



# City of Margate

5790 Margate Boulevard  
Margate, FL 33063  
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www.margatefl.com

## Meeting Minutes

### Regular City Commission Meeting

*Mayor Tommy Ruzzano*

*Vice Mayor Joyce W. Bryan*

*Commissioners:*

*Lesa Peerman, Joanne Simone, Frank B. Talerico*

*City Manager Douglas E. Smith*

*City Attorney Eugene M. Steinfeld*

*City Clerk Joseph J. Kavanagh*

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Wednesday, April 20, 2016

7:00 PM

Commission Chambers

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#### CALL TO ORDER

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

#### In Attendance:

City Manager Douglas E. Smith

City Attorney Eugene M. Steinfeld

City Clerk Joseph J. Kavanagh

#### PLEDGE OF ALLEGIANCE

ID 2016-227 JORDAN FORD, 2ND GRADE, LIBERTY ELEMENTARY AND JANIYAH FORD, KINDERGARTEN, LIBERTY ELEMENTARY

#### 1) PRESENTATION(S)

A. ID 2016-196 LEGISLATIVE UPDATE (presented by Representative Hazelle P. "Hazel" Rodgers for District 95)

*STATE REPRESENTATIVE HAZELLE ROGERS stated that the legislative session ended on time on March 11th, 2016. She said that her priorities had not changed this year, which was for economic recovery. She noted that creating jobs was also important; however, when programs were funded in the communities, education was funded. She stated that teachers were being paid, jobs were being created, people were being employed and wages were being paid. She noted that everyone advocated for living wages, because it made no sense to have families working and not providing attention to the children, which would cause a rippling effect. She explained that she was focused this year and started conversations about everything. She noted that she discussed communities with double digit poverty and double digit unemployment. She stated that a study was requested by a State agency that did critical studies to determine whether or not what was being claimed was happening. She also wanted to see where Enterprise Florida and the Department of Economic Development were focusing their dollars. Representative Rogers explained that the session ended with \$82 billion dollars, and it was a balanced budget. She said that the House of Representatives and the Senate each had their own version; therefore, the session went into conference. She said that during conference more money was received for library and park projects and roads,*

which made her happy; however, when it got to the Governor, \$257 million dollars went out. She noted that three of the projects she was monitoring for Margate were taken out. She said nothing could be done when the Governor vetoed. She explained that during the session, a meaningful tax package was worked on to provide relief for Florida residents. She added that included a permanent exemption of sales tax for certain manufacturing machinery. She suggested that the City look into those types of exemptions and notify the businesses so they could capitalize on some of those exemptions from sales tax. She added that there was an exemption for sale of food and drinks by military veteran's service. She said that Back to School tax exemption was 10 days last year, but now it was back to three. She noted that it was August 5th through August 7th. Representative Rogers explained that last year she shared a subcommittee of the Broward Legislative Delegation. She said that the committee's responsibility was to look at anything insurance related. She noted that a lot of the seniors did not have property insurance. She explained that because there was no mortgage, it was not being picked up on. She suggested looking into that in order to provide some guidance for the residents. She stated that as a result in the lapse of coverage, residents might be going into foreclosure. She noted that the bank would then want to protect their interest; therefore, they would force base insurance. She explained that there was a 30 day waiting period, which was an issue if a hurricane came. She said that she had conversations with citizens who decided to work with her and fill the 30 day gap and consider force base insurance as having insurance. She asked that the information be put out to the residents. She said that there were still many foreclosures and the crisis was not over. Representative Rogers explained that there were 1,700 bills filed, but only 279 passed by both chambers. She wanted to share HB 7059, which pertained to Election Day for Municipal Officers. She stated that the bill would require that municipal elections be held on certain days determined by the Supervisor of Elections, or an alternative fixed date agreed upon by the Supervisor of Elections. She noted that Home Rule issues came up and it did not make it through any of the committees; however, it would come back. She stated that a Local Tax Referendum could not be in a special election and must go through a general election with 60 percent of the voters participating. She noted that the Florida League of Cities (FLC) needed to be aware to make sure Home Rule was not violated. She explained that Senate Bill 1202, HB 1321, passed making veterans, military members, spouses, parents of certain deceased military members, law enforcement officers, firefighters and emergency workers exempt from paying park fees; however, it did not apply to special events. Representative Rogers noted that this was her last legislative session and it was her pleasure to serve the City for the past eight years. She commended her Staff and specifically her legislative assistant. She noted that this was the fourth consecutive year that she and her assistant received the FLC award for being good advocates for local government and Cities.

MAYOR RUZZANO noted that Representative Rogers represented Margate on three projects the City was trying to get funded, which passed; however, the Governor vetoed them. He thanked her for all her work for the City.

The entire City Commission commended Representative Rogers and thanked her for all she did for the City.

