



City of Margate

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

Meeting Minutes

Regular City Commission Meeting

Mayor Joanne Simone

Vice Mayor Tommy Ruzzano

Commissioners:

Joyce W. Bryan, Lesa Peerman, Frank B. Talerico

City Manager Douglas E. Smith

City Attorney Eugene M. Steinfeld

City Clerk Joseph J. Kavanagh

Wednesday, November 4, 2015

7:00 PM

Commission Chambers

CALL TO ORDER

Present: 4 - Commissioner Lesa Peerman, Commissioner Frank B. Talerico, Vice Mayor Tommy Ruzzano and Mayor Joanne Simone

Not Present: 1 - Commissioner Joyce W. Bryan

Commissioner Bryan was not present for Roll Call. She did attend the meeting via telephone after the Presentation agenda items.

In Attendance:

City Manager Douglas E. Smith

City Attorney Eugene M. Steinfeld

City Clerk Joseph J. Kavanagh

PLEDGE OF ALLEGIANCE

JOSHUA MOLME PRESENTED THE PLEDGE OF ALLEGIANCE IN NORRAY RICHARDS' ABSENCE.

A. ID 14-1468 NORRAY RICHARDS, 7TH GRADE, MARGATE MIDDLE SCHOOL

1) PRESENTATION(S)

STUDENTS AND TEACHERS OF THE MONTH

A. ID 14-1467 ABUNDANT LIFE CHRISTIAN ACADEMY: STUDENT, AUSTIN SCHAEFER;
TEACHER, LINDA LANG
(Mrs. Stacy Angier, Principal and/or Mrs. Renate Ramirez, Assistant Principal)

ATLANTIC WEST ELEMENTARY: STUDENT, NIKOLYA DORVILUS;
TEACHER, REKIESHIA NORTON-FORREST
(Ms. Janette Hameister, Principal and/or Ms. Jounice Lewis, Assistant Principal)

HEBREW ACADEMY: STUDENT, MUSHKA UMINER; TEACHER, JEFF DOCTEROFF

(Mrs. Rivka Denburg, Head of School)

HEBREW ACADEMY: STUDENT, SCHNEUR ZALMAN GURARY; TEACHER, SIMA ZIV

(Mrs. Rivka Denburg, Head of School)

LIBERTY ELEMENTARY: STUDENT, JULIANA LAURISTON; TEACHER, FLOR MELENDEZ

(Mr. David J. Levine, Principal and/or Ms. Donna Styles, Assistant Principal)

MARGATE ELEMENTARY: STUDENT, OMARION MOLME; TEACHER, HEATHER WILLIAMS

(Mr. Thomas Schroeder, Principal and/or Ms. Vicki Flournoy, Assistant Principal)

MARGATE MIDDLE: STUDENT, GETHRO RICHEMOND; TEACHER, KIM SHEFFIELD-LACOURCIERE

(Mrs. Lezondra Harris, Assistant Principal)

RISE ACADEMY SCHOOL OF SCIENCE AND TECHNOLOGY: STUDENT, JASMINE FORT

(Dr. Carmella Morton, Principal and/or Ms. Adriana Guerra, Administrator)

ITEM 10A WAS HEARD PRIOR TO COMMISSION COMMENTS

10) DISCUSSION AND POSSIBLE ACTION

A. ID 14-1472 STUDENT INVOLVEMENT PROGRAM APPLICATION - ROBERT FLORY JR.

ROBERT FLORY JR., Applicant, said that he tried out for a special band in New York and had the opportunity to march in the Macy's Thanksgiving Day Parade this year. He noted that it was Macy's Great American Marching Band, which was an organization that marched the parade, but was not a school. He said that to participate, he had to make a video of his talents, as well as performing a solo playing his instrument. He noted that there were 250 performers in the band. He added that the performers were from all over the Country, and that he played drums, and volunteered at Margate Elementary School as well.

A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, that this Discussion and Possible Action be approved. The motion carried by the following vote:

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

2) COMMISSION COMMENTS

COMMISSIONER PEERMAN announced that this Saturday was the Community Emergency Response Team (CERT) Family Fun Day at Firefighters Park from 11:00 a.m. until 5:00 p.m., which was a free event. She noted that next Saturday was the last Margate under the Moon event from 5:00 p.m. to 10:00 p.m. to support small businesses.

COMMISSIONER TALERICO said that a few years ago he sponsored legislation to improve the lighting standards in the shopping centers that were dimly lit. He questioned

why those same standards were not applied to the local street lights and pedestrian right-of-ways. He felt that the safety of the citizens was important. He said that the City would be brightened up, and he asked that it be looked into. He noted that the City's Video Streaming had the capability to be high definition streaming and questioned whether the City was doing that.

CITY CLERK JOSEPH J. KAVANAGH said that when meeting with the Granicus Vendor that provided the streaming services, it was recommended that based on the City's demographic and size, as well as the increased cost of the equipment and monthly cost, the City not start with high definition. He stated that it might be possible in the future to upgrade; however, most other Cities that purchased it, did not utilize the high definition feature. He believed that it would be an extra \$2,000 to \$3,000 for an encoder with an extra monthly fee of approximately \$100 to \$500 per month.

COMMISSIONER BRYAN stated that she had no comments.

VICE MAYOR RUZZANO stated that the County was trying to pass a new Ordinance for Marijuana and citations. He said that the County wanted to give a \$100 citation for less than a specific amount of grams of Marijuana. He noted that an individual arrested might have to do Community Service hours, and the City would have to implement a program for that.

