

FORT LAUDERDALE CITY COMMISSION CONFERENCE MEETING
SEPTEMBER 18, 2012

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CITY COMMISSION CONFERENCE MEETING 1:34 P.M. September 18, 2012

Present: Mayor John P. "Jack" Seiler
Commissioners Bruce G. Roberts, Charlotte E. Rodstrom, Bobby B.
DuBose and Romney Rogers

Also Present: City Manager Lee R. Feldman
City Auditor John Herbst
City Clerk Jonda K. Joseph
City Attorney Harry A. Stewart
Sergeant At Arms Sergeant Dana Swisher

EXECUTIVE CLOSED DOOR SESSION WAS HELD AT 1:34 P.M.

The City Commission shall meet privately pursuant to Florida Statutes 286.011(8), regarding the following:

**Housing Authority of the City of Fort Lauderdale v. City of Fort Lauderdale
(Case 11-28715)**

CLOSED DOOR SESSION ENDED AT 1:43 P.M.

CF-1 – Emergency Repairs to Transportation and Mobility Building Roof – 290 NE 3 Avenue - \$32,837.76

No objection.

CF-2 – Proposed Lien Settlements – Special Magistrate and Code Enforcement Board Cases

Concerning CE 06080703, CE07060696, CE08060555, CE09040977, CE010032489, CE10062585, CE10121438, CE12031986, and CT08102257, Maurice Walker, 2308 NW 26 Street, indicated there is a thirty-day waiting period and he is requesting that thirty day period be waived as the property is being sold. The City Manager explained there is a thirty-day callup period. There was consensus approval to waive the thirty-day callup period.

Concerning CE05060768, Dan Begley, 2012 S. Miami Road, also requested waiver of the thirty-day callup period as the property is being sold. There was consensus approval to waive the thirty-day callup period.

There was no objection to all of the other settlements in this item.

CF-3 – South Side School Update

Albert Carbon, Director of Public Works, reviewed Commission Agenda Memorandum 12-2194. In response to Commissioner Rogers, Mr. Carbon advised that the building is closed, but it is not air-conditioned because there is no HVAC system to do it. Mold could continue to grow. The City has entered into a contract for mold remediation in the entire building. The windows have been sealed and as such the envelope is fairly tight. The remediation will take place as soon as the HVAC is in place.

The City Manager responded to Commissioner Rogers' question about programming. He indicated that he is speaking with Nova Southeastern and if that does not work out, there are also discussions occurring with respect to Parks and Recreation handling the programming. Mr. Carbon advised that it is anticipated that Nova will be furnishing a letter to the City. According to Peter Witschen, of Nova Southeastern, they are still interested in South Side School although they have renewed their lease. Commissioner Rogers asked that future updates include information with respect to programming.

BUS-1 – Painting of Traffic Signal Mast Arm Structures

The City Manager framed the issue set forth in Commission Agenda Memorandum 12-2073. Mayor Seiler felt the City needs to be consistent in providing a black finish to all mast arms or accept the galvanized finish. Both Mayor Seiler and Commissioner Rogers did not think the additional cost is affordable. Commissioner Roberts noted that there are already some with a black finish, so there is a mixture. Vice Mayor Rodstrom asked about those with a black finish that are in need of repair as well as the need for uniformity. The City Manager believed that once the mast arm is accepted, the County is responsible for maintenance. Commissioner Roberts asked about exploring a more aesthetic option to mast arms in some areas. He wanted the City Manager to discuss the idea with the Florida Department of Transportation (FDOT). Commissioner DuBose agreed. He went on to comment that a dollar amount should be budgeted every year so that there is replacement funding available when the life expectancy is reached. There was consensus approval for galvanized finish.

BUS-2 – Partnership with IBM to Develop Resource Optimization Solution for Police Department

The City Manager reviewed information in Commission Agenda Memorandum 12-2122. With consensus approval, a contract would be presented on October 16, 2012. It would be structured similar to the improvements being made at Carter Park by the Orange Bowl Committee. In response to Mayor Seiler, the City Manager explained there is no concept in terms of pricing because the product does not yet exist. He would negotiate for a discount. There is no obligation to purchase it. He as well as Commissioner Roberts elaborated upon the intent and benefit to the City in improving their processes. Commissioner Roberts felt the measurement should be elimination of problems and freeing time of officers to solve problems. Mayor Seiler wanted to assign Commissioner Roberts to take the lead on this matter. There was consensus approval.

