



# City of Margate

5790 Margate Boulevard  
Margate, FL 33063  
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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**

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Wednesday, August 19, 2015

7:00 PM

Commission Chambers

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### 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 14-1256 GIRL SCOUT TROOP 10269, TROOP LEADER MICHELLE STURGES

### 1) PRESENTATION(S)

A. ID 14-1273 FIREFIGHTER OF THE MONTH OF MAY - DAVID NYENBRINK, MARK SILVIS, ERIC ACHIRON, ALFONSO GUERRA, JONATHAN MOREJON, ROBERT DAVIS, BRENDAN LIS, KEITH KENNEDY

FIREFIGHTER OF THE MONTH OF JUNE - CARL WILLIAMSON

### 2) COMMISSION COMMENTS

COMMISSIONER PEERMAN apologized to the residents, to her friends and family, to the City Staff and employees, to the City and to her Commission. She explained that the Office of the Inspector General (OIG) found her in violation of two Ethics violations. She said that she accepted responsibility and had entered into an agreement with the OIG, a copy of which was distributed to the Commission. She said that it was not in her best interest or the best interest of the City to fight the violations. She explained that the violations were accepting a wedding gift over \$50 in her official capacity. She clarified that she had accepted a Disc Jockey (DJ) for her fake Florida wedding party that took place here in Florida after she was married in New York. She explained that because she met the person who gave her the DJ after becoming a Commission, it was considered to be in her official capacity. She noted that during the investigation, she filed the proper paperwork with the State. She stated that she reimbursed the individual for the DJ gift per the agreement with the OIG. She further explained that the second violation was also

at the wedding party. She said that in lieu of wedding presents, she and Jan suggested having people donate to their charities. She stated that the OIG considered that solicitation, which she had not filled out the appropriate paperwork for. She added that she would be going before a Hearing Officer and would be charged a \$500 fine. She said that the OIG agreed not to release this information to the public until after tonight's meeting to allow her to discuss the matter with the Commission. She stated that according to the Charter, Section 3.11, under Forfeiture of Office, the Commission had the right to ask her to step down from the dais. She asked that the Commission make that decision tonight. She believed that the Commission governed itself; therefore, it was up to the Commission to make a decision.

**The meeting reconvened following a five minute recess.**

COMMISSIONER TALERICO felt that there was a big difference between a taking a bribe versus someone giving a wedding gift. He said that it was an Ethics violation; however, he did not feel the intent was to defraud anyone, hurt someone or cause a problem. He stated that she reimbursed the DJ. He mentioned a prior Mayor's Ball, which was considered to be unethical. He said that people donated to the two charities, but were not coerced to give it. He stated that he would not sponsor a motion for Commissioner Peerman to leave the dais, and he felt the Commission should put it behind them and move on.

**A motion was made by Commissioner Frank B. Talerico, seconded by Commissioner Joyce W. Bryan, that Commissioner Lesa "Le" Peerman not be dismissed from the Commission.**

MITCH PELLECCIA, 6890 NW 9th Street, said that he was not surprised, because Commissioner Peerman had previously commented several times about her feelings of the OIG. He asked whether she wanted to share who filed the complaint; however, it was okay if she did not want to. He did not agree with dismissal from the dais; however, he wanted respect to remain for the OIG office that did a good job. He believed that other people on the dais were chastised for similar things, which needed to end. He felt that it took a lot of guts for Commissioner Peerman to make her announcement and he felt that the situation sucked. He said that he looked forward to her remaining a Commissioner of Margate.

COMMISSIONER PEERMAN explained that part of the OIG process was that you were not allowed to face your accuser; therefore, she will never know nor did she care to know who filed the complaint. She stated that she had a lot of respect for the Ethics though she did not always agree with them, as she felt they were made for people other than local officials. She said that she followed and believed in them, but agreed that she violated the Ethics. She stated that she would never know who it was or why.

RICK RICCARDI, 4829 South Hemingway Circle, agreed with Commissioner Talerico's comments, because the Commission was terrific and should not be disturbed over something like this.

RICH POPOVIC, 6066 Winfield Boulevard, stated that this was much to do about nothing, but he noted that the Commission was willing to censure Vice Mayor Ruzzano for a lot less. He questioned whether McLean ever got anything, which Mayor Simone stated was off the topic.

*RICH ALIANIELLO, 7631 NW 23rd Street, felt that Commissioner Peerman was paying her dues with the \$500 fine; therefore, to take her off the dais hurt. He stated that he would let the Commission handle this; however, as a resident he wanted to say that fingers were pointed at elected officials that abuse their position with different things. He suggested that this issue should be shelved and the City should move on. He stated that Commissioner Peerman did a good job and as a resident, he respected her. He spoke about electing a President next year.*

**The motion carried by the following vote:**

**Yes:** 4 - Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

**Abstain:** 1 - Commissioner Peerman

*COMMISSIONER PEERMAN thanked the Commission; however, she said she was a firm believer that the Commission governed itself and there should be consequences to their actions as elected officials. She stated that with the Mayor and Commission's permission, she wanted to bring forward a resolution and motion to be publicly censured. She asked that her supporters not speak against this, because she felt it was the right thing to do. She noted that she had consequences with the OIG and with Broward County; therefore, she believed she should have consequences with her Commission.*

*MAYOR SIMONE agreed that Commissioner Peerman could bring the resolution forward.*

*CITY ATTORNEY EUGENE STEINFELD read the resolution into the record.*

**A motion was made by Commissioner Lesa 'Le' Peerman, seconded by Commissioner Joyce W. Bryan, that a resolution for public censure be approved.**

*COMMISSIONER TALERICO asked for clarification of what a censure meant in the City.*

*CITY ATTORNEY STEINFELD read the definition from Webster's Dictionary as follows:*

*Censure: "Strong or vehement expression of disapproval. (He received a congressional vote of censure). To criticize or approach in a harsh or vehement manner. To give censure, adverse criticism or blame."*

*MITCH PELLECCCHIA, 6890 NW 9th Street, appreciated Commissioner Peerman's statements, but felt it was not necessary, because the disapproval was already announced by the OIG. He said that the Commission should look at everybody as family. He felt that the censure was entirely unnecessary. He said that Commissioner Peerman was outed by the OIG, certain procedures would be followed and things were in place; therefore, condemnation by her colleagues or the public was moot.*

*COMMISSIONER TALERICO stated that Commissioner Peerman admonished herself, as had the OIG, and he felt it was enough and he would not support the censure.*

*COMMISSIONER PEERMAN stated that the censure was something she believed in. She stated that the Commission governed itself, which had nothing to do with the OIG. She said that the words politician or elected officials would never mean something good if*

*there were no consequences. She felt that this was the proper consequence because it was a violation and she did make the violation. She asked the Commission to do the right thing, though she appreciated the support.*

*COMMISSIONER BRYAN spoke about Commissioner Peerman's help during her 11 months of office. She said that she withdrew her second and was trying to do the right thing. She said that she needed to determine what was best for the people of Margate she represented.*