CITY ATTORNEY EUGENE STEINFELD said that he had not heard about Community Service.

VICE MAYOR RUZZANO clarified that he heard from other Cities about the program that would need to be implemented in the City. He informed the Commission that if it was passed at the County, it would be an ordinance sent to the City and the City could either opt in or opt out. He said that he had spoken to other Cities and Police Officers about the 911 system. He noted that Coconut Creek might be considering going back to their old system, which would cost between \$1 million to \$2 million dollars. He said that other Cities and Officers did not like the new system; therefore, he felt that it needed to be looked into. He suggested the possibility of partnering with Coconut Creek or Coral Springs. He stated that Veteran's Day was coming up, and he suggested waiving the Fire Assessment Fee for the Veterans.

MAYOR SIMONE agreed with looking into the 911 communication system.

COMMISSIONER TALERICO mentioned receiving a memorandum from the City Manager regarding the startup costs for going back to the old system. He added that a report regarding response times was also received. He noted that people were saying it was not as good as it was; however, the report indicated that the response times were fine.

CITY MANAGER DOUGLAS E. SMITH stated that there would be additional costs above what he previously mentioned, such as the higher salary costs and software maintenance. He agreed with trying to partner with another City. He noted that the response time report was for several categories of call types and might not have included non-emergency. He stated that it could be discussed further with other Cities and the Commission.

COMMISSIONER TALERICO said that it was an expensive proposition; therefore, he felt that if there was not a definitive major problem, the City should not spend the money.

VICE MAYOR RUZZANO noted that Golden Corral was providing free dinners on

Veteran's Day.

MAYOR SIMONE stated that Wednesday, November 11th, 2015, at 10:30 a.m., the Veteran's Day Ceremony would take place at Veteran's Memorial Park.

3) PUBLIC DISCUSSION

TONY SPAVENTO, 3194 W. Buena Vista Drive, said that he previously asked about the sidewalk on 31st Street by the new complex being built. He noted that the banners were taken down, and that there was a gate fence instead of a wall, which was worse than he thought. He mentioned the sidewalk that he believed was not American Disabilities Act (ADA) compliant because it dropped down to the drain at an angle and was not safe. He noted that the muddy water was being dumped into the sewer system. He asked whether anybody looked into the sidewalk because it was very dangerous.

CITY MANAGER DOUGLAS E. SMITH said that an inspector did look into the issue with regard to the drainage issue.

MR. SPAVENTO said that the Margate News indicated that the City was considering rolling in Police and Fire Department into Veteran's Day; however, he felt that was not a good idea.

CITY MANAGER SMITH said that would not be done.

VICE MAYOR RUZZANO noted that he received Mr. Spavento's pictures and forwarded them to the City Manager who informed him that the water going back to the canal would be inspected.

MR. SPAVENTO said that he was concerned for the children, because of the sidewalk issue.

DIRECTOR OF ENVIRONMENTAL AND ENGINEERING SERVICES (DEES) REDDY CHITEPU explained that the inspector looked at the situation at the Toscana Development, but did not see water being pumped directly into the catch basins; however, the Developer and Project Manager had been notified. He said that when there was dewatering on a construction site it could be pumped into the catch basins, but there was a sediment box for trapping sediment prior to doing that. He noted that at the end of the construction, the inspection crew would view the catch basins to make sure there was no sediment, which would then be cleaned out. He stated that he was aware of the slope issues and the ADA issues regarding the sidewalk, and was working with the Engineer for the project to correct it. He stated that some of the sidewalks mentioned by Mr. Spavento, went directly to a catch basin; therefore, the City was working with the Developer to correct the situation.

VICE MAYOR RUZZANO questioned why the catch basin was in the sidewalk, rather than in the grass.

DIRECTOR CHITEPU explained that it was due to the new Transit Oriented Corridor (TOC) width requirements. He noted that the Engineer was now working on an arrangement to address the situation. He stated that it was an existing catch basin, but a manhole top over it with a collection box next to it.

MR. SPAVENTO mentioned the buffer of grass at 31st Street by the turning lane that was only about as thick as a piece of paper.

DIRECTOR CHITEPU said that was related to how far the offsets were for the development, which was also part of the TOC.

RICH POPOVIC, 6066 Winfield Boulevard, mentioned prior Commission Comments at the last meeting pertaining to having a Credit Union and charity events. He added that there was discussion about David McLean as well; however, when citizens talked they were regulated. He said that nobody discussed solving Margate's problems. He stated that the 911 response time was not good. He added that he heard that Margate was flush with money, but did not see the Millage Rate being lowered.

MAYOR SIMONE asked Mr. Popovic to leave.

MR. POPOVIC left at 8:32 PM.

COMMISSIONER PEERMAN clarified that the Millage Rate had been lowered the last three years.

4) CONSENT AGENDA

- A. ID 14-1464 MOTION - AUTHORIZATION TO ADVERTISE AN ORDINANCE AMENDING THE CODE OF THE CITY OF MARGATE, FLORIDA, CHAPTER 30 PERSONNEL, ARTICLE II-CIVIL SERVICE, DIVISION 1-GENERALLY, SECTION 30-54 ADDITIONAL REQUIREMENTS FOR FIREFIGHTERS; PROMOTION; PROVIDING FOR DRIVER ENGINEER AND DIVISION CHIEF; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION.

- B. ID 14-1471 RESOLUTION - APPROVING REGULAR CITY COMMISSION MEETING DATES FOR CALENDAR YEAR 2016.

