



MINUTES
REGULAR COMMISSION MEETING
Ed Burke Recreation Center - 11400 NE 9th Court
Biscayne Park, FL 33161
Tuesday, May 6, 2014
Presentations at 6:30pm / Meeting at 7:00pm

1 Call to Order

Mayor David Coviello called the Presentations portion to order at 6:36pm.

2 Roll Call

Mayor David Coviello - present

Vice Mayor Barbara Watts - absent (*Arrived at 6:45pm*)

Commissioner Bob Anderson - absent (*Arrived at 6:39pm*)

Commissioner Fred Jonas - present

Commissioner Roxanna Ross - present

Present from staff were:

Village Manager Heidi Shafran

Village Clerk Maria C. Camara

Village Attorney John Hearn

Assistant to the Manager/Public Services Director Candido Sosa-Cruz

Finance Director Irwin Williams

Chief of Police Duncan Foster

Parks & Recreation Director Issa Thornell

Assistant Public Works Director Cesar Hernandez

3 Pledge of Allegiance

4 Presentations

4.a Chief Foster presented a Certificate of Appreciation to resident Olivia Bronzi, and recognized Police Officers Britny Villazan and Charlie Dayoub.

4.b Mayor Coviello read a proclamation recognizing the week of May 5th as Municipal Clerk's Week, and recognized Village Clerk Maria Camara.

4.c Parks & Recreation Director Issa Thornell introduced new Recreation employee Wills Celestin.

- 4.d Graeme Pentland from Employee Benefits Solutions (EBS) provided a summary of the renewal for employee medical health benefits that go into effect June 1st, citing the impact of the Affordable Health Care on renewal rates, and what to expect for next year's renewal. There was an increase of 17% in the rates.

Mayor called a recess at 6:50pm
Meeting resumed at 7:03pm

Presentations continued.

- 4.e Miami Dade County Commissioner Sally Heyman introduced her new staff member, Alexis Moseley. Commissioner Heyman announced that the Village had been awarded a \$50,000 appropriation to be used for signage around the Village, due in part to the quick response of Manager Shafran in submitting the request.

- 4.f Review of Village Garbage, Trash & Recycling Services - Manager Shafran provided a summary of the four in-house options for solid waste collection services; followed by the cost to out source the operation to Waste Pro. The Manager introduced Greg Slagle, former Public Works Superintendent with the City of Ft. Lauderdale, who provided assistance in the review of all options.

Mr. Slagle confirmed if the operation were to stay in-house, the necessity to purchase two new trucks; changing the scheduling to four 10-hour days. Could not identify any other efficiencies that could reduce in-house costs other than those already presented.

5 Additions, Deletions or Withdrawals to the Agenda

Mayor Coviello removed items 7.f, Resolution 2014-38 and 7.g, Resolution 2014-39, since the Florida Legislative session had already ended.

Manager Shafran requested to move item 12.a and 12.g from New Business up to right after Public Comment.

Manager Shafran added a discussion item under 14.a Manager Report regarding the plans for expansion at Miami Country Day School.

Vice Mayor Watts moves item 12.b from New Business to June.

Commissioner Ross moves items 12.c and 12.f from New Business, and item 11.a from Old Business to June.

Commissioner Jonas moves item 12.d and 12.e from New Business to June.

6 Public Comments Related to Agenda Items / Good & Welfare

Harvey Bilt: In-house option D is the best and prefers to keep it in-house. Larger recycle carts are great.

Barbara Kuhl: In-house option D is the best choice. Workers deserve a living wage. Will continue to find ways to keep improving. Everyone spoken with is willing to pay more and keep in-house.

Gina Loft: Wants to know who is pushing this agenda to outsource. No one wants to change. Everyone likes the staff. Have spoken to many and agree on not changing.

Karla Gottlieb: Previously on the Ecology Board, and this subject discussed many times by the Board. Has submitted an application to be re-appointed to the Ecology Board.

Dan Rodriguez: Have lived in Biscayne Park since 1991. An integral part of Biscayne Park is Police and Public Works and the Commission. We are only 3/4 of a mile. We cannot compete with big companies. We need to look at cutting other salaries. Vehicles can be repaired and over hauled. Miami Shores information on recycling rebates is wrong. There is money in recycling. Wayne Huizinga made a lot of money in waste. Waste Pro will get us in five years. They will raise our rates. We should pay our staff at least \$9/hour. Thanks the Commission for their service at \$2,000 per year. We need to cut in other areas.