*COMMISSIONER PEERMAN said that because the Commission represented the residents and lived to a higher standard, though it was sometimes difficult. She stated that the Commission was not always perfect; however, it was their responsibility to try because of the resident's trust. She reiterated that the censure was the right thing to do, because the Commission should govern themselves.*

*MAYOR SIMONE disagreed and felt that Commissioner Peerman suffered enough and had paid the price. She stated that mistakes could be made by the best of them, and the Commission should let it rest. She said that coming forward with the matter was public censure enough and she disagreed with going any further with it.*

*COMMISSIONER TALERICO said to move on, and COMMISSIONER PEERMAN said that it was the will of the Commission and thanked them.*

**The motion failed for lack of a second, as Commissioner Joyce Bryan withdrew her second:**

*COMMISSIONER TALERICO noted that school was starting next Monday and he asked that everyone obey the school zones. He wished everyone a healthy school year. He noted that the Student of the Month Program would begin again in October.*

*COMMISSIONER BRYAN said that she had a great time at the Florida League of Cities (FLC) Conference for her first year. She noted that she was able to participate in a panel. She noted that Coral Springs, where the Regional Library was located, was doing a monument for Dr. Martin Luther King Jr., and she asked whether the Commission would consider being a sponsor on the community level for \$1,000. She said that there would be a ceremony for the groundbreaking in January.*

*MAYOR SIMONE asked what the \$1,000 went for.*

*COMMISSIONER BRYAN said that it would give Margate a name title, marker and logo shirt. She added that the Commission would be invited to the groundbreaking and unveiling dedication ceremonies for the statue. She noted that it would be done on Dr. King's birthday this year in January at the facility. She believed that the \$1,000 would be available in the non-committed Contingency Funds, and asked the City Manager to look into that. She noted that a decision was needed by October 1st.*

*MAYOR SIMONE asked whether the City Manager could look into the funding.*

*CITY MANAGER SMITH stated that there were funds in the Commission Donation Account.*

**A motion was made by Commissioner Lesa 'Le' Peerman, seconded by Vice Mayor Tommy Ruzzano, that \$1,000 be taken from the Commission Contributions**



to donate to the statue.

COMMISSIONER TALERICO felt that additional T-shirts should be provided.

MITCH PELLECCCHIA, 6890 NW 9th Street, understood the greatness of Dr. King, as well as his great accomplishments for the Country; however, he said that his legacy would live on whether or not the City contributed to the Statue. He proposed that instead of contributing a legacy that was already part of the time capsule, the City should figure out how to best contribute to the dream of Dr. King. He suggested putting the \$1,000 in a Scholarship Fund called the Margate Dr. Martin Luther King Jr. Scholarship Fund and award it to a child who had a dream and might not be able to afford to go to college.

COMMISSIONER BRYAN thanked Mr. Pelleccchia for his idea, but also spoke about starting a Steering Committee so that Margate would have something to do for Dr. Martin Luther King Jr. Day; however, she still wanted to see Margate acknowledged on the sculpture. She mentioned some people who were interested in being on the Committee.

RICH POPOVIC, 6066 Winfield Boulevard, said that he was against giving any money away from local government, but if doing so everyone should know that Dr. King was a great Republican.

CITY ATTORNEY STEINFELD asked that as part of the motion, the City Commission find a public purpose in honoring Dr. Martin Luther King Jr. in contribution of this statue.

An amended motion was made by Commissioner Lesa 'Le' Peerman, seconded by Commissioner Joyce W. Bryan, that the City contribute \$1,000 to the Dr. Martin Luther King Jr. statue in Coral Springs, and that the Commission find that there was a public purpose that will benefit and honor the City of Margate. The amended motion carried by the following vote:

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

COMMISSIONER BRYAN wished Commissioner Peerman a Happy Birthday.

VICE MAYOR RUZZANO wished Commissioner Peerman a Happy Birthday. He noted that he received a phone call about the Wastewater Treatment Plant regarding a humming noise with the blower. He said that the individuals had contacted the City last year, but nothing was done. He added that when speaking to three other people in the neighborhood, they all complained about the humming. He questioned whether anything could be done.

CITY MANAGER SMITH said that Staff would provide an update on what had been done and had been looked into pertaining to the matter. He stated that he would also provide a further update on any other options.

VICE MAYOR RUZZANO thanked the Police and Fire Department, because they were always doing something good and were very proactive. He stated that following discussion at last night's meeting, he was hopeful that Margate was going to have the first South Florida Italian Festival. He added that the Commission also discussed the Downtown Redevelopment; however, he was not in agreement with what was chosen. He said that

the developer told him that it was all about his company making the most money. He felt that the Commission should not just settle for whatever the developers were selling, because it was their City and their property. He wished more residents had attended the meeting, because there would be a lot of housing in the plan. He told the residents that they would all be affected by it; therefore, if the housing was not the resident's idea of a Downtown, it was not too late for them to attend a CRA meeting. He mentioned Lemon Tree Lake, and that boats were not allowed.

CITY ATTORNEY STEINFELD clarified that the ordinance stated that no motorized boats were allowed on Lemon Tree Lake.

VICE MAYOR RUZZANO suggested that the Commission change that, because it was a huge lake that could be used with boats and jet skis, which would be a great environment for the Downtown area and connect the future into the lakes. He said that he understood what Commissioner Peerman went through, because the laws were tough.

MAYOR SIMONE stated that a former Margate former resident, Brandon Knight, who played for the Suns, had a backpack giveaway that was a tremendous event. She thanked Brandon for the event, which he did to give back to the City he grew up in. She noted that it was well planned and a great event with a great turnout. She noted that this Friday was Hawaiian Day at the Senior Center. She stated that today was Phase 1 of the Parks and Recreation Master Plan, and that tomorrow was Phase 2 at the Community Center. She encouraged the residents to attend from 2:00 p.m. to 5:00 p.m.

### 3) PUBLIC DISCUSSION

MITCH PELLECCIA, 6890 NW 9th Street, mentioned that the garbage and recycling contract was on the Agenda tonight and that many meetings and exchanges were had on the topic. He noted that the Commission was able to submit significant input on the garbage and recycling contract. He requested that the Commission not prolong the process and not engage in agonizing discussion on things that were already discussed. He said that the Commission had months to review the contract and talk to City Staff; therefore, they should have already made a decision. He stated that to publicly debate the contract again would be unnecessary.

EDDIE DECRISTOFARO, 6600 Brandywine Drive South, wanted to discuss the garbage contract; however, MAYOR SIMONE asked that he hold the discussion until that item came up for discussion on the Agenda.

JOSEPH MALDANADO, 2192 NW 77th Terrace, referred to Code 26-2 - Commercial Vehicles, and explained that he recently received a Code Compliance letter stating a commercial vehicle was on his property. He explained that it was a truck, but not a service van as he saw in the neighborhood. He stated that he was in the area for two months, and wanted to know why he received the notice. He said that the Code Officer told him it was okay for service vans, but not for trucks. He stated that a commercial vehicle was anything for use of goods, services or passengers. He noted that there were approximately 15 service vehicles in the neighborhood, but only one other resident got a notice. He explained that he was on call 24/7 for his job and wanted some feedback, because he felt it was discrimination, because other vans were allowed though they were commercial vehicles.