Resolution 15-120

Approval of the Consent Agenda

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

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

5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH said that the Harvest Drive with the Broward County Schools had a collection box in City Hall, as well as other City facilities, to support families referred through Broward County Schools and Social Workers. He noted that a Thanksgiving Meal, as well as other groceries and household necessities during Thanksgiving time. He said that Margate was working with the collection that Coconut Creek was doing for soup and toothpaste. He stated that the employee donation days were Monday and Tuesday next week, and all donations must be received by Tuesday, November 10th by noon. He announced that the annual City of Margate Golf Classic was coming up to support the Northwest Focal Point Senior Center (NWFPS). He said that historically, the City sponsored a Team and he noted that it cost \$500.

VICE MAYOR RUZZANO asked for a consensus to sponsor a team for \$500.

MITCH PELLECCIA, 6890 NW 9 Street, said that since the Commission was using taxpayer money, he wanted to play and expected an invitation.

VICE MAYOR RUZZANO explained that in the past, Staff attended; therefore, he suggested having two Staff members and two residents attend.

COMMISSIONER PEERMAN said that she did not care who played.

VICE MAYOR RUZZANO asked whether anybody else wanted to play.

COMMISSIONER TALERICO said that a decision was being made now, when nobody else knew about this. He suggested putting it on the website; however, he did not know how the City could just pick two people. He said that the City needed to be fair to all of the citizens. He said that it was always kept with Staff, which did not offend the public; therefore, he would not support this.

VICE MAYOR RUZZANO said that there were two golf outings in the past and all the Directors attended; however, he had been approached by employees asking why they could not play. He did not know if all City employees received the offer to play.

CITY MANAGER DOUGLAS E. SMITH said that he was not aware of that; however, based on this discussion the City could randomly select the four people.

VICE MAYOR RUZZANO suggested having two City people and two residents, with the City Manager making the decision.

COMMISSIONER TALERICO agreed with leaving the decision up to the City Manager.

CITY MANAGER SMITH mentioned conversation at the previous Commission meeting regarding having an opportunity to have Messages from the Commissioners. He stated that there was a Draft concept before the Commission, and that the suggestion was to do something like this a couple times a year. He said that the Draft provided for a general greeting, information about events that took place during the year, as well as upcoming events. He said that photos would be included identifying the Mayor and the City Commission. He noted that one Newsletter could be done now, and another could be provided in the month of June regarding the Fourth of July Parade and the summer activities. He asked for Commission input, because the current Newsletter would be finalized later this month to go out.

VICE MAYOR RUZZANO noted that there was no garbage on Friday, December 25th, and questioned when the pickup would be.

CITY MANAGER SMITH said that was the only holiday in the contract, and it would be the next day.

CONSENSUS was taken to move forward on the Newsletter and all agreed.

6) RESOLUTION(S)

- A. ID 14-1389 APPROVING WAIVING OF BIDDING FOR THE SOLE SOURCE PURCHASE OF SIX (6) STRETCHERS, ACCESSORIES AND EXTENDED WARRANTY, FROM STRYKER; APPROVING WAIVING OF BIDDING FOR THE SOLE

SOURCE PURCHASE OF NINE (9) STAIR CHAIRS FROM FERNO; APPROVING 3-YEAR EXTENDED MAINTENANCE AND SERVICE CONTRACT FROM EMSAR FOR STAIR CHAIRS; PROVIDING FOR STRETCHER INSTALLATION FROM TEN-8 AS THE ONLY MANUFACTURER RECOMMENDED INSTALLER IN THE LOCAL AREA; PROVIDING FOR FUNDING THROUGH THE 2014 ASSISTANCE TO FIREFIGHTERS GRANT (AFG).

Resolution 15-121

A motion was made by Commissioner Peerman, 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

- B. ID 14-1462** AUTHORIZING THAT THE COMMISSION SALARY FOR SO LONG AS LESA PEERMAN REMAINS A MEMBER OF THE CITY COMMISSION OF THE CITY OF MARGATE, WILL BE \$21,000.00; PROVIDING FOR THE DIFFERENCE TO BE MAINTAINED IN THE GENERAL FUND; PROVIDING FOR EFFECTIVE DATE.

Resolution 15-122

A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, that this Resolution be approved.

MITCH PELLECCCHIA, 6890 NW 9th Street, felt that there was no explanation for the resolution and he questioned why it was happening and what the impact was to the taxpayers and the Commission. He said that all of the salaries should be paid their full salary for the same amount.

COMMISSIONER PEERMAN explained that the resolution on the Agenda because there was a misunderstanding of the amount of money being paid for the Mayor and Vice Mayor. She noted that when she was Mayor, she was only paid a Vice Mayor's salary; therefore, this resolution would clarify that. She stated that the salary was \$21,000 because she fought every raise from 2004 to 2011. She said that it had to be done by resolution and had to go into a fund to benefit the residents of Margate. She noted that it provided for several things for different organizations in the City, including \$7,500 to the Baseball Team and the "Thank You For Not Smoking" signs for the Girl Scouts. She said that she did not expect the other Commissioners to do this with their salary, but it was what she chose to do.

CITY MANAGER DOUGLAS E. SMITH added that the resolution was updating the prior resolution that stated the funds would go to the Capital Project Fund, and that the resolution would now state that the funds would now go to the General Fund.

COMMISSIONER PEERMAN said that the money accumulated, and that any Commissioner could ask to have access to the funds.