### ATHLETES OF THE MONTH

B. ID 2016-228 SWIM: JUSTIN OROZCO, 12 YEARS OLD  
(Margate Motion Swim Team)

BASEBALL: JORDAN FORD, 7 YEARS OLD  
(Margate Pony Elite Baseball and Softball, Pinto White Sox)

Wii BOWLING: MARIE ROUSSEAU  
(Senior Center, Wii Bowling Tournament)

### PROCLAMATION(S)

- C. ID 2016-204 VOICES FOR CHILDREN OF BROWARD COUNTY AND CHILD ABUSE PREVENTION MONTH - APRIL, 2016 (presented to Erica Herman, Executive Director, Voices for Children of Broward)
- D. ID 2016-199 FLORIDA WATER PROFESSIONALS MONTH - APRIL, 2016 (presented to Renee Moticker, Regional Director, Florida Water & Pollution Control Operators Association)
- E. ID 2016-200 WATER REUSE WEEK - MAY 15-21, 2016 (presented to Reddy Chitepu, Director, Department of Environmental and Engineering Services)
- F. ID 2016-201 WATER CONSERVATION MONTH - APRIL, 2016 (presented to Reddy Chitepu, Director, Department of Environmental and Engineering Services)
- G. ID 2016-169 NATIONAL LAW ENFORCEMENT APPRECIATION WEEK - MAY 15 - 21, 2016 (presented to Police Chief Dana Watson)

### 1) PRESENTATION(S) - Continued

- A. ID 2016-241 RECOGNITION OF MARGATE CITY ATTORNEY EUGENE M. STEINFELD  
  
*A Proclamation was presented to City Attorney Eugene Steinfeld in recognition of his years of service to the City. The City Commission wished the retiring City Attorney much happiness and good luck in his future.*

THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.

### 2) COMMISSION COMMENTS

COMMISSIONER SIMONE thanked the City Attorney and wished him happiness. She asked for a consensus for moving forward with an Infrastructure Surtax. She noted that many Cities were moving forward with the Penny Infrastructure Surtax, which would add to the transportation, as well as providing a 60/40 split as opposed to a 70/30 split with regard to the County Commissioners were seeking. She added that if the voters approved the referendum that was put on the ballot, it would allow the City to work on the infrastructure because the Transportation Surtax did not cover any infrastructure. She requested a consensus to have Staff bring forward a resolution for the next Commission meeting.

COMMISSIONER PEERMAN said that she had no problem.

COMMISSIONER TALERICO said that it was up to the voters, but this would place it on the ballot. He asked whether this was a referendum that required a 60 percent approval.

CITY ATTORNEY EUGENE STEINFELD stated that it was a simple majority because it was a Constitutional Amendment.

COMMISSIONER TALERICO agreed to proceed.

VICE MAYOR BRYAN asked whether it would be on the November ballot.

COMMISSIONER SIMONE agreed.

MAYOR RUZZANO also agreed.

CONSENSUS approval was given by all Commissioners 5-0.

COMMISSIONER SIMONE said that the City of Margate, Coconut Creek, Hallandale Beach, North Lauderdale and Oakland Park recently became full voting members of the Broward Metropolitan Planning Organization (MPO). She explained that as a full voting member, Margate was now able to appoint a Margate resident to the MPO Citizen's Advisory Committee. She noted that she spoke with Staff and her recommendation was to have a two week period where the City could publicly solicit Letters of Interest for the position. She stated that it was a very important position that required a certain degree of commitment. She noted that it did not have to be a regular application process as used for other board appointments. She suggested that the Director of Economic Development Ben Ziskal, as the MPO Staff Liaison and member of the Technical Advisory Committee, review the Letters of Interest and bring back his recommendation in the form of a resolution for Commission approval.

VICE MAYOR BRYAN asked why Commissioner Simone did not want to use the regular board process.

COMMISSIONER SIMONE felt that the Letter of Intent would state why they wanted to be on the board, as well as their qualifications. She said that it would take a lot of effort on the resident's part and the meetings would be on Wednesday at 6:00 PM at the MPO building, which required travel time. She added that the meetings would not be short and she wanted to make it a smooth process. She noted that Staff was in agreement with the Letter of Intent.

COMMISSIONER TALERICO asked whether this would be a separate group from the MPO.

COMMISSIONER SIMONE agreed that it was a separate Citizen's Advisory Committee.

VICE MAYOR BRYAN asked whether there were term limits.

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL indicated that there were no term limits.

CONSENSUS approval was given by all Commissioners 5-0.

COMMISSIONER PEERMAN thanked the City Attorney and wished him good luck. She stated that the Sounds at Sundown were scheduled for May 7th.

COMMISSIONER TALERICO said that he was here a long time with the City Attorney, who always had the best interest of the Citizens and the City at heart. He thanked the City Attorney for all the work he did through the years and said that he would be missed.

VICE MAYOR BRYAN quoted Muhammad Ali, about not wasting years. She noted that



the City Attorney did not waste his 38 years in Margate and was greatly appreciated by the City and the citizens. She asked that people remember the people of Houston as they continue to struggle with the aftermath of severe flooding, as well as the people of Ecuador who were dealing with earthquakes and tremors. She commented on the Commission's response to a citizen's accent, who was speaking at the last Commission meeting regarding his problems with living on the golf course. She stated that the Commission would always treat everybody with respect and dignity when coming before the Commission. She noted that as part of the National Black Caucus Local Elected Officials Conference in Miramar, she toured the new Police Headquarters in Miramar City Center. She stated that the Miramar Chief of Police sat at her table during lunch and asked about Dana Watson, who he had a history with. The Miramar Chief stated that he was proud of Chief of Police Dana Watson's growth. She added that she toured the Federal Bureau of Investigation (FBI) building and had the opportunity to visit with a special agent. She thanked the Margate Moonwalkers for the great job they did and commended the Team Captain and her husband, Carol and John DiLorenzo, for the phenomenal job they did. She also thanked everyone who participated in the event. She mentioned the upcoming National Day of Prayer celebration on May 5th at Margate Elementary School.