The City Attorney indicated that when the item comes back to the Commission it needs to have some determination of its uniqueness. The City Auditor indicated there are challenges from a funding and procurement perspective. The City Manager explained that IBM would work with the City in creating a better way of operating absent the software. The value the City receives over the two-year period is the level of consulting services that the City would normally have to contract for. Vice Mayor Rodstrom asked if law enforcement trust funds can be used to pay for consulting services. The City Attorney indicated this would be a question to look into. The City Auditor commented that he does not know how it can be determined if the City's cost of \$150,000 is a good price. The City Manager explained that to some degree the City is operating under an antiquated system that is limiting the City's ability to create partnerships. An RFP for a vendor to come help the City would not attract a company such as IBM. If an RFP is needed for anything new will be stifling the City's ability to innovate. In response to Commissioner Rogers, the City Manager indicated that IBM approached the City. Commissioner Roberts supported the item and commented on the long term benefit to the City. He wanted to find a way to proceed.

Mayor Seiler wanted to be assured there is no more cost to the City other than the law enforcement trust funds. He requested a presentation by IBM. Commissioner Rogers thought the City should receive something if the results are such that IBM will move forward with the product. It could defray future costs. The City Attorney saw partnership as interest in the product.

The City Manager advised that he will obtain answers to questions raised today and bring the matter back to the Commission on October 16, 2012.

BUS-3 – Request of 11 SW 11, LLC for Relief on Code Enforcement Case CE06091540 – 11 Palm Avenue

Bernie Petreccia, Managing Member of 11 SW 11, LLC, advised that he is willing to pay for any costs that the City has incurred. He would like to know a specific amount and have an enforceable agreement. In response to Commissioner Rogers, Mr. Petreccia anticipated the work to be completed six to nine months after a permit. He believed that permitting could be obtained by the end of the year. Commissioner Rogers explained the release should be given once the project is completed and there should be a reasonable time period to complete it. Mr. Petreccia indicated the entire project does not have to be completed in order to satisfy the lien; only the exterior and roof. Mayor Seiler wanted clarity as to whether the building shell being in compliance and not the entire structures would be sufficient. The City Attorney provided some history relating to the structures. Commissioner Rogers indicated that the City's costs need to be reimbursed and a certificate of occupancy should trigger release of the lien. Mr. Petreccia assured that he will complete the project and estimated a year to do so. Commissioner Roberts agreed, but was uncertain whether \$3,200 for City costs is right. Mayor Seiler felt any additional costs that could be incurred for the twelve months need to be included. Further discussion ensued as to appropriate terms and how much more staff time could be anticipated wherein the City Attorney advised that there is a question whether financing can be obtained with the liens on the property. Mr. Petreccia explained for Mayor Seiler that Charles Jordan has no involvement with or interest in this project other than he is associated with the homeowner association. As soon as an agreement from the City is obtained, he intends to clean and fence the site. Mayor Seiler indicated the only reason the City would deviate from precedence is because it is an historic structure. As to additional City costs, Mr. Petreccia felt other than preparation of the agreement, future costs would be associated with construction and therefore permitting. Mayor Seiler favored two percent. Mr. Petreccia indicated that this project is being done at a loss. Discussion ensued as to the impact of the property being historic.

Alysa Plummer, president of Sailboat Bend Civic Association, indicated that the Association supports this project. She elaborated upon all of the effort that Mr. Petreccia has already expended on this matter. The two structures that will remain on the property were identified by the City years ago as contributing structures to the historic district. They are in the gateway entrance to the district. She stressed there should be consideration to the fact that these are historic structures for the benefit of not just Sailboat Bend, but the city. She agreed that there should be assurance as to performance.

Commissioner Rogers supported an amount of \$7,400 total. Mr. Petreccia explained that funds are limited so this money will have to come out of another area. He is retired and handling this project for the Association. He preferred \$3,200 as indicated by the City Manager. After further discussion, an amount of \$4,300 was decided upon and there was consensus approval.