CITY MANAGER DOUGLAS SMITH recommended that Mr. Maldonado provide his contact information with the City Clerk, so that someone in the Police Department could follow up with him for a full response.

MR. MALDANADO asked whether he could keep his truck on the premises in the meantime.

CITY MANAGER SMITH said that someone would be back in touch with him tomorrow.

MR. MALDANADO noted that Margate was a working man's town and he never saw a problem there before.

COMMISSIONER PEERMAN asked whether he received a warning first, and Mr. Maldanado said that it was taped to his door.

MR. MALDANADO said that he was informed that service vehicles were vans, which were allowed, but the truck that was modified was not. He noted that his neighbor parked his modified truck there for 14 years, but just now received a notice. He said that he looked into building a driveway to fit the truck and possibly park it on the side of the house. He noted that it fit exactly in his driveway.

JOHN ACKERMAN, 2151 North State Road 7, said that he was the owner and operator of Guns, Sons and Ammo. He stated that he had a Human Sign for about five years. He noted that his father passed away two months ago and was previously on the news discussing the Human Signs. He noted that he took homeless people off the street and provided them with jobs. He explained that his business was not visible in the corner of the plaza; however, many people told him that because of the Human Signs, they saw the business, which was helping him to stay in business. He stated that the signs were in compliance because he downgraded them from 4 feet by 4 feet, to 2 feet by 3 feet.

DWAYNE MAROON, 2151 North State Road 7, asked permission to show the video that Channel 10 aired about two years ago.

CITY CLERK JOSEPH J. KAVANAGH clarified that Mr. Maroon wanted to show a video from Channel 10 News that was on the Internet, and was asking the Commission for permission to try to find it online and put it on the Mondo Pad. He said that the City had a firewall; therefore, he was uncertain as to whether it could be played.

MAYOR SIMONE gave her permission and rather than call a recess, she stated that the other Public Discussion would continue while City Clerk Kavanagh looked for the video.

ALAN GULLY, 7720 NW 23rd Street, said that he also received a Code Compliance letter regarding parking his truck. He noted that he had been parking his truck in the neighborhood for 11 or 12 years, but never had a problem. He said that four years ago the truck was even bigger and he had no problems. He said that there were other problems that could be looked into such as trees, sidewalks and vehicles that did not belong there.

MAYOR SIMONE said that the matter would definitely be looked into and the City would be back in touch with both gentlemen.

RICK RICCARDI, 4829 South Hemingway Circle, said that he had three or four properties on Lemon Tree Lake and he would love to see having boats allowed. He stated that Lemon Tree Lake was City property, but was surrounded by private property and there was no access. He stated that he was willing to do whatever was needed to allow the City to have entry by his area to use the lake for the benefit of the children and residents. He noted that he was not in agreement with drinking. He noted that the State passed regulation stating that Recovery Residences would have the ability to be certified and

Treatment Centers would not be able to recommend treatment to any Recovery House that was not certified by the Florida Association of Recovery Residents, which he was a board member of. He noted that doing such would result in a misdemeanor and a fine, which would provide a way to control bad places. He added that the State was providing \$100,000 to get the compliance issue going. He stated that August 31st was International Overdose Awareness Day. He noted that a movie, "An American Epidemic" would be shown in Wilton Manors, which was about the current Heroin epidemic. He said that State and City Officials were invited, and he noted that the Sheriff's Department would be attending as well. He stated that October 4th, there will be a rally in Washington D.C. pertaining to awareness of addiction problems and recovery methods.

CITY CLERK KAVANAGH stated that the video was ready.

MR. MAROON said that the video was done in 2012, and showed the need for Human Signs for small businesses that were not able to be seen by the passersby. The video was shown. He introduced two of his Human Signs that alternated days. He said that the businesses needed this to continue their businesses. He asked that the Commission reverse any decisions they might have made previously to help the small businesses.

JERRY RODRIGUEZ, 2151 North State Road 7, stated that a lot of lives relied on the Human Sign people. He said that approximately 44,000 people travel U.S. 441, and he and the other businesses were willing to do whatever it took to make it the best work scenario and work environment. He noted that they were not as large as WalMart and did not have the finances to advertise like Target. He added that there was a 7 foot high hedge separating them from the street, which made it very difficult for drivers to see. He asked for the City's help for amending the Human Signs, and said that they would do whatever they needed to for compliance. He added that Margate had the least amount of panhandlers compared to all of South Florida. He explained that the Margate website was sometimes complicated to navigate and the Agendas sometimes came in at the last minute.

COMMISSIONER TALERICO noted that when the video was done, the Human Signs were a disaster because they were in the medians and sticking the signs in the road. He said that someone was going to get hurt, and that there were really only three or four businesses doing the signs. He stated that it was currently an epidemic and they were all over and not following the rules. He stated that Coral Springs and North Lauderdale did not allow it so they sent their people to the Margate side of the street to promote the businesses. He said that Margate was now developing the Downtown and this was not the place for these signs. He explained that if the business was good, it would be found. He questioned how the Coral Springs businesses survived when it was not allowed there.

MR. RODRIGUEZ stated that Coral Springs had one of the highest rates of business turnovers, and that traffic access was difficult. He explained that Margate was not Coral Springs, but was a town where the Commission did great things. He said that if a permit was needed for the sign, or whatever had to be done, the businesses were willing to do. He said that they could be approved at a Commission meeting. He added that a view of where the Human Sign would be or a survey could be provided if needed. He said that the businesses needed the Human Signs. He agreed that the Coral Springs businesses were using Margate; therefore, he felt that it should be made a permitted Margate thing. He explained that every business that had the Human Sign had anywhere between 5 and 20 employees inside the business; therefore, he was speaking of the entire business itself.

MAYOR SIMONE said that there was a new Sign Code in place. She mentioned the Grand Opening sign, which was now extended to established businesses. She stated

that they could be put up and left up for a specific amount of days with the consent of the property manager.

CITY MANAGER SMITH stated that Ben Ziskal, Director of Economic Development, could speak with Mr. Rodriguez and provide him clarification as to what he could do.

MR. RODRIGUEZ said that would allow a sign; however, it would eliminate jobs rather than create them. He stated that small businesses worked twice as hard for half of the pay. He noted that he did not want to lose two employees, and he noted that Google did not allow advertising of firearms.

COMMISSIONER PEERMAN stated that the Commission went through steps for the Sign Code. She said that changes were made so they would only be on the sidewalks and costumes were not permitted. She noted that the businesses and sign holders did not go through the process and there were sign holders on every corner of the street. She did not believe the permitting would work.

MR. MAROON said that every time there was a change, he complied.

COMMISSIONER PEERMAN agreed that two or three businesses complied; however, 93 businesses did not and were jumping around on the corner when people were driving.

MR. RODRIGUEZ explained that when someone speeds, the speeder was fined and not the roadways. He said that he understood because he was the good apple in the bad apple bunch. He again stated that he complied, and that he did not want his employee to become a pan handler.

MAYOR SIMONE stated that Mr. Ziskal would contact Mr. Rodriguez. She stated that the City worked a long time on the Sign Code for what was felt was the betterment of everybody.