MAYOR RUZZANO congratulated the Vice Mayor Joyce Bryan for being nominated and selected by Legacy Magazine of Miami/South Florida as one of the most powerful and influential black leaders for 2016. He stated that she would also be honored at an upcoming special reception. He noted that additional information about the Vice Mayor's nomination could be found in the power issue, which would be published on Friday, April 29th and inserted in the Sun-Sentinel. Mayor Ruzzano spoke highly about the City Attorney and said that he appreciated everything he did. He noted that he went to a Resource Recovery Board meeting this week and spoke about a piece of property that the Cities received in a lawsuit with cash and the property. He noted that every City was represented and the City Attorney was present and had more answers than anybody else. He felt honored that his City Attorney was present and knew what was happening. He said that the County would look into the property for the next year to see what the best thing was to do with the property. He noted that the property was currently assessed at \$7 million dollars. He noted that the County wanted to hire a consultant to determine what could be done with the property.

CITY ATTORNEY STEINFELD explained that Pompano Beach was not very cooperative. He said that the north plant incinerator was supposed to go there, but it went on Waste Management's property because Pompano Beach refused to allow the incinerator on the property. He felt that it would be very difficult to utilize the property as either a transfer station or something of that nature.

MAYOR RUZZANO noted that the only City that was not represented was Pompano.

CITY ATTORNEY STEINFELD said that he spoke with the Pompano Beach City Attorney the day before the meeting, who told him that the zoning had not changed.

MAYOR RUZZANO asked whether Pompano could change the zoning.

CITY ATTORNEY STEINFELD agreed.

MAYOR RUZZANO explained that several years ago the Margate Youth Baseball received contributions of approximately \$7,500, while last year \$2,500 each was given, after which a policy was put in place. He further explained that the policy provided that any contributions being requested required paperwork to be filled out explaining where the

money was going. He noted that the plan was implemented by former Mayor Simone, which he felt was great because it provided transparency. He suggested that rather than having six groups come up individually for up to \$1,000 each, the City could purchase new uniforms for the teams. He noted that the uniforms were approximately \$60 each for 80 uniforms, which could help brand the City with the new logo. He said that time was of the essence as the teams were starting next week.

COMMISSIONER TALERICO questioned how much money was left in the Budget.

CITY CLERK JOSEPH J. KAVANAGH stated that there was \$7,920 left in the Budget, which started at \$10,000.

MAYOR RUZZANO noted that the new uniforms would cost approximately \$4,800.

COMMISSIONER TALERICO expressed concern with leaving the fund with only \$3,000. He suggested sponsoring one or two teams.

MAYOR RUZZANO noted that if each team requested, it could be a total of \$6,000.

HERB MILLER, Margate Baseball, stated that the team consisted of all Recreation Ball players and All Star members of the Pony League with 80 percent of the players being Margate residents. He thanked everyone for their support every year. He stated that there would be five teams with 12 to 16 players per team. He also showed the design of the T-shirts.

COMMISSIONER SIMONE said that she liked the design; however, she had a problem spending the money on one event. She wanted to see the players try to raise the money on their own, as she believed in hard work. She felt that entitlement was out of hand and she suggested that they do car washes, sell donuts or candy to raise the money on their own. She also suggested charging the parents an extra five dollars for the All Star Teams so there would be money at the end of the year. She said that if the money was not used it could carry over to the next year and parents did not need to be charged as much.

MAYOR RUZZANO noted that last year each team raised an average of \$24,000 and some raised \$30,000. He noted that the City received \$1 million dollars from the Resource Recovery Board and he was just suggesting \$60 per child.

COMMISSIONER SIMONE noted that the Commission had no knowledge of the teams raising money.

MR. MILLER noted that his team raised \$12,000, but remained \$20,000 short.

MAYOR RUZZANO said that his team raised \$24,000 and another team raised \$30,000. He stated that this was for Margate children and the branding of the City.

COMMISSIONER PEERMAN asked when it would start.

MR. MILLER explained that the teams were developed throughout the next two weeks, and that the uniforms were needed now as the district games would soon be played, and that Margate was hosting a local game for the first time ever.

COMMISSIONER PEERMAN asked if the uniforms would say Margate All Stars.