ANTHONY CAGGIANO, 7856 NW 1st Street, said that there was no backup for this item. He felt that the Commissioner could do whatever she wanted with her pay; however,

she felt that the resolution was not necessary and the Commission should not be put in a situation of having one person taking a pay cut. He said that it was a precedent that probably should not be set. He stated that if the Commissioner wanted to donate her money, she could; however, this should not be done by resolution.

COMMISSIONER PEERMAN stated that this was done by resolution in 2011, when she first asked the Commission if she could do this. She stated that it was now on the Agenda because of the discrepancy of pay when she was Mayor. She said that the resolution was making the Mayor and Vice Mayor pay clearer, as well as putting the money into the General Fund.

MAYOR SIMONE questioned whether Commissioner Peerman could write a check for a donation to the Resident Project Fund after taking the full salary.

CITY ATTORNEY EUGENE STEINFELD explained that the City Commission, which governed its own members, controlled policy. He said that the City Commission was directing where the money was going. He stated that the Commission was saying that instead of it going to a discreet Project Fund, which the Finance Director said was cumbersome and not correct, it would be more appropriately denominated in the General Fund.

COMMISSIONER TALERICO said that he had no problem with the resolution, and that it was a petty conversation.

MAYOR SIMONE asked Mr. Pellecchia to leave the meeting for yelling out profanities, and Mr. Pellecchia left at 8:55 PM by a Police Escort.

The motion carried by the following vote:

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

- C. ID 14-1465 APPROVING PIGGYBACK OF THE CITY OF PLANTATION AGREEMENT FOR FINANCIAL ADVISORY SERVICES WITH PUBLIC FINANCIAL MANAGEMENT, INC. (PFM) FOR FINANCIAL PLANNING AND POLICY DEVELOPMENT AND SERVICES RELATED TO DEBT ISSUANCE; PROVIDING FOR RATES; PROVIDING FOR AN INITIAL TERM UNTIL SEPTEMBER 30, 2016; PROVIDING FOR AN EFFECTIVE DATE OF NOVEMBER 4, 2015; PROVIDING FOR RENEWAL BY THE ADMINISTRATION WITHOUT FURTHER COMMISSION ACTION.

Resolution 15-123

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

- D. ID 14-1484 APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MARGATE AND THE CITY OF NORTH LAUDERDALE FOR COOPERATIVE EMERGENCY SERVICES THROUGH AUTOMATIC AID.

Resolution 15-124

A motion was made by Commissioner Talerico, seconded by Commissioner Peerman, that this Resolution be approved.

VICE MAYOR RUZZANO questioned whether North Lauderdale did this prior to Margate; therefore, it was based on Margate's approval. He mentioned Section 3, which indicated that the administration was authorized to renew the agreement. He asked whether it needed to go through the Commission for approval to renew.

INTERIM FIRE CHIEF DAN BOOKER explained that North Lauderdale would take the matter to its Commission following approval in Margate.

VICE MAYOR RUZZANO questioned the benefit of the 5 year contract.

CITY ATTORNEY EUGENE STEINFELD clarified that the agreement could be ended at any time with a 90 day notice.

VICE MAYOR RUZZANO asked whether it would be regulated.

INTERIM CHIEF BOOKER agreed and explained that it was similar to the agreement Margate had with Coral Springs. He noted that it would provide automatic help if Margate needed it. He added that the 2 Fire Chiefs will monitor the situation to make sure it was equitable.

COMMISSIONER TALERICO asked how many years the City had an agreement.

INTERIM CHIEF BOOKER said that Margate had an agreement with Coral Springs for 10 years or longer. He noted that Coconut Creek was part of the Mutual Aid System.

The motion carried by the following vote:

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

E. ID 14-1486

APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH NP&S MANAGEMENT, INC. D/B/A S. RENÉE NARLOCH & ASSOCIATES TO PERFORM RECRUITMENT AND CANDIDATE REVIEW SERVICES FOR THE POSITION OF CITY ATTORNEY FOR THE CITY.

Resolution 15-125

A motion was made by Commissioner Talerico, seconded by Commissioner Peerman, that this Resolution be approved.

CITY MANAGER DOUGLAS E. SMITH noted that NP&S was not present. He explained that when going into the initial phase, which was developing the candidate profile, they would have the opportunity to meet with each of the Commissioners individually to obtain input. He stated that the company was in Tallahassee, and that the individual was with a different firm that previously performed the Coconut Creek search.

CITY ATTORNEY STEINFELD clarified that the Attorney Coconut Creek hired was from Delray Beach. He clarified that he would be retiring with 38 years of service.

MAYOR SIMONE said that she was impressed with the guarantee that was provided.

VICE MAYOR RUZZANO noted that he received a Letter of Resignation, and asked whether the date provided was the day he would be leaving.

CITY ATTORNEY STEINFELD said that the date in the letter was the date he would be leaving.

RICHARD ALIANIELLO, 7631 NW 23rd Street, questioned whether the selection was made the Commission would have the right to vote on the person selected. He also asked whether the new employee would come in after the City Attorney left or if there would be a transition.

CITY ATTORNEY STEINFELD said that following discussions with the City Manager, it was determined that it would be about a month transition. He explained that due to the level at which the City was hiring an Attorney it would be difficult to keep them both at the same time; however, a month would be a reasonable transition.

MR. ALIANIELLO asked whether there would be an Assistant City Attorney.

ATTORNEY STEINFELD said that was up to the Commission. He clarified that under the Charter, the City Attorney did not hire Assistant City Attorneys; however, the Commission did.

COMMISSIONER PEERMAN believed that the Charter did not indicate that the Commission was responsible for hiring an Assistant City Attorney.