BUS-4 – E911 Call Taking and Police Dispatch Services

The City Manager reviewed information in Commission Agenda Memorandum 12-2205, noting a joint meeting of the City Commission and County Board of Commissioners is scheduled for October 2. The City needs to provide dispatch services commencing on October 1 and funding for these services needs to be budgeted. Fire Rescue will be taking the lead on recruiting and staffing E911 operators under the scenarios in Memorandum 12-2205. Employees in the Sheriff's Office could apply for positions with the City. He did not think the Sheriff would layoff employees of the Fort Lauderdale PSAP (Public Safety Answering Point) based on seniority. Mayor Seiler pointed out the City's cost per call compared to other PSAP's is three times higher. He believed the budget is being balanced on the backs of Fort Lauderdale.

The City Manager advised that he has spoken with the City Manager of Wilton Manors and indicated he should expect Fort Lauderdale to charge for their E911 call taking and police dispatch services, which is estimated at \$275,000-\$300,000 per year.

The City Manager did not believe a countywide consolidated system is in the best interests of the City with the City gearing up now and then having to unwind everything next year. He confirmed for Commissioner Roberts that a stand-alone system is a little less expensive than joining the countywide system. The City Manager explained some of the logistics with respect to equipment and need for an addition to the Emergency Operations Center or a new floor to Fire Rescue Station 8. Commissioner Rogers raised the idea of an employee leasing arrangement that would eliminate employee administration and allow the City to switch gears if the need arises. The City Manager noted that the individuals must be certified. He cited the fact that the City would be competing in the marketplace for employees and a lease arrangement would probably mean reduced benefits. Moreover the Commission has expressed a desire for no contract for the service; that is, no third parties. Commissioner Rogers did not recall that discussion. Commissioner Roberts highlighted previous discussion on this topic. He was concerned about control and training issues. Commissioner Rogers felt there is a difference between total outsourcing and leasing. Commissioner Roberts was not aware of any leasing of employees in this area. With Fort Lauderdale possibly being the closest unit response to many, he had concerns about staffing and equipment purchases. This situation already exists with respect to EMS and mutual aid responses. Vice Mayor Rodstrom was concerned about capital expense being incurred to add to an existing structure. She asked about locating employees in multiple locations. The City Manager commented that there is need for interaction especially if automated systems go down. Also, the E911 trunk lines must all come to one facility. Vice Mayor Rodstrom asked the City Manager to look into it.

The City Manager noted that he will not do anything specific in terms of gearing up until after the October 2 meeting.

BUS-5 – Solid Waste and Recycling Services

Albert Carbon, Director of Public Works, reviewed slides on this matter. A copy of the slides is attached to these minutes.

Mayor Seiler opened the floor for public comment.

Vicki Eckels, Fort Lauderdale resident, indicated that the existing contracts have a most-favored nations status. There would be ramifications to bidders who try to give Fort Lauderdale more favorable pricing than any other entity. If the City proceeds with an RFP, she suggested it be

broken out to separate categories and the City proceed with the recycling portion. She spoke about percentages that various recycling vendors could achieve in revenue. She cautioned against the City putting itself in a position where it would lose the opportunity to join with other communities. She also pointed out that the City seems to be focused on single family residential yet sixty percent of the community is multi-family. There should be attention across the entire community. She urged the Commission to support Re-Communities.

George Platt of LSN Partners, representing Sun-Bergeron believed the only question that staff has for Re-Community is the administrative fee. He did not think it is disproportionate to the overall services. There is some \$400,000 approximate that would come back to the City annually. He pointed out that the backup information on solid waste disposal does not show what the City could receive by piggy-backing on the Miramar process. It was a fifteen month procurement. It was protested by Waste Management, denied by Miramar and is currently in litigation. Sometimes RFPs are challenged by the incumbent company that has a vested interest in delaying the process to the point that there is only one choice. Instead of an RFP or negotiating with companies relative to the Broward County process, he requested a workshop be held. In a piggy-back, the City could factor-in land and use that revenue to lower the rate. The deadline is July 4, 2013. Sun-Bergeron is also committed to providing some programs for free that the County would charge for. He emphasized that the Commission make sure they have all of the information before making a decision.

There was no one else wishing to speak.

The City Manager responded to Ms. Eckels. The RFP will be organized as a bifurcated process, so that a party could bid on one piece. With respect to the ReCommunities Program, he went on to explain that Broward County is trying to fund their administrative portion of the recycling operation by imposing a ten percent surcharge. The services that the County would provide are service administration, community outreach and technical expertise. Fort Lauderdale would not need technical expertise. The only real value would be contract administration that would be fairly simple. He has expressed to the County Administration that he did not think it would be in Fort Lauderdale's best interest to pay the most for the least amount of service. He has suggested five percent, but the County has said no. They want to treat all cities equally.