Tracy Truppmann: The discussion is about outsourcing or keeping in-house, but also whether we will continue to have a Village in a few years. Compliments the staff and commission on looking at this. Staff was asked to look at out sourcing. On the size of the bin, larger car will increase recycling and will keep contents contained.

Millie DiSanti: On recycle bins, to have a wheeled container would be great. In favor of in-house option D, and our guys should get a raise.

Gary Kuhl: In favor of in-house option D. Concerned with the cost for a Roadway and Storm water master plan, and that the basis for it is due to wide spread flooding and runoff, and to establish roadway standards. There is no wide spread flooding or runoff. In regards to roadway standards, there is a book that is available to assist us rather than spend \$172,000 for a master plan. Better off selecting a priority project and hire an engineer to solve it. Really extravagant to spend on a master plan. It is not proper in the way it was presented as required notice and bidding was not done.

Attorney Hearn: Engineer providing the cost of the master plan was selected through an RFQ/bid process. To proceed with doing the assessment, there are many steps that need to be and will be followed.

Dan Keys: In favor of privatization of our waste services. We have heard the emotional reasons to keep it. To outsource means more money in our collective pockets, the ability to fix things that are broken, increase of property values. Likes the service we have, but if we go with a contract, it will hold them to that service. We need to move forward. We have often argued against raising taxes. This could save money that can go towards other needs in the Village. Plus the income of \$38,000 in franchise fees is a valuable thing. Should look at roadway assessment carefully. Save us money and give us same level of service and move this Village forward.

Patty Rodriguez: Moved here because of Public Works and Police. Would hurt me if we took out Sanitation. Next would be Police and maybe we would become part of Miami Dade County. Outside company is not part of our family. Keep it in-house.

Kate Winson-Reid: Keep it in-house. We are talking about service. Irritated when Village spent money on a mural. Take care of services for everyone here. Keep the money here and for the ones that give us service. Take a better look at the budget.

John Jenkins (Public Works employee): Employed since 1992. Have seen a decrease in staff since then. We have sacrificed and still get the job done. If we keep the same service as it is today, we only need one truck. We outsourced the grounds maintenance. What more are we going to outsource.

Dennis Murphy: When we brought in a Village Manager, we, in a sense, outsourced the commission. Once you outsource, you cannot bring it back. Stated he was not paid properly when he performed work on a roof as a sub contractor and almost lost his home.

Matt Kaminsky: Why do the current trucks need to be replaced? What would be the cost to repair? Who are you going to call if you have an eviction and garbage all over the road, or if there is a dead animal?

Director Sosa Cruz: Due to the ages of the current trucks, 2001 and 2003, they are past their life expectancy. Both are leaking garbage and fluids. They are both a smaller capacity and require more trips to the dump.

Linda Dillon: Have lived here 38 years. Have been through this issue twice already. Why would we spend money on a Public Works building just to outsource? If it ain't broke, don't fix it.

Chuck Ross: Reminds everyone of Coffee with a Cop and Crime Watch meeting on Saturday, May 10th, at 10:00am. On Sanitation, if we keep in house, will continue to have trouble filling positions due to low salary; with a staff of only eight, what happens where there is an absence. May need to add more and increase the cost even higher.

Jacqueline Gery: On cutting of trees, the company we use really butchered them. Heard that they were cut that way to allow for the bigger trucks. Saw a Waste Pro truck on the highway and it was all rusty. They are not perfect. We are willing to pay a little more to keep it in house. Wonderful to keep what we have.

Dan Samaria: Does the Village receive money from the State for sanitation?

Manager Shafran replied that we do not.

Russell Katzman: Sanitation Department is paid to do their job. The job of the commission is to represent us. To change the service should be put up to a vote.

Derrick Murray (Public Works employee): Thanks the Commission and staff. It is a difficult vote. Thanks for giving us a chance.

Ron Escarement (Public Works employee): In Public Works for 15 years. In last seven years, never replaced a truck. What was done with the money? Never replaced an employee or equipment.

Frank Madar: Offer is still good to donate \$500 to go towards the purchase of a lawn mower to keep service in-house. Love the staff and they are super nice to everyone.

Agenda Items 12.a and 12.b moved up.

12.a FP&L Critical Hardening Project

Aletha Player and Miguel Perreira from FP&L presented the plans for strengthening of their lines which services both North Miami, and the Village's police station and 329 homes in Biscayne Park. One plan is to install 22 concrete poles, and the other plan is a combination of wood poles (10) and concrete poles (12). FP&L's preference would be the 22 concrete poles. Their goal is to begin the work immediately in order to complete the project before hurricane season starts in June.