ATTORNEY STEINFELD, while checking the Charter, noted that Coconut Creek was slightly smaller than Margate. He said that Margate provided Fire Service for Coconut Creek. He added that Coconut Creek did not have a Community Redevelopment Agency (CRA), and had less unions than Margate; however, Coconut Creek had a City Attorney, Assistant City Attorney and a part-time Assistant City Attorney. He clarified that it was the Code that provided for the Commission to appoint an Assistant City Attorney.

MAYOR SIMONE noted that the search team would have a finalist within 75 to 90 days from the start of the search.

COMMISSIONER TALERICO left the room at 9:05 PM and returned at 9:06 PM.

The motion carried by the following vote:

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

7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

- A. ID 14-1463 CONSIDERATION OF SPECIAL PERMIT FOR EXTENDED HOURS OF ALCOHOL SALES FOR CONSUMPTION ON PREMISES FY 2015/2016 FOR: APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 5377 WEST ATLANTIC BLVD., MARGATE (DISTRICT D).

MAYOR SIMONE explained that Section 286.0114 of the Florida State Statutes provided that discussion from the public was not required on this item. She provided the definition

of an affected party.

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

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

CITY ATTORNEY EUGENE STEINFELD noted that the recommendation for approval was provided in the backup by the Police Department.

Resolution 15-126

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

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

8) ORDINANCE(S) - FIRST READING

- A. ID 14-1447 A REZONING ORDINANCE APPROVING A PUD AMENDMENT, PROVIDING FOR PHASE II OF CELEBRATION POINTE.**

A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, that this Ordinance - 1st Reading be approved on first reading. The motion carried by the following vote:

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

- B. ID 14-1470 AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING FISCAL YEAR 2015 BUDGET (ORDINANCE NUMBER 2014-7) AND FISCAL YEAR 2016 BUDGET (ORDINANCE NUMBER 2015-2); PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

A motion was made by Commissioner Talerico, seconded by Vice Mayor Ruzzano, that this Ordinance - 1st Reading be approved on first reading. The motion carried by the following vote:

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

- C. ID 14-1480 AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE I, IN GENERAL, SECTION 2-2 - RULES GOVERNING CONDUCT OF COMMISSION MEETINGS; PROVIDING THAT COMMISSIONERS MUST ABSTAIN FROM PARTICIPATION IN DISCUSSION ON ITEMS THAT THEY WOULD BE REQUIRED TO ABSTAIN FROM VOTING.**

A motion was made by Commissioner Peerman, seconded by Commissioner

Talerico, that this Ordinance - 1st Reading be approved on first reading.

VICE MAYOR RUZZANO did not understand why this item was being brought up and he questioned whether the Commission would be able to vote on a raise.

COMMISSIONER PEERMAN agreed that the Commissioners were allowed to vote on their own salary.

COMMISSIONER TALERICO explained that if a Commissioner had a vested interest in an item that would be a benefit, he/she might work on convincing the other Commissioners to vote for that item. He said when voting, that Commissioner could abstain due to a conflict of interest; however, the other Commissioners had now passed the item. He questioned the definition of a Lobbyist.

CITY ATTORNEY EUGENE STEINFELD explained that a Lobbyist was a person who cajoles or convinced issues to be passed or denied before a Legislative body.

COMMISSIONER TALERICO felt that the Commissioner should abstain and remove himself/herself from the equation at the beginning. He felt that the problem was Lobbying the Commission. He stated that this had happened in the past, and he felt that it was a matter of transparency, which would protect the Commissioners.

VICE MAYOR RUZZANO did not agree that it was transparent if the Commissioner was not voting. He questioned whether he could speak on a project that he bid on in the City and came before the Commission to be voted on.

COMMISSIONER TALERICO questioned whether he could bid on a City project.

CITY ATTORNEY STEINFELD said that it had to be a sealed bid.

VICE MAYOR RUZZANO mentioned freedom of speech, and he felt that this was not right.

COMMISSIONER TALERICO said that at every Commission meeting, it could be asked whether anybody had a vested interest.

COMMISSIONER PEERMAN clarified that Vice Mayor Ruzzano was referring to obtaining the bid on a project in Margate, which had nothing to do with the City and/or the Community Redevelopment Agency (CRA).

VICE MAYOR RUZZANO mentioned approval of contracts.

CITY ATTORNEY STEINFELD clarified that if the Vice Mayor was actually bidding on a Public Works project for the City.

VICE MAYOR RUZZANO said that after being awarded the bid and having his issue come before the Commission for approval, somebody that did not like him could speak against him without being able to rebuttal. He felt that because he could not speak, he would lose the job. He stated that he could bid on a City project, providing it was not in the CRA.

CITY ATTORNEY STEINFELD said that he understood that if it was a sealed bid, he

could bid on the City project.

COMMISSIONER PEERMAN noted that Vice Mayor Ruzzano was referring to being up front with his information; however, the discussion was with regard to talking about non-upfront information.

VICE MAYOR RUZZANO said that he was being told he had to abstain, which would mean he could not even rebut against somebody. He noted that he had not yet bid on a job in Margate; however, he did not want to be prohibited from doing so.