MR. RODRIGUEZ asked what would be done about the jobs that would be lost.

#### 4) CONSENT AGENDA

- A. ID 14-1279 AUTHORIZATION TO ADVERTISE - AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE I, IN GENERAL, SECTION 2-8 - POLITICAL CAMPAIGNS; TO PROHIBIT CAMPAIGN ACTIVITIES BY KEY CITY EMPLOYEES FOR CERTAIN ELECTIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

VICE MAYOR RUZZANO asked that the item be pulled from Consent Agenda. He questioned how this item came about and whether there was a problem in another City.

CITY ATTORNEY EUGENE STEINFELD explained that the Attorney for the Supervisor of Elections donated to another Countywide Constitutional Officer's Campaign. He said that the Mayor of the City of Sunrise, along with other municipalities, felt that it was improper. He noted that an ordinance was passed in Sunrise suggesting that the City Manager, City Attorney and the City Clerk should not be involved and should be specifically prohibited from being involved in political campaigns of the City. He stated that the Charter Officers of Margate had never been involved in a campaign or donated to a candidate for City Commission.

VICE MAYOR RUZZANO questioned why the Police Chief was included.

CITY ATTORNEY STEINFELD said that the Police Chief was the Chief Law Enforcement Officer of the City and often had to instruct employees on Election Laws.

A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, that this Motion be approved. 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 SMITH reported that the Sock Hop had been rescheduled for Saturday, September 5th, 2015. He noted that information was on the website for the free event. He added that it was from 5:00 PM to 8:00 PM at the Senior Center. He noted that tickets were required. He asked for the Commission's support for advertising an upcoming Veteran's Event in Coral Springs. He stated that from October 22nd through October 26th there would be the moving wall, which was a half size replica of the Vietnam Veteran's Memorial. He noted that it would be at the Coral Springs Sports Plex, and that formal invitations might be coming. He said that Coral Springs was also asking Elected Officials to bring Veterans with them.

The Commission gave a consensus of 5-0.

CITY MANAGER SMITH stated that the Café Press Store was on the website and had Margate Logo merchandise. He noted that through the end of August, there was a 20 percent discount available by entering a code (ourmargate20). He stated that the link was [cafepress.com/cityofmargatefl](http://cafepress.com/cityofmargatefl). He mentioned that the new video streaming system equipment through Granicus was to be installed this week. He said Staff would then begin training and testing the hardware and software. He stated that it was anticipated to be live by October 1st; however, he would let the Commission know when the first meeting would be live streamed.

COMMISSIONER PEERMAN left the room at 8:40 PM.

CITY MANAGER SMITH provided an update for Commissioner Peerman and clarified that historically, the hours of sale for alcoholic beverages was 8:00 AM to midnight, Monday through Saturday and Noon to Midnight on Sunday, except for those establishments with special permits for extended hours. He stated that in 2011, the City Commission approved certain full service food establishments to serve alcohol at 10:00 AM on Sunday for brunch. He said that he would send this information to the Commission in an e-mail and that he could further discuss or explore if the Commission requested that.

COMMISSIONER TALERICO questioned whether the streaming would be archived, and CITY MANAGER SMITH agreed that it would.

## 6) RESOLUTION(S)

- A. ID 14-1251 AWARDING BID NO. 2015-011 C-14 WATER MAIN CANAL CROSSING CONSTRUCTION TO R.P. UTILITY & EXCAVATION CORP IN AN AMOUNT NOT TO EXCEED \$391,644.00.

Resolution 15-073



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

**Yes:** 4 - Commissioner Bryan, Commissioner Talerico, Vice Mayor Ruzzano and Mayor Simone

**Absent:** 1 - Commissioner Peerman

- B.**     ID 14-1265     APPROVING THE MULTIPLE AWARD OF BID NO. 2015-015, AGGREGATES, TOP SOILS AND SAND; CITY OF MARGATE LEAD AGENCY FOR THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE GROUP.

*Resolution 15-074*

A motion was made by Commissioner Bryan, seconded by Vice Mayor Ruzzano, 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 14-1266     APPROVING THE WAIVING OF BIDDING FOR THE SOLE SOURCE PURCHASE OF THREE (3) EATON S11 SOFT START MOTOR CONTROL CENTERS, START UP ENGINEERING SERVICES, AND A 3-YEAR EXTENDED WARRANTY FOR EACH UNIT FROM HD SUPPLY POWER SOLUTIONS, IN AN AMOUNT NOT TO EXCEED \$43,164.00 FOR THE DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES; PRICE INCLUDES SHIPPING.

*Resolution 15-075*

A motion was made by Commissioner Peerman, 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

- D.**     ID 14-1248     APPROVING THE THIRD AMENDMENT TO DEVELOPER AGREEMENT - PHASE III WITH CELEBRATION POINT SOUTH, LLC.

*Resolution 15-076*

A motion was made by Commissioner Talerico, 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

- E.**     ID 14-1263     ENDORSING THE THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE CREATION OF THE BROWARD METROPOLITAN PLANNING ORGANIZATION IN BROWARD COUNTY, FLORIDA,



PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

*Resolution 15-077*

**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**

- F.      ID 14-1272      APPROVING A ONE-YEAR EXTENSION TO THE LIMOUSINES OF SOUTH FLORIDA, INC. CONTRACT PROVIDING MARGATE INNER-CITY TRANSIT SERVICE**

*Resolution 15-078*

**A motion was made by Commissioner Talerico, seconded by Vice Mayor Ruzzano, 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**

- G.      ID 14-1277      APPROVING EXTENSION OF THE AFTERMARKET VEHICLE PARTS & ACCESSORIES AGREEMENT WITH TPH ACQUISITION, LLLP d/b/a/ THE PARTS HOUSE, AT THE SAME TERMS AND CONDITIONS AS THE CURRENT AGREEMENT, THROUGH DECEMBER 31, 2015, OR UNTIL A NEW AGREEMENT IS AWARDED; WHICHEVER DATE IS FIRST.**

*Resolution 15-079*

**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**

**The meeting reconvened following a two minute recess.**

## **7) DISCUSSION AND POSSIBLE ACTION**

- A.      ID 14-1253      DISCUSSION AND POSSIBLE ACTION REGARDING REQUEST FOR PROPOSAL 2015-010 GARBAGE AND RECYCLING COLLECTION SERVICES.**

*DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL AND ENGINEERING SERVICES (DEES) REDDY CHITEPU provided a Powerpoint Presentation pertaining to the Garbage and Recycling Collection Request for Proposal (RFP) Award. He explained that the current Waste Management Contract was expiring on September 30, 2015. He stated that Workshops had been held to determine what options needed to be included in the new RFP, as well as what options were had. He said that Staff met with Waste Management and received a bid that was not favored by Staff; therefore, Waste Management took back the bid and provided a 60 day extension. He said that Staff*

issued the RFP on May 21st and the proposals were due back on June 22nd. He noted that two proposals were received from Waste Management and Waste Pro. He explained that a Selection and Evaluation Committee was formed to evaluate the proposals, which met three times. He stated that the Committee was made up of Staff from DEES, Public Works and the City Manager's office, as well as two Advisory Members, Assistant Director of Finance and a Consultant. Director Chitepu said that owner occupied multi-family, which were condominiums, was looked into first to determine whether the condos would be included in the franchise. He stated that after review, the Committee consensus was to not include the condominiums in the franchise because Waste Pro showed no change in the rates. He added that Waste Management had the same rates for residential; however, there was a small differential for the multi-family and commercial rates. He further explained that after meeting with the condominiums, their rates were lower than the two proposals. He noted that all rates provided by the two proposals were higher than the rates the existing communities had. Director Chitepu said that three options were looked into for the garbage collection; the automated carts, Pay as you Throw Program and the manual collection. He said that the rates were lower with Waste Management, and the carts option was also lowest. He stated that the consensus of the Committee was to go with the automated garbage carts to provide an increased level of service with the lowest cost option. He noted that the Pay as you Throw Program was not considered because the differential between the sizes was not significant. Director Chitepu stated that the Bulk and Yard Waste options were; weekly commingled yard and bulk waste, weekly separate yard waste and bulk waste and weekly separate yard waste and monthly bulk waste. He stated that the lowest cost option was the weekly separate yard waste and monthly bulk waste; therefore, the consensus was to use that option to provide the increased level of service. He noted that there was currently only monthly collection; therefore, this option would allow weekly yard waste. He added that the option was the lowest with both proposals. Director Chitepu said that included in the RFP was the option for the City to opt for the Recycling Rewards Program or not. He explained that Waste Management proposed a Recycle Bank, which was what the City had now. He said that Waste Pro proposed its own Rewards Program. He stated that both programs were point and coupon based depending on how much the residents recycled. He said that the current rate was \$.37 for a single family; however, there was currently no program for multi-family. He noted that when including multi-family, the rate proposals in the RFP were \$.46 from Waste Management and \$.35 and \$.30 from Waste Pro. He said that the residential rates with the cart program option selected were \$10.58 from Waste Management and \$12.72 from Waste Pro. He noted that the current rate was \$22.97, but it was not broken down for yard and bulk waste, which was why it was higher. He said that when separating the bulk and yard waste the rates proposed were lower with Waste Pro. Director Chitepu stated that both proposals came in higher than the current rate for recycling. He noted that the totals for the month for residential, the \$24.40 current rate and the proposed rates were already adjusted to reflect October 1, 2015, rates. He stated that the current rate was a little lower than \$24.40, because that rate was the 2015 rate; therefore, the monthly rate from Waste Management came in lower. He stated that when comparing rates with other Cities in the County, the City was within the average of in the County. He stated that for most of the line items, Waste Pro rates were lower for the multi-family and commercial. He added that the current recycling rate was higher with both proposals than the current rate.

He noted that the annual cost for residential services based on unit rates was lower with the Waste Management contract and was lower than the current rate and Waste Pro. He added that the multi-family was currently lower than both proposals; however, the commercial waste proposal from Waste Pro came in lower. He stated that the total cost of the current contract was \$5.5 million dollars annually; however, with Waste Management's proposal, the cost was \$4.9 million dollars and with Waste Pro the cost

was \$35,000 more. He noted that there was a \$625,000 difference between the lowest proposal of Waste Management and the current contract. Director Chitepu explained that in the RFP was an option for an added value to allow the proposals to propose something that would impress the City. He stated that Waste Management proposed additional solar compactors with recycling attachments valued at \$11,000. He noted that we currently had two solar compactors in the parks. He said that another proposal was a sustainable disservice valued at \$10,000, which included consulting time to have City facilities surveyed for waste generation in a study, which would be provided to the City. He stated that two other proposals were school related. He said that one was a fundraising opportunity and was called, "Cartridges for Kids." He said that the second program was the "Up to Date Program." He explained that Waste Pro proposed three proposals. He said that the first was the High School Scholarships for \$12,000 additional. He stated that the second proposal was the Track Easy System, which was a Complaint Monitoring System; however, it was required by the contract. He said that the last proposal was for a Video Monitoring System that was mounted on the trucks. He noted that the consensus was that the program was more operational and did not add value to the contract. He further explained that the ranking was based on the criteria established in the RFP and was based on monetary requirements, which included the qualifications, experience, approach, reference and cost. He stated that the optional criteria were for the added value and enhancements. He said that the four criteria for the monetary requirements was a tie, which meant that both companies were very qualified and the prices were competitive. He stated that Waste Management scored higher on the last optional element because their proposal was better. Director Chitepu stated that the Committee's recommendation was to award the RFP to Waste Management with the garbage carts option, weekly separate yard waste and monthly bulk waste collection, not to include the condominiums in the franchise; however, to include the Recycling Rewards Program. He stated that the proposal would provide savings of the residential rate of about \$4.50, which was about 18 percent savings. He said that the total annual contract savings were about \$625,000. Director Chitepu concluded his presentation stating that both proposals were well prepared packages from two very from two very competitive companies.

**A motion was made by Commissioner Talerico, seconded for discussion by Mayor Simone, that Waste Management be awarded the franchise for the Solid Waste and Recycling Contract.**

MAYOR SIMONE stated that the Commission did not know a lot of the prices and some of the items that came in with the RFP. She said that she was disappointed in both proposals. She expected to get different prices; however, \$4.50 savings was not such a great value. She provided her input on some of the items. She said that she was not a proponent of the carts, because there was no flexibility for the residents. She explained that if a resident had a 35 gallon cart or a 65 gallon cart and it was filled up, there was nowhere else to put trash. She noted that if something did not fit in the carts there were no options. She stated that the 35 gallon cart might not be large enough for the party trash. She said that if keeping it until the next trash pickup, the trash would keep adding up. She stated that residents had a one-time option to choose the size cart, but after that they would have to pay for it. She noted that the cart pricing was outrageous at \$50 and \$60. She explained that the company was allowed to pick up garbage up to 130 gallons; however, only one cart was permitted. She said that if the residents wanted an extra cart, such as two 35 gallon carts, they would have to pay \$50 with Waste Management and \$60 with Waste Pro. She noted that because of the circumference and the size of the cart itself, the \$65 cart might not fit in some places where the garbage was kept, which eliminated having an option. Mayor Simone mentioned that when the carts were full they were very heavy to push through the grass to the curb. She spoke

about the debate of whether the City would look better with the carts; however, she felt it would be more uniform, but might not look better. She spoke of the many people who did not use a garbage can and only used a bag; therefore, once picked up there was nothing in front of your house. She said that with the cart, the empty cart would remain in front of the house.

MAYOR SIMONE said that she was in favor of the commingled yard waste and bulk waste, having the weekly yard waste was locked into getting rid of it. She explained that if doing yard work on Saturday and weekly yard waste was not until the next Saturday, the branches and clippings would have to remain until the following week. She said that if comingled, it could be put out for the next garbage day instead of being held for a week. She noted that without comingling, there would be double trucks on the road causing wear and tear on the City streets. She mentioned manual versus carts and explained that automation could be great in some ways, but it also took away from the human touch and interaction was lost. She said that many residents had relationships with the garbage haulers; however, if going to automated carts the relationships were lost. She added that a loss of jobs would also occur.