MR. MILLER agreed and stated that it was a Pony League recommendation. He added

*that the uniforms were specific for the entire league for the five age groups; 5-6, 7-8, 9-10, 11-12 and 13-14.*

*COMMISSIONER PEERMAN did not think there was enough money in the Resident Project Fund, which had provided \$10,000 to baseball.*

*CITY CLERK KAVANAGH clarified that this year's balance of the Resident Project Fund as of today was \$5,089.*

*COMMISSIONER SIMONE noted that the parents paid money for the children to participate in the Jamboree and she questioned what that money was used for. She previously thought that the Jamboree was given to the children as a way of honoring them.*

*MR. MILLER said that the money went towards putting on the event, such as paying for the rides.*

*COMMISSIONER PEERMAN asked whether the Baseball League Books had ever been received.*

*CITY MANAGER DOUGLAS E. SMITH said that a report was provided regarding the donations made last year. He noted that the League had invited the City to look at the books; however, the City had not done so yet. He said that he could request additional times to do that.*

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Bryan, to take \$2,300 from the Charity Fund and \$2,500 from the Resident Project Fund.**

*VICE MAYOR BRYAN felt it was a good idea for promoting Margate; however, she understood the money concerns. She felt that Commissioner Peerman came up with a good alternative, which should be considered.*

*CITY MANAGER SMITH noted that there was additional money in the fund balance for the Resident Project Fund, which was about \$8,450 and was accessible through a Budget Amendment.*

*VICE MAYOR BRYAN pulled her second.*

**A motion was made by Commissioner Peerman, seconded by Vice Mayor Bryan, that the \$4,800 not be taken from the Contribution Fund, but be taken from the accrued money in the Resident Project Fund for the Baseball Jerseys.**

*CITY MANAGER SMITH stated that it would be spent now, but would eventually get caught up with the year-end Budget Amendment.*

**An amendment was made by Commissioner Simone to amend the amount to**

\$1,000. The amendment died for lack of a second.

COMMISSIONER PEERMAN noted that if the teams needed money for championships, they would have to raise it themselves.

RICH POPOVIC, 6066 Winfield Boulevard, said that government was not supposed to be involved in charity, and he agreed with Commissioner Simone.

RICK RICCARDI, 4829 South Hemingway Circle, said that the uniforms were in the category of public relations for Margate; therefore, he did not look at it as a charity.

COMMISSIONER PEERMAN explained that a certain amount of money went into an account for the Resident Project Fund and the money accrued. She noted that the money was used to benefit the Residents of Margate.

The motion carried by the following vote:

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

No: 1 - Commissioner Simone

CITY ATTORNEY EUGENE STEINFELD thanked all of the Department Heads that he worked with through the years and said that he would be available for helping.

CITY CLERK JOSEPH J. KAVANAGH congratulated the City Attorney on his retirement and commended him for always taking the time to listen and offer sound advice without any shortcuts.

### 3) PUBLIC DISCUSSION

RICH ALIANIELLO, 7631 NW 23rd Street, said that as a resident, he would like to donate \$60 to one child for the uniform. He noted that he knew the City Attorney as a resident for 25 years and wished him good luck in his retirement.

RICH POPOVIC, 6066 Winfield Boulevard, mentioned the \$500,000 Alzheimer Family Center and commented on the City Attorney. He said that there was no accountability. He mentioned the Penny Sales Tax and felt that the Metropolitan Planning Organization (MPO) was wasting money.

COMMISSIONER PEERMAN replied that there was an Officer of the Inspector General (OIG) investigation ongoing, and that people were innocent until proven guilty.

COMMISSIONER SIMONE explained that the sales tax was being recommended and the Cities would get to spend the money if the voters passed it.

RENATA CASTRO, 1534 NW 61st Avenue, was pleased that the Vice Mayor commented about the Jamaican gentleman who spoke at the last meeting. She noted that she was the President of the Voluntary Bar and Attorney Association, that did a lot of outreach towards helping people become United States (US) citizens and lawful permanent residents. She mentioned that there would be a Citizenship Drive held at the Vine Church

in the CVS Plaza. She stated that attorneys would be volunteering their time, knowledge and expertise to assist. She noted that it was not limited to Margate residents. She stated that the event was being held on May 7th from 10:00 AM to 4:00 PM and was open to anybody who qualified. She noted that there were requirements provided on the website, [braziluslaw.org](http://braziluslaw.org). She noted that many local and national businesses had provided support. She would love if the City made an effort to recognize and acknowledge residents who became US citizens during the Fourth of July event. She noted that Margate was becoming a more diverse City, and she felt this would send a good message to everybody wanting to live in the community.

COMMISSIONER PEERMAN suggested having the City look into the matter with the Parks and Recreation Director.

CITY MANAGER DOUGLAS E. SMITH said that it could be discussed to see what would work for the event.

VICE MAYOR BRYAN asked whether the immigrant service could be added to the City bulletin.

CITY MANAGER SMITH stated that there was a Community Events section on the website that could be used.

MS. CASTRO noted that she had spoken to Alison Saffold, but she missed the deadline to be in the City Newsletter. She added that much outreach was being done through the Internet and asked that the City share the posts.

HERB MILLER, Margate Baseball, thanked everyone for their continued support. He noted that May 1st, there would be a Baseball Board meeting and he would be running for President of the league.

MAYOR RUZZANO asked who was able to vote on the board positions.

MR. MILLER said that anyone in the league, such as parents, coaches, etc.

COMMISSIONER TALERICO noted that he was previously involved with Khoury League for 20 years with his three sons, and that every year they reused the uniforms. He asked whether the uniforms would be recycled or would they need new uniforms every year.

MR. MILLER said that the uniforms had the child's name on the back.

CHAD DANGERVIL, 1895 Vista Way, said that since he moved into his neighborhood in 2006, his neighbors would have firework spectacles every year to bring the neighborhood together with a barbecue. He noted that in 2010, the neighbors moved away and because of a drought, there was no permission to shoot fireworks. He explained that last year a neighbor asked him to bring back the festivities. He stated that flyers were sent out and money was donated and the whole community got together with a barbecue. He suggested that the City throw a party with vendors and having the schools involved with a talent show. He felt that it would be beautiful and would bring the community together.