CITY ATTORNEY STEINFELD read aloud from the Florida Statute 112.313, Conflicting Employment or Contractual Relationship, which stated that no public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency, which was subject to the regulation or doing business with an agency which he/she was an officer or employee. He noted that there was an exemption as follows: "Exemption requirements of sub section 3 and 7, the business was awarded under a system of sealed competitive bidding to the lowest or best bidder and the official or the official's spouse or child has no way participated in the determination of the bid specifications, or the determination of the lowest or best bidder. The official or the official's spouse or child has no way used or attempted to use the official's influence to persuade the agency or any person thereof, to enter such a contract other than by mere submission of the bid. The official prior to, or at the time of the submission, has filed a statement with the Commission on Ethics, if the official is a State Officer or employee with the Supervisor of Elections." He noted that therefore; under State Statute, the Commissioner could not discuss the bid anyway, and that he could only submit the bid.

VICE MAYOR RUZZANO disagreed and felt that he could talk about the award of the bid.

CITY ATTORNEY STEINFELD said that he could not convince the City. He could not prepare the bid or speak about the bid.

VICE MAYOR RUZZANO asked that the City Attorney look into the matter further.

CITY ATTORNEY STEINFELD said that he would probably talk with the Commission on Ethics first. He reiterated that the Commission could not prepare or convince. He said that by speaking with a resident about his bid, could be indirectly convincing the Commission.

VICE MAYOR RUZZANO asked whether he could not bid on a City or CRA project.

CITY ATTORNEY STEINFELD said that he could not be involved in the preparation of the bid or do anything to convince the Commission. He could abstain and the Commission could accept if he was the low bidder.

COMMISSIONER PEERMAN clarified that the Commission did not have to abstain when voting on their salaries or jobs.

CITY ATTORNEY STEINFELD agreed and noted that the Ethic's Code specifically allowed the Commission to vote on their salary and compensation to the Commission. He stated that there were also opinions that the Commission could vote on whether a Commissioner wished to be removed or not or suspended.

The motion carried by the following vote:

Yes: 4 - Commissioner Peerman, Commissioner Bryan, Commissioner Talerico and Mayor Simone

No: 1 - Vice Mayor Ruzzano

- D.** **ID 14-1481** AMENDING THE CITY OF MARGATE CODE OF ORDINANCES TO REPEAL CURRENT CHAPTER 19: GARBAGE DISPOSAL AND ADOPT A NEW CHAPTER 19: SOLIDWASTE AND RECYCLABLES COLLECTION, PROCESSING, AND DISPOSAL.

A motion was made by Commissioner Peerman, seconded by Commissioner Talerico, that this Ordinance - 1st Reading be approved on first reading. The motion carried by the following vote:

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

9) ORDINANCE(S) - SECOND READING

- A.** **ID 14-1482** AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA PROVIDING FOR EXCLUSIVE FRANCHISE AGREEMENT FOR SOLID WASTE AND RECYCLING COLLECTION SERVICES; PROVIDING FOR INCLUDING CERTAIN MULTIFAMILY DWELLINGS; PROVIDING FOR TERM OF AGREEMENT FROM DECEMBER 1, 2015 THROUGH SEPTEMBER 30, 2021; PROVIDING FOR CITY'S OPTION TO RENEW FOR UP TO FOUR ADDITIONAL TWO YEAR PERIODS; PROVIDING FOR CONTRACTOR'S EXCLUSIVE FRANCHISE AND EXCEPTIONS; PROVIDING FOR CONTRACTOR'S COLLECTION SERVICES; PROVIDING FOR CONTRACTOR'S RESPONSIBILITIES PRIOR TO COMMENCEMENT AND ROUTES; PROVIDING FOR CONTRACTOR'S SERVICES FOR THE CITY; PROVIDING FOR OPERATION DURING STORMS; PROVIDING FOR COLLECTION PROCEDURES; PROVIDING FOR LOCAL OFFICE; PROVIDING FOR COMPLAINTS; PROVIDING FOR MULTIFAMILY AND COMMERCIAL SOLID WASTE CONTRACTS; PROVIDING FOR COLLECTION CONTAINERS; PROVIDING FOR RECYCLING REWARDS AND CONTRACTOR INCENTIVE PROGRAMS; PROVIDING FOR RATES, BILLING, AND COLLECTIONS; PROVIDING FOR PAYMENTS TO THE CITY; PROVIDING FOR PAYMENTS TO THE CONTRACTOR; PROVIDING FOR TIPPING FEES, ADMINISTRATIVE CHARGES, AND RECYCLABLE MATERIAL REVENUE; PROVIDING FOR CONTRACTOR'S VEHICLES, EQUIPMENT, AND PERSONNEL; PROVIDING FOR DESIGNATED FACILITIES AND OWNERSHIP OF WASTE MATERIALS, PROVIDING FOR RECORD KEEPING AND REPORTING; PROVIDING FOR TERMINATION AND DEFAULT; PROVIDING FOR GENERAL TERMS AND CONDITIONS; PROVIDING FOR INSURANCE, NOTICES AND MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Ordinance 2015-6

A motion was made by Commissioner Talerico, seconded by Commissioner

Peerman, that this Ordinance - 2nd Reading be approved on second reading.

MAYOR SIMONE stated that she was not in favor of the contract and had many issues with it; however, she thanked the Commission and Waste Management for the \$21,000 back to the Resident Project Fund from removing the Sustainability and the Big Belly Solar Trash Compactors. She stated that she still had a problem with the Recycle Bank. She said that 20 percent of the residents used it; therefore, 80 percent paid \$.46 for the 20 percent to obtain free movie tickets, etc. She felt that every \$.46 added up and the residents could still earn points and obtain their movie tickets without participating with recycling. She said that the residents could still go online and play the games and activities to collect points to get movie tickets and other items. She explained that it might take the residents a little longer to obtain their points and would not get the recycling points on their curbside trash. She wanted the Commission to consider not charging every resident \$.46.