MAYOR SIMONE said that the current recycling fee was \$1.43, which would increase to \$3.41. She understood it was because of the trucks picking it up; however, she felt she was doing the environment a service by recycling and should not be penalized. She stated that the City had \$60,000 going to the General Fund for recycling; however, the residents had to pay for it. She said prior to the RFP, she was not aware that she was paying \$.46 for the Recycle Bank, which she felt was extra time spent and considered it a nuisance to log in on the computer to earn points, while paying for it.

MAYOR SIMONE mentioned added value for Waste Management and said that it was great for the City. She said that the City was getting \$11,000 for two large solar compactors and \$10,000 for 100 hours of consulting. She felt that was great for the City, but did not put money back in the resident's pockets. She wanted to see the \$21,000 removed as it was not needed and was not an added value for the residents. She felt that the "Cartridges for Kids" would not do anything for the residents either. She mentioned Waste Pro's added value, which would benefit a few scholarship children; however, she did not agree with \$12,000 over the \$5,000. She said that the money should be put towards the new Art Program in the City. She summed up by stating that she did not care for either proposal. She felt that both companies were multi-million dollar companies that could do better and come down on the prices. She stated that she was for manual collection and for comingling, and she felt that the residents would agree with some of her issues.

VICE MAYOR RUZZANO stated that for two bids to come out within one percent was pretty impressive. He said that he was not a fan of the point system, because he felt that a point system benefitted someone bidding on something in Margate. He said that he was in agreement with the carts and felt that \$50 was not an insane amount for the cart cost. He said that when originally told that the more people that were involved, the cheaper the rate would be was not true. He stated that he was from the private sector, and he asked whether giving a bid on a building to another person who would match or beat it was something that could be done in the public sector.

CITY ATTORNEY EUGENE STEINFELD said that there were two choices. He said that a bid could be accepted or both bids could be rejected and send it out for rebid for everybody. He noted that would be very difficult to do that in the time frame left, even with an extension of the franchise.

COMMISSIONER PEERMAN stated that she would not vote for either proposal. She said that she was not a fan of paying to recycle, which was \$3.41 that could have been taken off the cost to keep it at \$1.43. She felt that two billion dollar companies should have eaten that cost. She said that she was unaware that the residents were paying for a Rewards Program that was not asked for. She noted that the residents had to go on the computer to monitor it while they were paying for it. She did not care whether it was manual or automated, but the pricing was not what she was looking for. She stated that she was not happy because both the City and the garbage company made money on the recycling while the residents pay for it. She stated that for the first time in 25 years the City went out for bid and had not previously seen the costs broken down.

COMMISSIONER BRYAN thanked Staff involved, as well as the Selection Committee. She said that she would go with what Staff recommended. She stated that a point system was assigned and she was astonished that the bids came in so close. She said that her only problem was with the recycling. She noted that she recycled for over 20 years, but did not believe residents should pay for it. She said that she had no problem with the automation.

COMMISSIONER TALERICO commended Director Chitepu for his work on the RFP. He asked what percentages of the Cities were using automation.

DIRECTOR CHITEPU said that it was close to 80 percent.

COMMISSIONER TALERICO questioned how the extra waste would be handled when the garbage company would not take it.

DIRECTOR CHITEPU explained that items that did not fit in the cart should go into the bulk collection, which was on a monthly basis. He said that when removing the yard waste there was a lot of volume left in the cart. He clarified that the City was requiring the yard waste to be picked up at the first pickup; therefore, it would be picked up between Monday and Wednesday. He further explained that the intent was that all single family homes would receive a 65 gallon cart unless they need a smaller or bigger size. He stated that even with the 65 gallon cart, they had the option to switch in a time period to go lower or higher between 35 gallons or 95 gallons. He stated that the maximum size allowable was 130 gallons, which was for a 95 gallon cart and a 35 gallon cart. He added that Waste Management had no cost if anybody went beyond 130 gallons; however, Waste Pro had a monthly charge beyond 130 gallons. He clarified that the Recycle Rewards Program was an option that could be included or not. He said that the companies recommended including it; however, the City did not have to include it if the Commission felt it was not an effective program. He noted that would be a savings of \$.46 on the monthly rate.

COMMISSIONER TALERICO questioned how many people were participating in the Rewards Program.

DIRECTOR CHITEPU said that there was a 20 percent participation rate, which was the goal when the City entered the program for three years. He noted that the first two years were free and the third year was \$.37 being paid. He noted that the \$.45 would be higher if the Rewards Program was not taken.

COMMISSIONER TALERICO noted that during the Resource Recover Board meetings he heard that some of the haulers were sorry they entered into the contracts.

COMMISSIONER PEERMAN said that they were both great companies that came in

equal; however, she believed that the Commission previously discussed that residents could get 130 gallon cans, and after that, they would have to pay.

DIRECTOR CHITEPU said that the payment was for the monthly charge and not for the carts. He explained that if residents had the option to take up to 130 carts, the vendors would assume that the rates were based on a percentage, which would be incorporated into the price making it higher. He said that very few people would opt for a second cart.

COMMISSIONER PEERMAN reiterated that there was prior discussion about having two 35 gallon cans. She said that the Commission wanted that to be allowed, and that after 130 gallons it would cost additional money. She stated that Director Chitepu said that if a resident wanted two cans, the first one was free and the second one was being paid for, which was not what was previously discussed. She said that one issue was the weight of the carts and she did not like that the residents would have to pay for the second cart. She believed that the cart charge would come after the 130 gallons. She noted that the Commission's job was to get the best deal for the residents, which was to be able to have the option of having two carts without additional costs. She stated that not only were the residents now paying for recycling, but were paying for the convenience of a second cart. She added that if the residents did not want the Rewards Program, which was being paid for, it would be taken away. She did not understand how something could be a benefit if it was being paid for.

DIRECTOR CHITEPU said that it was not an added value, but was an option included in the RFP that was a choice for the City.

COMMISSIONER PEERMAN felt that she still did not agree with paying, though both companies were about the same. She said that the charge was for the residents to be environmentally conscious and give money to Margate and to the business for recycling.

DIRECTOR CHITEPU clarified that the charge was for the companies to collect the recyclables, and for the trucks to come through the neighborhoods to pick up. He said that taking that away, would cause a tonnage increase at a garbage rate.

COMMISSIONER PEERMAN stated that after two years all that would have been received from the contract was the carts and tree branches picked up once a week. She noted that every October the rates went up, but rolling carts had to be paid for.

MAYOR SIMONE asked what the regulation for how high the trash could be piled in the garbage container, and whether the lid had to be closed.

DIRECTOR CHITEPU agreed that the cart must not be overflowing so when the driver picks it up it does not fall out. He said that the lid should be closed, but the driver would make the determination.

MAYOR SIMONE spoke about additional garbage during parties that would sit around waiting to be picked up the following week.