MAYOR RUZZANO was in favor of Mr. Dangervil's theory and he noted that there was previous discussion years ago about an all-day event. He noted that Margate had one of the greatest parades with other Cities coming and a night event held in the evening with the best firework show in Broward.

COMMISSIONER TALERICO noted that the things Mr. Dangervil suggested were being provided for years. He mentioned the use of fireworks in the neighborhood.

MR. DANGERVIL stated that he had been here for 11 years, but never heard of the event.

COMMISSIONER TALERICO explained that State Road 7 was closed off, a parade was held, there were food trucks, hot dogs served after the parade, bounce houses, etc.

COMMISSIONER PEERMAN suggested that Mr. Dangervil read his water bill for notifications. She added that there was also a flyer going out with the water bill. She explained that the event was as close to an all-day event as possible. She noted that the pool was half price with a band playing and food. She stated that there were free hot dogs, bounce houses, etc. She noted that at 5:00 PM there would be a band and at 9:00 PM the fireworks display took place.

MR. DANGERVIL spoke about participation of the schools.

MAYOR RUZZANO said that the participation in the schools would be for both males and females.

MR. DANGERVIL felt that more attention would probably be drawn to the boys and he felt that providing talent would allow the females to participate as well.

VICE MAYOR BRYAN noted that Calypso Cove was packed after the parade with a Steel Drum band and lots of fun.

COMMISSIONER PEERMAN stated that there would be a carnival held with the 2nd Annual Margate Talent Show, as well as the 2nd Annual Little Miss Margate Pageant in January.

ARLENE SCHWARTZ, 7800 NW 1st Street, former Mayor of Margate, said that she met the City Attorney in 1989. She noted that she was one of the previous Commissioners who voted to turn the City Attorney from an independent contractor to a City employee. She thanked the City Attorney for the help he gave her as Commissioner, as well as the help he gave and good judgment he used for the City. She stated that the City Attorney drafted an ordinance that allowed the City to collect money for new construction for the Recreation Fund and Education Fund. She said that when looking for money to look to teams, both Celebration Point and Toscana pay the money they owe the City if not building parks in the City.

#### 4) CONSENT AGENDA

- A. ID 2016-240 MOTION - APPROVAL OF CITY COMMISSION MINUTES

APPROVED

- B. ID 2016-215 MOTION - AUTHORIZATION TO ADVERTISE AN ORDINANCE TO INTRODUCE THE 11CG ALCOHOL LICENSE FOR GOLF COURSES.

APPROVED

- C. ID 2016-216 MOTION - AUTHORIZATION TO ADVERTISE AN ORDINANCE FOR A

## CITY-WIDE MORATORIUM ON CHARTER SCHOOLS.

APPROVED

## Approval of the Consent Agenda

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

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

## 5) CITY MANAGER'S REPORT

CITY MANAGER DOUGLAS E. SMITH congratulated City Attorney Eugene Steinfeld for his 38 years of service and thanked him for his assistance. He reported that the Slide Renovation Project was underway at Calypso Cove, which meant that the slides would be closed during spring and would reopen for the first day of summer. He noted that the WiFi at Firefighters Park was anticipated to go live in the middle of May. He explained that for the 2nd quarter of 2016, the website had over 100,000 visitors. He noted that several Fire Department teams won first place competitions. He explained that the Advanced Life Support (ALS) Team took first place in the Palm Beach College event and the Fire Explorers took first place in a tri-county competition held in Coral Springs. He stated that work was being done at Rock Island Road and Atlantic Boulevard for the Lift Station Project. He noted that most of the underground work was done, but some work was still pending. He said that National Prescription Drug Take back Day was scheduled on April 30th from 10:00 AM to 2:00 PM at CVS on West Atlantic Boulevard, and that residents could use any unused or unwanted medications to CVS. He added that the Household Hazardous Waste, Electronics Disposal and Document Shredding would be held on April 30th at Oriole Park from 9:00 AM to 2:00 PM.

MAYOR RUZZANO asked for a Margate Community College update.

CITY MANAGER SMITH stated that there were currently 12 applications submitted and the classes would begin on May 10th. He noted that the application cutoff date was May 2nd.

## 6) RESOLUTION(S)

- A. ID 2016-224 AWARDING CITY HALL SECURITY ENHANCEMENT PROJECT TO SHIFF CONSTRUCTION AND DEVELOPMENT, INC. BASED ON THE NJPA CONTRACT, UTILIZING THE COOPERATIVE'S JOB ORDER CONTRACT NUMBER FL06-022912-SCD AWARDED TO THE GORDIAN GROUP, INC., NOT TO EXCEED \$41,780.

CITY MANAGER DOUGLAS E. SMITH stated that Staff was still doing additional work and was requesting that this item be moved to the next Commission meeting, May 4, 2016.