A motion was made by Mayor Simone, seconded by Vice Mayor Ruzzano, that the \$.46 be removed from the Recycle Bank.

VICE MAYOR RUZZANO questioned whether the \$.46 could be removed from the contract.

CITY ATTORNEY EUGENE STEINFELD said that Waste Management's consent was needed because the City awarded the (Request for Proposal (RFP) with an attached contract that included the \$.46.

DIRECTOR OF ENVIRONMENTAL AND ENGINEERING SERVICES REDDY CHITEPU explained that there was a 60 day clause to terminate with notice to Waste Management for the Recycle Bank. He said that the residents could participate with the Recycle Bank even without the program, but there was a difference. He explained that municipal members could register and receive points for both educational material and also for recycling; whereas, residents of municipalities that did not participate with the Recycle Bank could only participate in the educational material. He said that they would have to read through material and take part in quizzes to gain minimal points compared to the points for a municipality participating in the program. He clarified that residents could still get points without participating, but the points were reduced and not automatic. He further explained that as a City member, as soon as the resident registered they were automatically counted and depending on the tonnage, would receive the points. He noted that there were additional benefits as well.

MAYOR SIMONE noted that she read online how to obtain the points as an individual. She still had a problem with 80 percent of the population paying for 20 percent of the people. She stated that only 20 percent of the people wanted to do this. She added that she spoke with neighbors and residents that did not even know they were paying \$.46 and had no interest in doing it.

CITY MANAGER DOUGLAS E. SMITH said that the City was currently under an agreement with Recycle Bank until December. He noted that if the Commission wanted to, they could let the agreement with Recycle Bank expire. He said that input from Waste Management was needed to confirm their agreement with removing it from the Franchise Agreement.

COMMISSIONER TALERICO asked what the goal was with regard to having people use the Recycling Program.

DIRECTOR CHITEPU said that there was not currently a goal, but that was the intent of the program and was something that would be looked into. He noted that the program was being changed completely and when the mailers were mailed they would contain a lot more information for the residents. He added that the new program would be counted as part of the tonnage, which was more accurate than before. He noted that the reason for the 60 day clause was so that if results were not what the City expected, the City could get out of it.

COMMISSIONER TALERICO questioned how long it would take to determine if there were results.

DIRECTOR CHITEPU said that one year would be the test. He stated that there was close to 50 to 60 percent participation in recycling. He noted that the 20 percent was the figure of how many were actually registered for Recycle Bank. He said that additional education was planned to increase those figures.

COMMISSIONER TALERICO felt that it was a great incentive, and that the City could get rid of the program if it did not work out.

DIRECTOR CHITEPU said that the Solid Waste Program was being changed and additional educational material would be sent out. He noted that residents were only notified when the program was implemented and that there was information on the website; however, additional marketing was never done.

COMMISSIONER TALERICO suggested giving the program a chance and it could be looked into in 6 months instead of in a year.

DIRECTOR CHITEPU said that if the Commission wanted to review it in 6 months, it could be reviewed in 6 months and if needed, the City could use the 60 day notice to come out of the program.

MAYOR SIMONE reiterated that residents could still earn points without the Recycle Bank being included. She clarified that there were little games to read and little questions were asked.

COMMISSIONER TALERICO asked for clarification.

DIRECTOR CHITEPU explained that with the current program, when a resident registered with the Recycle Bank, the resident was entered into the route. He noted that the quantity for that entire route was proportionately distributed to whoever was registered with Recycle Bank. He stated that based on the tonnage a certain amount of points were received. He added that if the resident also participated in the quizzes, additional points would be received. He stated that if the resident visited the website and stated that they recycled today, they would receive more points. He said that if not participating in the program, the residents would only be able to go to the website and participate in the quizzes to get points.

COMMISSIONER PEERMAN was curious to know if the residents knew what they were paying for recycling. She mentioned donating the points to the schools.

DIRECTOR CHITEPU said that there was a prior program that had that type of

arrangement.

MAYOR SIMONE asked Waste Management if they were willing to remove the \$.46.

TONY SPADECCIA, Waste Management, said that he was happy to accommodate the will of the Commission, providing he could honor the 60 day termination fee that was required with Recycle Bank.

VICE MAYOR RUZZANO questioned how much the termination fee was.

MR. SPADECCIA said that there was no fee, but there was a 60 day notice.

VICE MAYOR RUZZANO agreed with the Mayor. He said that the City tried it and 80 percent of the residents were not participating; therefore, he did not see why the City would continue with it. He stated that he agreed with the savings of \$.46.

COMMISSIONER PEERMAN felt that the City did not do any other advertisement or education since starting the program; therefore, she felt that the City did not try it.

MAYOR SIMONE felt that if the 20 percent of the residents felt that it was successful they would be telling everyone about the program. She said that residents received something free, then word traveled.

DIRECTOR CHITEPU clarified that the first two years of the Recycle Bank were free, and that for the third year the residents were paying \$.37. He stated that the new contract was going to be \$.46.

COMMISSIONER PEERMAN asked why it could not be free for two more years, as they were a multi-billion dollar company.

MR. SPADACCIA said that the Recycle Bank was a separate entity. He explained that Waste Management collected under the City's agreement, took the materials to the City's processing facility and those revenues were paid to the City by others.

COMMISSIONER PEERMAN asked who gave it free for two years.

DIRECTOR CHITEPU said that it was from the Recycle Bank through Waste Management.