DIRECTOR CHITEPU explained that per Waste Management, Waste Pro and other Cities, the resident would get used to the concept of limited garbage, and that it was a learning process. He said that with time, the residents of other Cities liked the program and encouraged it. He stated that positive feedback was received from any City that transitioned from manual to garbage carts. He said that no negative feedback was heard until now. He felt that there would be a little resistance in the initial stage; however, it would be a benefit and a positive thing for the City.



MAYOR SIMONE asked that the Commissioners think about whether the added value for having two solar compactors, sustainability service for \$10,000 and Cartridges for Kids was worth it, rather than taking that money and reducing the garbage fee. She said that \$21,000 was being spent for the City to get these things, which she felt was not helping the residents.

DIRECTOR CHITEPU clarified that it was not required for the RFP, but was proposed by the companies.

MAYOR SIMONE noted that when she asked what would happen if the contract was signed, and whether it could be later tweaked, she was told that it could; however, it was up to the garbage company.

CITY ATTORNEY STEINFELD explained that if the Commission awarded the contract, the City could negotiate with the individual being awarded the contract. He said that it could be tweaked if it varied the RFP and only with the consent of the company being awarded.

MAYOR SIMONE said that was not a gamble she wanted to take.

COMMISSIONER TALERICO asked for clarification of the prices of the carts.

DIRECTOR CHITEPU said that the price for Waste Management was \$55 for 35 gallons to \$62 for 65 gallons and 95 gallons was \$65. He clarified that the amount of containers and any combination of sizes was allowed; however, the maximum was 130 gallons. He added that Waste Management proposed no cost over 130 gallons.

COMMISSIONER TALERICO clarified that there would be no added cost over the 130 gallons, but residents only had to pay for the containers, which solved the problem of additional garbage with parties.

VICE MAYOR RUZZANO said that maybe the City should have been picky when putting together the RFP.

RICK RICCARDI, 4829 South Hemingway Circle, stated that carts were not a problem for the past 10 years. He said that having another cart for \$50 or \$60 forever was a good deal.

MITCH PELLECCCHIA, 6890 NW 9th Street, said that the bids were close. He stated that he never had a problem with having his garbage picked up by Waste Management. He said that he did put out a lot of yard waste, which he did not realize was costing the same price as solid waste. He asked how the City was charged the difference between yard waste and solid waste, because there were no scales. He questioned how the City knew how much was being dumped and whether there was a report. He stated that Waste Management far exceeded Waste Pro with the value of added enhancements, which were perks and not about picking up garbage. He noted that the City previously negotiated with but did not receive the results it wanted; therefore, it was sent to bid. He said that during that time, the taxpayers were paying the highest amount of garbage pickup, but now were going to receive a lower rate with the same company. He asked that the City request Waste Management to go retroactive on the price since the start of negotiation of the contract.

ANTHONY CAGGIANO, 7856 NW 1st Street, said that he was ecstatic and agreed with



the Commissions observations. He asked whether it was fair to the company to now tweak the contract with Waste Management. He said that he understood many Cities were going automated; however, he liked having the men pick up his garbage. He noted that he had three garbage cans, but sometimes put out trash bags as well, but it was all picked up. He said that now he would have to have special cans and would have to hold garbage. He questioned the replacement of the cans with regard to price and the life of the can.

RUSSELL MACKIE, Regional Vice President of Waste Pro Florida, said that the Selection Committee did a great job, as well as Staff. He stated that the RFP was good and Waste Pro responded to questions asked. He asked for a point of clarification with regard to an error in the pricing evaluation that was presented. He explained that there were three components, residential, multi-family and commercial. He noted that Waste Pro was lower in commercial and significantly lower in the multi-family on the pricing pages. He stated that on the next page where the evaluation was shown, Waste Management was shown lower in multi-family pricing than Waste Pro. He said that the problem was how the question was asked, and he explained that the question was for a price for multi-family but with no guarantee it would be put in. He said that based on the question, Waste Pro provided their no guarantee price. He added that because Waste Pro knew they had to be competitive on the multi-family they gave a significantly lower price. He stated that the cost was spread out evenly and explained that the multi-family was a lower price for a more competitive open market component, with higher pricing for the residential and commercial. He commended Waste Management and was understanding and supportive of the City's decision. He felt that Waste Pro was significantly lower globally.

TONY SPADACCIA, Waste Management, stated that Staff put together a great opportunity and put forth their recommendations. He said that Waste Management was a company the City knew, dealt with, trusted and counted on. He said that the recycling processing and revenue contract was with Sun Bergeron and had nothing to do with Waste Management. He stated that Waste Management collected 52 times a year from the residents and delivered it to where the City told them to. He stated that the value of the material when it got there was based on the City's agreement with the processing company of Sun Bergeron. He explained that pricing of commodities came down tremendously. He said that the idea of recycling rewards and recycling and solid waste carts was not a new concept. He further explained that the State of Florida initiated the goal of 75 percent recycling by the year 2020. He said that it was costly and was not free; however, it was an environmentally correct thing to do. He stated that having carts would cause residents to be more selective and be putting more items into the recycling bin rather than in a garbage cart. He said that the result would be improved environmental prowess from the community with enhanced revenue opportunities for the City. He stated that the hauler collecting did not make money on it. He felt that Waste Management put together the best and most comprehensive package between the two companies. He stated that Waste Pro was a good company and a respectful competition. He noted that the City would not have to transition as Waste Management knew the City and had been here a long time and stood the test of time. He noted that Waste Management had seen five City Managers and was offering strength and security.

MAYOR SIMONE said that Commissioner Peerman previously asked the companies to "wow" the Commission; however, Mayor Simone was not "wowed" with the extras because they were not for the residents. She stated that the sustainability service was helping the companies because they would be doing a consulting to help the City facilities.

MR. SPADACCIA said that it would help the City facilities reach the goal of 75 percent

recycling as mandated by the State. He explained that there were a lot of things in the RFP that were extra cost items added by the City and not by the respondents to the proposal. He mentioned administrative fees, the cost of the carts for \$700,000 to \$800,000 and a guaranteed franchise fee payment of over \$1 million dollars a year. He stated that there was a significant amount of expense that was in the agreement that went to the betterment of the residents. He said that the RFP provided for different collection methods that required enhanced assets due to different equipment and trucks. He noted that there were additional collections with yard waste, which added to the cost.

EDDIE DECRISTOFARO, 6600 Brandywine Drive South, stated that he was a resident since 1997, and Waste Management had a proven track record of superior service since then. He noted that Waste Management was a huge supporter of many charities and organizations, such as Margate Lion's Club and the Chamber of Commerce. He stated that the Waste Management contract was good with better prices for services and he said that he was not sure what the City would get by transitioning to another company, though Waste Pro might do a great job.

RICH ALIANIELLO, 7631 NW 23rd Street, stated that he just wanted the garbage bill erased from his water bill. He asked that it be taken to the tax roll. He said that he paid \$2,800 a year in taxes, which would probably go higher. He suggested figuring out what the airlines did with fees and baggage to still make a tremendous profit. He recommended putting the fee on something else.

COMMISSIONER TALERICO said that some Cities put the trash on their tax bill, but was not sure it was an added value or money saver for the taxpayer. He asked whether it would cost more money to have the trash picked up if eliminating the automated carts.