Commissioner Roberts felt the County is requiring the municipalities to provide duplicative services. Mayor Seiler favored calling a workshop. Other than the administrative overhead costs, he felt ReCommunities is a good program. He liked that a recycling option that has come about and thought it would be available to the City at a lower cost. He also believed the City could be a better deal.

There was consensus approval to schedule a workshop on this matter.

NOTE: The Commission convened as the Community Redevelopment Agency Board of Commissioners from 3:34 p.m. until 3:43 p.m.

BD-1 – Communications to City Commission and Minutes circulated for period ending September 13, 2012Marine Advisory Board

Motion made by Mr. Tapp, seconded by Mr. Guardabassi, to recommend that the consultants involved in the design process of the development of Las Olas Marina communicate directly with City Marine Staff, specifically with regard to seagrass mitigation. In a voice vote, the **motion** passed unanimously.

No discussion

Sustainability Advisory Board

1. **Revisit the cost of developing an infrastructure to inventory and monitor the waste practices at multi-family facilities, and**
2. **Spend the \$105,000 grant allocated for the "Expansion of Multi-Family Recycling" on specific, concrete actions that give the City the ability to monitor, enforce its ordinance, and expand multi-family recycling rather than on yet more consulting/professional services to merely tell us how to do it. Essentially, spend the grant dollars achieving the goal, not on more research about how to achieve the goal.**
3. **Engage the SAB in discussions from the beginning and provide status updates throughout the project vs. coming to us only after actions/implementation programs have been defined thereby making our feedback too late in coming.**

Mayor Seiler agreed that the City has not done enough in the area of multi-family recycling. In response to Mayor Seiler, the City Manager offered to provide a memorandum on what is being done and what can be done to improve. In response to Commissioner Rogers' suggestion to add this topic to the solid waste and recycling workshop, he commented that it would certainly have an impact on some of the City's contracts. Susanne Torriente, Assistant City Manager, who had attended the Board meeting, agreed it would be appropriate to add multi-family recycling to the workshop. Mayor Seiler asked it be added as an agenda item and asked that the Board be informed that the issue will be addressed at the workshop. Ms. Eckels clarified that the City is actually doing quite a bit with respect to multi-family. The issue is that grant funding not be used on a consultant because there is a great deal of knowledge within the City. Seventy-five thousand dollars was intended for professional services.

Insurance Advisory Board

The Board voted (6-0) to submit the following to the City Commission: "The City of Fort Lauderdale Insurance Advisory Board understands and fully supports City Manager, Lee R. Feldman, and the Budget Advisory Board's recommendation to appropriate \$10,000,000 heretofore set aside to cover the

City's \$5,000,000 per occurrence property insurance deductible to instead incorporate the aforesaid \$10,000,000 into the Risk Insurance 2013 Budget. With the foregoing assurance having been stated, the Insurance Advisory Board is hereby communicating to the City Commission that this appropriation has been discussed at Insurance Advisory Board and Budget Advisory Board meetings along with the contingency plan that in the event of a major hurricane that requires the City to provide funds to cover the aforementioned deductibles, said funds will be made available for repairs to City property from the City's general revenue, and emergency appropriation or by borrowing from the City's insurance reserves. Thus, the Insurance Advisory Board concurs with the appropriation and budget recommendation."

The City Clerk noted this communication was added to the agenda. In response to Vice Mayor Rodstrom, the City Manager advised that the deductible level has not changed. He noted that he is using insurance reserve funds to balance the budget. Mayor Seiler noted this was supported both by this board and the Budget Advisory Board. The City Auditor noted his position that the City should not keep doing this although it is acceptable this year based on the fund experience. In response to Commissioner Rogers, the City Manager indicated he has been advised that the State supports the City's position with respect to the FEMA matter (City's appeal of FEMA's finding relating to reimbursements received for Hurricanes Katrina and Wilma). He went on to provide a verbal update in more detail.

BD-2 - Board and Committee Vacancies

Commissioner Rogers asked that all individuals who so wish be reappointed. Mayor Seiler recommended Bradley Katz be reappointed to Community Services Board. He also recommended Robert Caine to the Sustainability Advisory Board.