RICH ALIANIELLO, 7631 NW 23rd Street, said that he had a recycle bin, but did not recycle much. He asked about the barcode and whether it recorded his address for recycling. He stated that if not, he could go to the Internet and say whatever he wanted.

DIRECTOR CHITEPU said that it would with the new contract; however, currently it was not read.

BERTHA SMITH, 569 Banks Road, suggested that the Commission look at the 80/20 percent, and asked why the City was keeping it.

COMMISSIONER TALERICO agreed that 80/20 percent were terrible numbers, but Director Chitepu wanted to try a different route to try to improve on that. He suggested giving the opportunity for improvement, and if it did not improve in 6 months it could be scrapped.

MAYOR SIMONE questioned how to justify that it did or did not work.

COMMISSIONER TALERICO said that Director Chitepu would have to come back with a report and the Commission would have to make that determination. He stated that he would like the percentage to increase to 50 percent. He felt that if growth was seen steadily on a monthly basis, maybe it could be left to go a little longer; however, if not, it was up to the Commission to end it. He believed that it should be given a chance. He noted that recycling was a good program and with more education the Commission should give it a shot.

MAYOR SIMONE said that by now people knew about recycling and what it did for the environment. She reiterated that if the people thought it was a great program, they would be telling everybody.

COMMISSIONER PEERMAN questioned whether Ms. Smith was registered for the Recycle Bank.

MS. SMITH replied that she was not because she knew about it; however, her neighbors felt it was not worth it. She noted that she was the President of the Homeowner's Association, and that it was discussed, but people did not want to use it.

COMMISSIONER PEERMAN said that she was curious as to why 80 percent of the residents were not using it.

MAYOR SIMONE said that as one of the 80 percent, she was gung ho when it first came out; however, she then decided it was not worth her time. She noted that she still recycled; however, she had no interest in the program and deleted it when she received it on her computer.

VICE MAYOR RUZZANO agreed with Commissioner Talerico about giving it a chance, but he wanted to do it for free for 6 months.

MR. SPADACCIA clarified that the first 2 years were free due to a grant received from ZipLoc Bags; however, that was not available any further.

The motion failed by the following vote:

Yes: 2 - Vice Mayor Ruzzano and Mayor Simone

No: 3 - Commissioner Peerman, Commissioner Bryan and Commissioner Talerico

MAYOR SIMONE expressed another concern, which she previously discussed at the last Commission meeting. She said that the contract referred to clear plastic bags. She noted that there were two ways to collect yard waste; putting it in existing garbage cans; or putting it in clear plastic bags. She stated that she went to WalMart of Coral Springs and Margate, Lowe's, Home Depot, Aldi's, Publix and Target, and nobody sold clear plastic bags. She questioned why a contract would be approved stating that yard waste had to be in clear plastic bags.

DIRECTOR CHITEPU stated that his Staff found that the Coral Springs WalMart did have clear plastic bags, as well as Winn Dixie. He agreed that Publix did not have the bags. He added that Home Depot also had clear plastic bags.

MAYOR SIMONE questioned what size the bags were.

DIRECTOR CHITEPU was not certain of the sizes; however, they did have the clear plastic bags.

MAYOR SIMONE said that if the bags were too small, it would not be good for yard waste; therefore, she felt that not knowing the sizes was no help with making a decision about it being in the contract or not.

COMMISSIONER BRYAN asked the City Attorney to verify that he was able to purchase the bags in Publix.

CITY ATTORNEY STEINFELD agreed that in Davie and Plantation Publix the bags were available.

COMMISSIONER BRYAN said that the local Publix and Home Depot needed to be asked to supply the bags.

MAYOR SIMONE said that the City could ask; however, there was no guarantee that they would do so. She did not like putting something in the contract that the City did not have enough information about. She said that she was now more convinced about not having enough information because the City did not even know the size of the bags. She felt that the City was doing this because of the difference in cost between co-mingling and having the yard waste separate from the garbage waste. She said that after much thought about it, she realized that it was not that much of a savings to the residents, but would be less convenient. She felt that if residents were given the choice of paying what they were paying and not co-mingling, or do what they were doing now with saving a few dollars with less convenience, most people would go for the convenience.

CITY MANAGER SMITH clarified that Home Depot in North Lauderdale had 50 gallon clear plastic bags in stock.

MAYOR SIMONE mentioned the cost of gas to go to North Lauderdale to purchase her bags. She noted that what was indicated online was not what was in the store, and that it had to be ordered online.

COMMISSIONER TALERICO noted that the Internet said that there were 190 in stock today for pickup.

DIRECTOR CHITEPU pointed out that Waste Management had no black bag alternative because of the visibility issue. He noted that the residents could use the garbage cans for landscape material; however, if they did not have the garbage can or they had more loose landscape material or clippings than would fit in one can, the clear plastic bags were needed. He clarified that if putting loose clippings in with the garbage can, it would be counted towards garbage.

MAYOR SIMONE noted that she spoke with one of the Coral Springs Commissioners who informed her that they were having a tremendous issue with this, and that the residents were not doing it. She felt that the residents were not benefiting from this contract; therefore, she would vote against it.

DIRECTOR CHITEPU corrected the holiday schedule by explaining that if the holiday fell on the first pickup day, it would be picked up on the next scheduled pick up day and not on the immediate next day.

The original motion to approve the contract carried by the following vote:

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

No: 1 - Mayor Simone

ADJOURNMENT

There being no further business, the meeting adjourned at 10:09 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo



Joseph J. Kavanagh, City Clerk

Date: 2/10/16