DIRECTOR CHITEPU stated that manual pickup was more expensive than the automated carts.

MAYOR SIMONE reminded everyone that they needed to decide if they wanted to remove the \$.46 cost for rewards before voting.

COMMISSIONER PEERMAN said that she wanted the automated carts and wanted yard waste picked up once a week. She noted that bulk was not an issue, and that the only issue was the price.

COMMISSIONER TALERICO clarified that approval tonight would allow the company to go to contract, which would then be reviewed.

CITY ATTORNEY STEINFELD clarified that the Commission was awarding a Franchise Agreement tonight. He said that the Commission would direct what options they wanted in or out. He added that there was a contract attached to the RFP. He said that the City could sit down with the company being rewarded to negotiate some of the clauses. He stated that if they did not agree, the bid was already awarded. He explained that one problem when awarding was sending out a detailed RFP and awarding, because the City then had to honor the price that the response gave. He said that they could agree to a different procedure, such as putting it on the tax bills. He noted that if the company wanted to stick with the bid, technically, the contract was already awarded.

COMMISSIONER TALERICO mentioned the added value.

DIRECTOR CHITEPU said that it was not a mandatory requirement, but was part of the RFP. He said that they could propose what they felt would increase the value of their

proposal, but was not something specified to be included. He clarified that the Rewards Program was not a mandatory requirement, but was an option.

CITY ATTORNEY STEINFELD stated that the Commission needed to decide tonight whether they wanted the \$.46 in or out in the award; however, once the award was done, it could be put back in. He noted that the leverage ran to the responder.

COMMISSIONER TALERICO questioned what the recycle benefits were to the residents.

DIRECTOR CHITEPU explained that the Rewards Program was an incentive program that would encourage residents to participate in recycling. He stated that if participating, residents could go on the website and receive points that had a value attached to coupons with local businesses, as well as value for National Grants. He said that the incentive was for the resident, as well as to the local businesses. He stated that only 20 percent were currently participating. He stated that the City and the vendor needed to provide Educational Programs, which were built into the contract. He noted that there was a 60 day clause stating that residents could get out of the program if they did not like it by providing a 60 day notice.

CITY ATTORNEY STEINFELD said that whether approving Waste Management or Waste Pro, the City had to honor the details of the RFP. He stated that only after the RFP was awarded, the City could sit down with the company awarded to try to make changes; however, the City had to honor the RFP.

MAYOR SIMONE said that she had nothing against either company; however, she felt that the extra value was not helping the residents. She added that the companies could have done better than a \$4.50 discount.

COMMISSIONER BRYAN stated that she and Commissioner Peerman were at a Workshop and found out how little they knew about recycling. She said that most of the people in the Workshop got the questions wrong. She noted that everyone needed to do a better job on educating the Commission and the public about what needed to be recycled according to the State mandates. She noted that she had received movie tickets from the Rewards Program.

DIRECTOR CHITEPU said that when looking at data from June and the people who participated, the people received back \$40 worth of coupons for participating. He stated that if participating there was value back. He said that Staff and the vendor would do their best to educate the residents to increase the 20 percent higher.

VICE MAYOR RUZZANO agreed with putting the charges in with the taxes. He asked about prepaying and a discount.

DIRECTOR CHITEPU said that he was not familiar with that program. He noted that in the contract, monthly collection was specified; however, that could be negotiated.

CITY ATTORNEY STEINFELD said that it was too late because it would have to be a Non-Ad-Valorem Special Assessment, which must begin in January and would then have to be sent to the Property Appraiser. He stated that there was a procedure provided in the Florida Statutes.

VICE MAYOR RUZZANO questioned how you prepay for something when tonnage was not known.

*DIRECTOR CHITEPU clarified that they had not looked at that option, because they were looking at so many options with additional costs. He said that if the Commission agreed to award Waste Management, there were no extra charges.*

*CITY ATTORNEY STEINFELD said that the contract could be amended after awarded.*

*CITY MANAGER SMITH asked for clarification on the calculation mentioned by Waste Pro pertaining to the multi-family.*

*DIRECTOR CHITEPU explained that Waste Pro came in low compared to Waste Management on all of the line items except for recycling. He said that there were a small amount of accounts for recycling with small volume. He stated that when considering the volume and the rates, the difference in recycling made the difference in the annual contract. He further explained that even though Waste Pro was lower on all the other line items, because of the recycling difference, the annual cost indicated that Waste Management was still lower.*

*MR. MACKIE stated that he was not sure where the figure \$3.35 per unit per month for multi-family came from, because \$3.41 would not be charged for a single-family home. He reiterated that Waste Pro was significantly lower in the multi-family. He said that the buildings produced more garbage than recycling and were 40 percent lower on the garbage cost for multi-family, which was not made up by the recycling.*

*DIRECTOR CHITEPU said that he could look into the numbers, and he said that the percentage of residents benefited was also a component. He noted that the multi-family contract amount was a lot smaller compared to the residential.*

*CITY ATTORNEY STEINFELD stated that the Commission needed to be asked whether they wanted the Recycling Rewards option in or out.*

*COMMISSIONER TALERICO asked whether it could be addressed in 60 days.*

*DIRECTOR CHITEPU clarified that if opting to keep it in the contract and continuing with the program; however, the data seen was not liked, there was an option to give a 60 day notice to get out of the program anytime during the contract.*

*The Commission consensus was to leave the option in and see what happened in 60 days.*

*CITY ATTORNEY STEINFELD clarified that the consensus was to include the \$.46 at this point.*

**The motion carried by the following vote:**

**Yes:** 3 - Commissioner Bryan, Commissioner Talerico and Vice Mayor Ruzzano

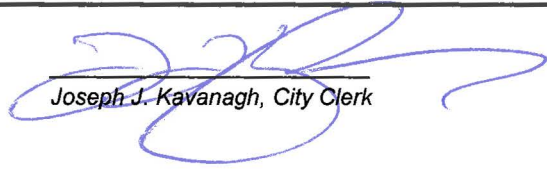
**No:** 2 - Commissioner Peerman and Mayor Simone

## **ADJOURNMENT**

*There being no further business, the meeting adjourned at 10:37 PM..*

*Respectfully submitted,*

*Transcribed by Carol DiLorenzo*

A large, stylized handwritten signature in blue ink, likely belonging to Joseph J. Kavanagh, is written over the printed name.

Joseph J. Kavanagh, City Clerk

Date: 10/28/15

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME PEERMAN, LESA		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE MARGATE CITY COMMISSION	
MAILING ADDRESS 5790 MARGATE BOULEVARD		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY MARGATE		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
COUNTY BROWARD		NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED AUGUST 19, 2015		MY POSITION IS:	
		<input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, LESA PEERMAN, hereby disclose that on AUGUST 19, 20 15:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

MOTION NOT TO DISMISS LESA PEERMAN FROM THE MARGATE CITY COMMISSION.

I abstained from voting on the above mentioned motion due to my conflicting interest and benefit to myself.

8/24/15  
Date Filed

Lesla Peerman  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.