Note: Please also see regular meeting item R-1.

City Manager Reports

MGR-1 – Discussion and Update on Various Matters

Non-Classified Employee 401(a) Retirement Plan

The City Manager reviewed motions adopted by the Budget Advisory Board (Board) as reflected in his Commission Agenda Memorandum 12-2204.

There was consensus approval that new non-classified employees would receive the same rate offered to classified employees, which is nine percent currently.

Commissioner Roberts endorsed the Board's recommendation for the contribution rate for existing non-classified employees to be adjusted to 19.89 percent and the reduction should be offset by an increase in salary. Mayor Seiler asked what would happen if the rate falls below 19.89 percent. The City Auditor advised that there is always a possibility as the actuaries adjust their assumptions, but the likelihood is that it will probably not go down at any time in the future.

It will more than likely go up. As the assumed rate of return is reduced, it will increase the amount needed to be paid into the fund for benefits currently being earned. He enumerated some of the factors considered in the assumptions. He noted some alternatives. After looking at this further, Mayor Seiler indicated he now believes that everyone should be treated the same. Whatever rate is set, it should be a cap. As to a salary adjustment, there are additional related expenses. He would need information on a total fiscal impact. He felt there should be more discussion on the shortfall offset adjustment. Commissioner Rogers did not want to treat everyone the same because everyone was hired under different circumstances and there are different levels of expertise and salary ranges. The tone in terms of rightsizing needs to be set. He would not object to salary compensation to level the playing field, but it should be on an individual basis.

Vice Mayor Rodstrom indicated that she attended the Budget Advisory Board meeting. It was narrowed down to twenty-four employees with one vacancy. It was observed that if an individual accepted a position at a set salary and was told he or she would receive this back-door increase, it was not as transparent as it should have been. It should have been reflected as salary so that everyone would know the amount. She was concerned employees are being given a false sense of security for their retirement because the percentage fluctuates. When she inquired about benefits for her assistant, no information about this was provided. It only pertained to employees with written contracts. Mayor Seiler believed that some salary adjustment must be made across the board and a cap put in place. Vice Mayor Rodstrom pointed out salary is upfront and considered a raise; not what can be counted on at retirement.

Mayor Seiler left the meeting at approximately 4:05 p.m.

The City Auditor pointed out that this benefit was not an oversight in 1995. Until the pension plan was closed (2009), it was irrelevant to the City whether these individuals received the contribution amount that went into the pension plan or, if they were enrolled in the pension plan and the City made the contribution into the plan. It was economically a wash. It has become a different issue since the closing of the plan. In response to Vice Mayor Rodstrom's desire to cap District II employees at nine percent, Commissioner Roberts pointed out the Commission has already reached a consensus that future hires will receive nine percent. Vice Mayor Rodstrom wanted to include such a provision in any ordinance that is drafted. The City Attorney advised that in order to accomplish this, the District II assistant would have to be terminated and re-hired, otherwise they have to be treated equally.

Vice Mayor Rodstrom opened the floor for public comment.

Fred Carlson, 625 Orton Avenue, noted his experience in wage and salary administration. He did not support a one size fits all approach as well as over-regulating. There needs to be flexibility so that the City can respond to unknown conditions in the future.

Commissioner Rogers did not think all of these employees are similarly situated. The individual aspect is meaningful in a number of ways. He stressed the need for pension reform. Commissioner Roberts felt the Commission has accomplished pension reform as future hires will receive nine percent. It is a fairness issue for these employees. It would be the only group singled out to diminish a benefit package by twenty percent. People came onboard with the City with this expectation. There will be some of these employees who were hired by the City Manager and will leave when he separates from City employ. As to the starting salary level of commission assistants, he believed that is a different matter. Commissioner Rogers felt the salary adjustment should be individualized. An assumption is being made that people were told

something. Commissioner Roberts pointed out that it is individualized because salaries are different. Commissioner Rogers commented that there is a budget to meet next year as well as further into the future. Commissioner DuBose was uncomfortable saying that one employee's contribution is greater than another based on a skill set that one may perceive to be better than the other. Every task needs to be done. He was pleased to hear that the Mayor has decided to support treating all of these employees the same. It appears there is a consensus with regard to what the Budget Advisory Board has presented. This group of employees is just as important as those who are protected under collective bargaining. It is not fair to balance the budget on these employees' backs. Commissioner Rogers pointed out that there is a pay range for each position. Because of the things just said, the Commission is hampered in the implementation. It needs to be fair to the taxpayers as well. The City Auditor noted and Vice Mayor Rodstrom concurred that the Budget Advisory Board was unanimous in recommending it be uniform for all even though the members differed on other points. In response to Vice Mayor Rodstrom's question, the City Manager did not have a specific number of employees entitled to a merit increase; he believed that some of the twenty-four employees are capped and others are not.