- B. ID 2016-232 APPROVING A SUNCOM NETWORK SERVICES AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES DIVISION OF TELECOMMUNICATIONS

RESOLUTION 16-200



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

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

- C. ID 2016-252 RESOLUTION - AMENDING THE AGREEMENT WITH H & H LIQUID SLUDGE DISPOSAL, INC. FOR SLUDGE DISPOSAL PREVIOUSLY APPROVED UNDER RESOLUTION # 12-368; PROVIDING FOR AN INCREASE TO THE PER LOAD DISPOSAL RATE FOR LIME SLUDGE AS PROVIDED FOR IN ITEM 4.B.3 OF THE AGREEMENT; PROVIDING FOR PRICING TO BE IMMEDIATELY EFFECTIVE UPON APPROVAL.

*RESOLUTION 16-201*

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

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

- D. ID 2016-256 RESOLUTION TO APPROVE AUTO USES AT 1690 BANKS ROAD AND 1700 BANKS ROAD

The resolution failed for lack of a motion.

- E. ID 2016-262 APPROVING FIRST AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN JOSEPH J. KAVANAGH AND THE CITY OF MARGATE FOR EMPLOYMENT AS CITY CLERK.

*RESOLUTION 16-202*

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

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

No: 1 - Commissioner Simone

- F. ID 2016-261 APPROVING A CITY-WIDE TRAVEL POLICY

*RESOLUTION 16-203*

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 Simone, Commissioner Peerman, Commissioner Talerico, Vice Mayor Bryan and Mayor Ruzzano

*THE MEETING RECONVENED FOLLOWING A BRIEF RECESS.*

## 7) RESOLUTION(S) - QUASI-JUDICIAL HEARING

### A. ID 2016-248 APPROVAL OF A PLAT AMENDMENT FOR INFANTE II PLAT

#### RESOLUTION 16-204

MAYOR RUZZANO stated that this item was a Quasi-Judicial Hearing. He noted that Section 286.0114 of the Florida Statutes provided that discussion from the public was not required on this item. He said that if an affected party wished to provide testimony in this matter, they must stand, raise their right hand and be sworn in by the City Clerk. He explained what an affected party was. He asked that any Commissioner that engaged in Ex-Parte communications regarding this Quasi-Judicial Agenda item disclose that information.

COMMISSIONER PEERMAN stated that she spoke with the applicants.

COMMISSIONER SIMONE stated that she spoke with City Staff.

MAYOR RUZZANO stated that he spoke with City Staff.

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

DIRECTOR OF ECONOMIC DEVELOPMENT BEN ZISKAL explained that this item pertained to a petition to revise a note on the Infante 2 Plat. He said that the note was recorded on the plat to restrict the intensity of uses currently allowed on the plat. He provided a PowerPoint presentation and first showed the current entitlements on the property. He stated that following that, he would explain the change in detail and make a recommendation. He said at that point, the petitioner could explain the project. He stated that the subject property was approximately 2.5 acres located at the northeast corner of State Road 7 and NW 31st Street. He noted that the property was adjacent to Merrick Preserve and was owned by Michael Shuster and his family. He stated that this site was previously proposed to be built by a RaceTrac gas station. He noted on the map that the location was at the very north of the City when entering from Coral Springs and Coconut Creek to the south into Margate. He stated that it was one of the premier Gateways. He explained that for many years until 2008, the land use on the property was a commercial land use allowing only commercial development. He said that with the Transit Oriented Corridor (TOC), which was adopted in 2007, with a rezoning of the property in 2008, the property was given a mixed use designation. He showed the entire 1,184 acres of the TOC with the new designation. He noted that the big change from a land use standpoint was commercial only prior to the change, but now had an entitlement allowing mixed use development. He noted that it could be either commercial development, office, residential or a combination of any of the three. Mr. Ziskal stated that the zoning category for this property was a Gateway. He noted that when the TOC was created there were three distinct zoning categories. He stated that the categories were the City Center and the Gateway, which included the main entrances and major intersections, such as Atlantic Boulevard, Coconut Creek Parkway and Copans Road. He noted that the project was at the northeast corner of 31st Street, located in the TOC Gateway District. He explained that within the Gateway District there was mixed use development opportunity with the emphasis on activating the corner to bring the building and the height to the corner, which was evident from the Toscana Village project recently built, where the development was not pushed to the rear of the property, but brought the buildings towards the street. He noted that property currently had an entitlement of up to six stories in height for any

