.

Commissioner Arserio removed his second to table.

A motion was made by Commissioner Simone, seconded by Mayor Caggiano, to table and have a closed door meeting.

Yes: 3- Commissioner Simone, Commissioner Arserio and Commissioner Schwartz

Vice Mayor Ruzzano and Mayor Caggiano did not vote.

Interim City Attorney Cherof provided clarification on the Table to Motion.

A motion was made by Commissioner Arserio, seconded by Commissioner Schwartz, to reconsider. This carried by the following vote:

Yes: 3 - Commissioner Arserio, Commissioner Schwartz and Vice Mayor Ruzzano

No: 2 - Commissioner Simone and Mayor Caggiano

MR. LUGO read an extract from the Developers' contract and said they had waited until now to set up a conference with the defense lawyers. He said that the public had a right to know.

MR. ZUCCHINI discussed the CRA's Attorney, Michael Burke's motion to dismiss, which he indicated had not been responded to. He suggested a closed door session and also recommended that at the meeting, they should hire an independent consultant attorney for a second opinion so that they could understand alternatives.

A motion was made by Commissioner Simone, seconded by Commissioner Schwartz, to table and have a closed door meeting. This carried by the following vote:

Yes: 5 - Commissioner Simone, Commissioner Arserio, Commissioner Schwartz, Vice Mayor Ruzzano and Mayor Caggiano

ADJOURNMENT

There being no further business, the meeting adjourned at 10:48pm.

Respectfully submitted,

Transcribed by Salene E. Edwards

Joseph J. Kavanagh, City Clerk

Date: _____

PLEASE NOTE:

If a person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the transcript.

[Appendix A – Zoning – Section 3.3] Any representation made before any City Board, any Administrative Board, or the City Commission in the application for a variance, special exception, conditional use or request for any other permit shall be deemed a condition of the granting of the permit. Should any representation be false or should said representation not be continued as represented, same shall be deemed a violation of the permit and a violation of this section.

Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's office at (954) 972-6454 with their request at least two business days prior to the meeting date.