Discussion ensued as to bringing this matter to closure. Adjusting the contribution rate to the nineteen percent number and granting salary increases would be a wash. The retirement contribution is made every pay period. The City Manager pointed out that the rate will change October 1. In response to Vice Mayor Rodstrom, the City Manager advised that the budgeted amount for the twenty-seven percent contribution rate is \$676,000. The City Auditor advised that for these employees, the difference between nine and twenty-seven percent would be \$340,000. Stanley Hawthorne, Assistant City Manager, added that the difference between twenty-seven and thirty-two percent would be \$102,000 in savings. The City Manager explained at some point a resolution setting parameters for this program needs to be adopted and until that is done, he would be operating under the existing resolution. There will be a budgetary impact if a decision is delayed longer than the October 2 meeting, for example.

NOTE: The Commission recessed at 4:25 p.m. and reconvened at 11:56 p.m. to continue discussion of this matter.

Mayor Seiler agreed with the 19.89 provided it is a not to exceed and not a fixed rate. He also believed a salary adjustment must be made across the board, but he needed more information about FICA and so forth. The City Manager advised that it would translate to 6.52 percent for everyone except himself which would be 4.83 percent based on a statutory cap. Vice Mayor Rodstrom asked how many of these employees would be eligible for a merit increase. She did not think that the Budget Advisory Board (Board) was informed about this aspect. The City Manager did not think it would impact the Board's recommendation. Commissioner Roberts believed that the Board membership from their experience is very much aware of merit increases and salary structure for the City. In response to Mayor Seiler, the City Manager suggested terminology of normal cost of the General Employees Retirement System not to exceed 19.89 percent. In response to Mayor Seiler, the City Manager confirmed that no matter what action is taken this evening, it would be under the budgeted amount of thirty-two percent. As to consensus on the percentage rate not exceeding 19.89 with an appropriate salary adjustment, Mayor Seiler requested that the Commission meet with the City Auditor as to the salary adjustment equating to the same dollar cost to the City (as the current contribution rate of 27 percent) Commissioner Roberts wanted to first meet with the City Auditor and address both aspects at one time.

City Commission Reports

Grant: Rivermont Project

Mayor Seiler had received notification from Senator Nelson that the City has been awarded land and water conservation grant funding in the amount of \$200,000 for the Rivermont project.

Events and Matters of Interest

Members of the Commission announced recent and upcoming events and matters of interest including Florida League of Cities' committee meetings and human trafficking. Commissioner DuBose advised that he serves on the Finance, Taxation and Personnel Committee. They decided on the top five topics to consider in preparation of a legislative agenda, those being: pension, internet tax, local business tax, stormwater fees and communications service tax. The Committee will narrow the topics to two and he believed they should be pension and local business tax. The City Manager advised that he serves on the Urban Administration Committee that is pursuing red light cameras, Sober Homes, synthetic marijuana, noise ordinances, surety performance bonds and foreclosures.

Citywide Facility Condition Assessment

Commissioner Rogers asked whether the age of City-owned buildings could be determined and included in this assessment as well as their structural integrity. The City Manager indicated this is essentially what the assessment will entail.

Marina Lofts

Commissioner Rogers questioned why this project was presented to the Historic Preservation Board before it went through any other processes. There was no designation of historic resources before it went to the Board. The City Manager indicated that Marina Lofts is in the Development Review Committee process and one determination was that it has a potential impact on the historic district based on its location across the water. The Comprehensive Plan provides that if a project has an impact on a historic area, it must be presented to the Historic Preservation Board. There is no definition of what creates a historical impact and, as such, the decision was made to err on the side of caution.

The meeting adjourned at 12:20 a.m.

SOLID WASTE & RECYCLING SERVICES

SEPTEMBER 18, 2012

Public Works Department...Working for the public 365 days a year to provide outstanding service.



There are three pending Interlocal Agreements (ILA) pending on Solid Waste issues with the County.