building. Mr. Ziskal explained that there were two major commercial adjacent properties in the area, which were the Penn Dutch Plaza and the Peppertree Plaza. He added that there were also many commercial and medical buildings to the south, including the Northwest Medical Hospital, the Northwest Medical Park and the Universal Kidney Center. He added that in close proximity to the project there was Merrick Preserve Conservation Area, as well as a multitude of existing residential properties including Merrick Preserve and the Fiesta Townhomes to the northeast of the project. He said that there were under construction projects, Toscana Villas and Celebration Point, which were caddy-corner to the southwest and directly south of the project. He reiterated that from a land use standpoint and a zoning standpoint the property allowed mixed use development. He said that because it was previously restricted to only commercial development, the applicant placed a restriction on the amount of square footage that could be built in order to establish a baseline of transportation concurrency and fees associated with transportation impact. He stated that the current note read that parcel A2 was restricted to 96,500 square feet of commercial use. He said that the remainder of the plat was 138 townhomes units and 45 moderate affordable town house units. He noted that these were the adjacent residential projects that were already built. He further explained that the request tonight was to reduce the amount of commercial square footage from 96,500 to 87,275 square feet and to add the ability to construct 100 midrise residential units. Mr. Ziskal explained that the second component of the amendment was to restrict the property so the permanent residence of school age children was prohibited. He added that the third component was that free standing banks or banks with a drive-through facility were not permitted on the property without prior approval from the Board of County Commissioners. He explained that Broward County requested that a Bank Note be a standard note when it was being amended or going onto a commercial property. He noted that Broward County would then have to approve any new bank. He stated that the applicant knew this was requested by the County; therefore, they were complying with that requirement. He said that the project proposed was to be a 55 and older community, and that the note regarding school age children was to ensure that when reviewed for school concurrency, the note would ensure that no children would go into the schools that this property was in the district of. He said that the note was presented to the School Board and a satisfactory letter was received stating that the project would not impact the existing schools. He explained that the third component of the note amendment was the reduction of commercial square footage with the addition of residential units. He stated that the additional residential units on the note were required to facilitate the proposed project. He said that the second component, the reduction of commercial square footage, brought the property from a transportation and traffic impact standpoint to a net zero impact. He stated that the number of trips generated by the additional residential units offset the decrease in transportation trips caused by the excess commercial square footage. He reiterated that there were no additional impacts to the school system and no additional impacts to the roadway network, and the land use and zoning were both in compliance. He noted that he had a conceptual site plan, which would have to be reviewed by the Development Review Committee (DRC). He stated that the project was pushed to the corner, accented the corner and provided a linear dog park to the north of the site with a pool and recreation area along NW 31st Street. He added that the design also pushed the building as far away from the adjacent residential property as possible to lessen any adverse impacts. He stated that a conceptual elevation was also provided, which indicated that the architectural design was comparable to the Toscana Villas project with wide sidewalks, landscaping along both roadways and the building brought to the front of the property. He explained that with the land use and the zoning in place, the note was a mitigation of fees that would be paid for traffic and schools. He stated that Staff found that this was in compliance with the Comprehensive Plan of the City, as well as the Zoning Code; therefore, Staff recommended approval.

MAYOR RUZZANO asked whether the petitioner had any questions and the petitioner responded, "No."

COMMISSIONER TALERICO asked about townhomes.

DIRECTOR ZISKAL replied that the property currently allowed townhomes. He explained that the plat was made up of more than one parcel. He said that the overall Infante 2 Plat included the existing residential units. He read from the note that the remainder of the plat was restricted to 138 townhouse units and 45 moderate affordable townhouse units, which existed. He clarified that the revision read exactly the same and noted that portion of the plat was not changing.

COMMISSIONER TALERICO asked whether apartments were being put there.

DIRECTOR ZISKAL reiterated that the proposal was for a 55 and older rental apartment community. He said that it was currently proposed as strictly residential; however, by leaving the commercial square footage on the property, there was entitlement and the option for a commercial component if it could fit.

VICE MAYOR BRYAN mentioned a new development in Miramar with apartment houses with commercial property underneath.

DIRECTOR ZISKAL said that they could do that if they chose to.

COMMISSIONER SIMONE asked what would happen if the project went belly up even 10 to 20 years from now.

DIRECTOR ZISKAL explained that there were different components to residential projects in the TOC. He said that the TOC, when adopted as a land use, gave the City a pool of units to allocate to different projects. He noted that this project was asking for 100 of those units. He further explained that within the TOC guidelines, the City was also required to provide 15 percent of those units as affordable housing units. He stated that the current proposal was for a 55 and older community with affordable units for those residents. He said that would offset or deplete the remainder of the residential units and affordable residential units that would need to be provided in other projects. He stated that what was done to meet the 15 percent requirement was to require every developer to provide 15 percent for affordable housing. He stated that if the project was approved and more than the 15 percent share was provided, other projects would not have to provide as many affordable housing units. He noted that if the project went belly up, the City would still have to maintain that requirement for the Comprehensive Plan and the approval that the City was given with Broward County. He clarified that if this operator went out of business, he understood that there would be legal instruments assigned to the property that would still require them to provide the same type of housing for a 50 year time period. He noted that if it were to completely vacate, the City Attorney would have to provide information on what the City's status of the pool of units would be. He understood that if they were allocated to the project, and allocated to the property, they would be available for a different operator unless redeveloped or transferred to another site.

MAYOR RUZZANO noted that this item was previously brought up as a resolution. He noted that in the past projects like this one were placed on a Consent Agenda and were approved sight unseen. He now appreciated having it on as a Quasi-Judicial Hearing, rather than approving it without seeing what was being built. He noted that when speaking with Mr. Ziskal, he felt that a policy, group or a board needed to be implemented to look at these projects and approve them to see if they had the look the City wanted. He

mentioned having an Architectural Board to keep consistency. He referred to a picture showing all the buildings on the street side and noted that because it was conceptual, it did not have to look anything like the picture.

DIRECTOR ZISKAL stated that revisions could be made; however, the zoning regulations for the Gateway were in play and would shape the project. He said that the landscaping or sidewalks might not be exact; however, the overall design of the building near the road was a Code requirement. He stated that from an overall conceptual drawing, this was a good representation.