- Solid Waste Disposal Support Services
- Recycling Materials Recovery
- Optional Solid Waste Services

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Two other solid waste matters staff is working on:

- City Request for Proposal (RFP) for Solid Waste Service
- Choice Agreement for Garbage and Yard Waste Collection Services

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Commission Requested Direction

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Does the City Commission want to enter into ILA's with the County for:

1. Solid Waste Disposal Services
 - A. With one or both of the contracted companies
 - a) Wheelabrator Environmental Services; and/or
 - b) Sun-Bergeron
2. Recycling Processing Services (Approval needed by October, 15 2012)
 - A. Re-Communities
3. Optional Solid Waste Services
 - A. Keep Broward Beautiful
 - B. Household Hazardous Waste
 - C. Bulk Trash and Yard Waste Drop off Program

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Does the City Commission want to issue a Request for Proposal (RFP) for:

- A. Solid Waste Disposal Services
- B. Recycling Processing Services
- C. Yard Waste Disposal/Processing Services
- D. Bulk Trash Disposal/Processing Services

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Does the City Commission want the City Manager to negotiate a new agreement for garbage and yard waste collection services with Choice Environmental that will:

- A. Combine the two existing collection services agreements; and
- B. Extend the agreements through to July 31, 2015 which is the through the last extension period allowed by one of the two agreements.

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Solid Waste Disposal Support Services

Description

- Resource Recovery System originally formed in 1986
- 23 municipalities entered into an ILA in late 1986 for Solid Waste Disposal Services.
- The current ILA expires on July 2, 2013 and has no renewal options.
- The collection of tipping fees for a cost ranging from \$63.40 to \$99.20 per ton.
- The current rate is \$72.57

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Solid Waste Disposal Support Services (continued)

- The County entered negotiations with two contractors for solid waste disposal support services:
 - Wheelabrator Environmental and Sun-Bergeron for a five-year agreement with three five-year renewal options.
 - These two firms were chosen due to their responses to a request for proposals issued by the City of Miramar in 2011.
 - The City has the discretion to select either or both contractors.

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Summary of Services

- Wheelabrator Environmental
 - Continue to use the existing two waste-to-energy plants in Broward for garbage disposal.
 - Five-year Agreement with three five-year renewal options
- Sun-Bergeron
 - A new processing facility in the Town of Davie for sorting recyclables from garbage. This process can recover up to 75%-85% recyclable materials from garbage before final disposal. Processing facility scheduled to open in July 2013.
 - Five-year Agreement with three five-year renewal options

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Summary of Services

- Cost to the City

Year	Quantity (Tons)	Cost/ton	Total Disposal Cost
FY2013 (Budgeted)	42,000	\$72.57	\$3,047,940
Wheelabrator	42,000	\$42.00	\$1,764,000
Sun-Bergeron	42,000	\$45.25	\$1,900,500

- Additional Costs:

- \$21,840 in optional costs for County Centralized Billing and Flow Control Enforcement Services. This is estimated on the amount of garbage delivered.

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City Staff Recommendation

City Staff recommends no action at this time.

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year to provide outstanding service.*



Recycling Materials Recovery

Description

Broward County issued a Request for Proposals (RFP) for recycling material processing in mid-2012. The County has awarded the contract and now is seeking municipality participation in the services through an ILA.

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Summary of Services and Costs

- Term of Agreement is through September 30, 2023.
- To receive the current rate, a municipality must state its desire to enter into the ILA by October 15, 2012
- Agreement begins on July 3, 2013.

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Summary of Services and Costs (continued)

- County will
 - Administer the agreement.
 - Make payments made no later than 60 days after the end of each quarter.
 - Provide regional advertising of the recycling program. Provide quarterly reports to City on program activities, participation, and associated costs.
 - Prepare and submit an annual State Report, as required under Section 62-716, Florida Administrative Code, on solid waste and recycling

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Summary of Services and Costs (continued)

- County will
 - Retain the Recycling Program Support Fee from net revenues, which is to be equal to ten percent (10%) of net revenues, but not to exceed \$150,000.00 quarterly in aggregate for all municipalities participating beginning on October 1, 2013.
 - The Recycling Program Support Fee will be used by County for the purposes of contract administration and the support of programs to enhance recycling, including the provision of technical support for City recycling activities

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Summary of Services and Costs (continued)