MAYOR RUZZANO said that he liked it and felt it did not interfere with the existing neighbors. He liked the entrance for security issues. He questioned whether it would be 5 or 6 stories.

NECTARIA CHAKAS, representing the applicant, explained that the building was actually higher along the corners with 6 stores, but then it tiered down as it progressed in each direction. She noted that the prominence of the building, which was encouraged under the City's regulations, was to have it up on the corner with a prominent feature.

MAYOR RUZZANO said that he liked it and asked if it was State funded or privately funded.

MS. CHAKAS said that it was not all State funded. She mentioned low income housing tax credits and said that institutional lenders took advantage of that. She said that she was not sure who would be the lender on this particular project; however, she noted that they were institutional lenders such as Bank of America in downtown Fort Lauderdale. He stated that this type of housing was in demand and the institutional lenders like to take advantage of the tax credits so there was usually no issue finding a lender.

MAYOR RUZZANO asked whether the project had to remain affordable senior living.

MS. CHAKAS said that it had to remain for 50 years. She noted that there were different levels, and that the longest was 50 years. She said that the County would require signed declarations limiting it to 25 years and the City would have one that limited it to 30 years; however, the State had one for 50 years.

COMMISSIONER SIMONE mentioned that the City was trying to get some artwork into the City and asked whether some decorative artwork, statues or waterfalls could be added to the property to be an eye catcher for the residents.

MS. CHAKAS said that the petitioner was open to that and she noted that they did incorporate public art in the Miami/Dade projects. She stated that it depended on what the City was looking for.

MAYOR RUZZANO said that he loved the look of Toscana with the rocks and he loved water features.

VICE MAYOR BRYAN asked that they be creative and think out of the box.

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

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

**8) ORDINANCE(S) - FIRST READING**

- A. ID 2016-246 AN ORDINANCE TO PROVIDE PARKING STANDARDS FOR BOLLARDS AND WHEELSTOPS.

A motion was made by Vice Mayor Bryan, seconded by Commissioner Peerman, that this Ordinance - 1st Reading be approved. The motion carried by the following vote:

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

- B. ID 2016-247 AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, PROVIDING FOR AUTHORIZATION OF PURCHASES, BID AWARDS, AND CONTRACTS BY THE CITY MANAGER; PROVIDING FOR APPROVAL OF CONTRACTS BY THE CITY COMMISSION; PROVIDING FOR NONAPPLICABILITY TO COOPERATIVE BIDDING, PROVIDING FOR SEVERABILITY; PROVIDING FOR RETROACTIVE APPLICATION; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Vice Mayor Bryan, seconded by Commissioner Peerman, that this Ordinance - 1st Reading be approved. The motion carried by the following vote:

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

**9) DISCUSSION AND POSSIBLE ACTION**

- A. ID 2016-239 BROWARD LEAGUE OF CITIES 59TH ANNUAL GALA

MAYOR RUZZANO explained that the Broward League of Cities Gala was in Hollywood and cost \$125 per person. He believed that as City Officials, networking was one of the number one jobs. He spoke about the importance of meeting people and social networking. He noted that the County was going through a time where Cities needed to get together with regard to the E911 Service, as well as the Penny Tax and the Resource Recover Board.

A motion was made by Commissioner Talerico, seconded by Commissioner Peerman, that whoever wanted to attend should attend.

COMMISSIONER PEERMAN agreed with Mayor Ruzzano that when Commissioners went to an event they were representing the City; therefore, the City should pay for the event. She mentioned an article that was written, which she took offense to. She noted that if the cost was under \$100, it would not have come before the Commission; however, there was no policy. She recommended that the Mayor attend because he was also an Alternate for the Broward League of Cities.

COMMISSIONER SIMONE agreed and would like to see an Agenda. She said that she attended last year; however, she did not feel it was worth her attending this year because there was no networking. She did agree with networking; however, she did not know if this event was worthwhile as it depended on the event, which was why she wanted more detail



or an Agenda about the event.

MAYOR RUZZANO said that he met a lot of people in Parkland and felt that it was a good networking event.

VICE MAYOR BRYAN noted that she did not attend, but she was all for accomplishing networking.

COMMISSIONER PEERMAN said that the event was what you made it and there was no Agenda that could be produced to show the networking. She felt that a table with three or four Commissioners from Margate looked better than a table for one when representing the City.

COMMISSIONER TALERICO said that the Commissioners were members of the Broward League of Cities and the Florida League of Cities for years and it was important to meet people and make connections with all kinds of people that could have an impact on the City.

COMMISSIONER PEERMAN said that there was no mention of drinking and she noted that other Cities were spending \$10,000 to be sponsors.

COMMISSIONER SIMONE asked how many Commissioners were interested in attending.

MAYOR RUZZANO, VICE MAYOR BRYAN AND COMMISSIONER PEERMAN stated that they would attend.

The motion carried by the following vote:

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

No: 1 - Commissioner Simone

## 1) PRESENTATION(S) - Continued

A. ID 2016-253 SWEARING-IN CEREMONY OF NEW CITY ATTORNEY DOUGLAS R. GONZALES

### ADJOURNMENT

There being no further business, the meeting adjourned at 10:42 PM.

Respectfully submitted,

Transcribed by Carol DiLorenzo

  
Joseph J. Kavanagh, City Clerk

Date: 6/1/16