- City will
 - Receive payments on a quarterly basis.
 - Deliver recyclables from within the City to the facility/facilities as designated in the recycling contract.
 - Provide a liaison for cooperative program development, outreach and promotional activities.
 - Conduct municipal-based outreach and promotion for cooperative recycling programs.
- There is no tonnage commitment

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Cost and Revenues

- Estimated revenue for FY 2013 is \$ 581,125.00 based on the current rate for ten thousand tons of \$ 58.50 for nine months and \$ 56.95 for three months.
 - Program support fee 10% of net revenue.
- No capital cost to City.
- Minimum revenue guaranteed for recyclables is \$25/ton.

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Staff Recommendation

Staff recommends not approving the ILA as proposed.
Commission should direct the City Manager:

- To negotiate a low program support fee (10% is proposed);
and
- Proceed with issuing an RFP for these services

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Optional County Services

Description

According to ILA the City has the option to participate in any or all of the following three optional programs:

- Keep Broward Beautiful
- Household Hazardous Waste
- Bulk Trash and Yard Waste Drop off Program

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Summary of Services and Cost

Keep Broward Beautiful

This Adopt-a-Street program provides gloves, vests, bags, and coordinates events with staff and provides statistics.

- Cost - Approximately \$40,000 per year

Recommendation

City staff does not recommend this service.

The City could provide this service through its City volunteer programs and the City could possibly save on some of the annual cost.

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Summary of Services and Cost (continued)

Household Hazardous Waste

Household Hazardous Waste materials include paint thinners, insecticides, cleaning products, pool chemicals, etc. which should not be disposed of in the trash. This is an essential service that needs to be included in the City's Solid Waste Management Program.

The ILA identifies three drop off sites that are opened at least one day per week in Pompano Beach, Davie, and West Park, and provides for one mobile Household Hazardous Waste collection event each year.

- Cost - Approximately \$340,973 per year

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Summary of Services and Cost (continued)

Recommendation

City staff does not support this program.

Further research is needed to determine whether a more convenient drop off locations can be proposed, or Additional Household Hazardous Waste mobile events can be implemented for the same cost.

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Summary of Services and Cost (continued)

Bulk Trash and Yard Waste Drop Off Program

This is a bulk trash and yard waste drop off service.

- Program drop off locations are proposed in Pompano Beach, Davie, and West Park.
- This would be provided free of charge to customer (operating cost previously included in the RRB tipping fee).
- Cost to the City would be approximately \$86,000 per year.

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Summary of Services and Cost (continued)

Recommendation

City staff does not recommend entering into an agreement for this service.

The City currently provides monthly bulk trash services to all its residential customers.

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City Request for Proposal (RFP) for Solid Waste Disposal/Processing Services

Description

On June 5, 2012 the City Commission approved Kessler Consulting to prepare an RFP for the city's garbage, recycling, bulk trash, and yard waste processing and disposal.

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Summary of proposed RFP

Under the current draft scope of the RFP:

- The City would enter into its own agreement for garbage, recycling, bulk trash, and yard waste processing and disposal. The RFP provides for a competitively bid procurement process that specifically identifies the needs of the City's neighbors
- It includes a host fee that could bring additional revenues to the City.
- Proposers would have an option to lease up to 18 acres of the City's property at the Compost Facility. This would generate additional revenues to the City.
- The term of the agreement would be 10 years with two 5 five year extensions
- Costs are unknown until proposals are received.

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City Staff Recommendation

City staff recommends issuing the RFP and the results be presented to City Commission for further consideration.

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Choice Environmental Garbage and Yard Waste Collection Services

Description

In 2008 and 2009 the City issued contracts with Choice Environmental Services of Broward Inc. for residential garbage and yard waste collection. Choice provides citywide service under both these contracts. Choice has requested that the City review both these contracts and combine them into one agreement.

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Choice Environmental Garbage and Yard Waste Collection Services

Summary of Contract and Proposed Changes

- A new agreement would be written combining the two existing agreements
- New agreement would shorten the remaining term of one contract by 12 months
- New agreement provides for one citywide collection services for future contracts
- The new contract would be through July 31, 2015
- Rates would remain the same.

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Choice Environmental Garbage and Yard Waste Collection Services

City Staff Recommendation

Staff recommends continue negotiations on combining the two current agreements as long as rates remain favorable to the City.

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