Attorney Hearn: Confirms that this request is for a right of way permit. FP&L has the authority to work on the right of way consistent with state and county law. This is a ministerial action for a utility purpose.

After discussion, Mayor asks each commissioner their preference, option A for all concrete, or option B for wood/concrete mix. The consensus was for option A (Mayor Coviello, Commissioner Anderson, Commissioner Jonas and Commissioner Ross), with only one vote for option B (Vice Mayor Watts).

12.g Discussion on utilizing Village medians/parks for a Foundation fundraiser and the ability to sell alcohol and food by way of tickets at the event - As requested by the Biscayne Park Foundation, Vice President Joe Chao

Joe Chao, Treasurer for the Biscayne Park Foundation, introduced fellow members, Supreme Dorvil, President; Jorge Marinoni, Vice President; Marie Smith, Secretary; and Sylvia Linke.

The Foundation is looking to introduce new events such as a Farmer's Market, Talent Show, Food Festival with local restaurants serving food and alcohol. These ideas are geared towards increased fund raising. Looking to make improvements such as lighting around the Recreation Center, and other projects.

Attorney Hearn: In regards to the sale of alcohol at these events, as a 501(c), the Foundation has certain exemptions. Participating restaurants would fall under their liquor licenses.

Chief Foster: Does not see a problem with having these events in the Village.

The commission is supportive of these ideas. Manager Shafran asks that these items are placed on the Foundation's next meeting agenda for further discussion.

7 Consent Agenda

Left on the consent agenda:

Approval of Minutes

April 1, 2014 Regular Commission Meeting

April 9, 2014 Special Commission Meeting

Acceptance of Board Minutes

February 25, 2014 Recreation Advisory Board

March 25, 2014 Recreation Advisory Board

March 26, 2014 Parks & Parkway Advisory Board

March 12, 2014 Biscayne Park Foundation

April 7, 2014 Planning & Zoning Board

April 8, 2013 Code Compliance Board

April 9, 2014 Public Art Advisory Board

April 16, 2014 Public Art Advisory Board

Resolution 2014-35

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA RELATING TO CONTRACTS; AUTHORIZING THE VILLAGE TO PROVIDE EMPLOYEE HEALTH BENEFITS FOR THE PERIOD OF JUNE 1, 2014 THROUGH MAY 31, 2015; AND PROVIDING FOR AN EFFECTIVE DATE.

Resolution 2014-36

A RESOLUTION OF VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RECOGNIZING THAT AN OVERWHELMING MAJORITY OF THE MIAMI-DADE COUNTY ELECTORATE VOTED TO **SUPPORT THE INITIATIVES PRESENTED BY PETS' TRUST**; URGING THE MIAMI-DADE COUNTY COMMISSION TO IMPLEMENT THE WILL OF THE PEOPLE IN THIS CURRENT BUDGET SESSION BY ESTABLISHING THE FUNDING MECHANISMS FOR SAID INITIATIVES; ENCOURAGING OTHER MIAMI-DADE COUNTY MUNICIPALITIES TO JOIN THE VILLAGE OF BISCAYNE PARK IN THEIR SUPPORT FOR THE PETS' TRUST; AND PROVIDING FOR AN EFFECTIVE DATE

Resolution 2014-37

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **AUTHORIZING THE MAYOR TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT BETWEEN ANNA ASHLEY** AND THE VILLAGE OF BISCAYNE PARK FOR THE PROVISION OF THEATRE CLASSES AT THE ED BURKE RECREATION CENTER; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Ross makes a motion to approve the Consent Agenda and it is seconded by Commissioner Anderson.

All in favor: Mayor Coviello, Vice Mayor Watts, Commissioner Anderson, Commissioner Jonas, and Commissioner Ross.

Opposed: None

Motion carries: 5/0

Agenda Item 11.b is added as Old Business and moved up.

- 11.b Review of Village Garbage, Trash & Recycling Services and consideration to proceed with outsourcing of solid waste collection services.

Commissioner Jonas confirms with Manager Shafran that those that offered to make donations at last meeting, had not made those donations. Also confirms that the staff has been made aware of the change to 10 hour days in the in-house proposals. Is concerned of the staff's promise to commit to the 10 hour days when they have declined working overtime when offered in the past.

Manager Shafran: Confirmed her discussion with the staff regarding going to four-day work week and what the expectations were. In regards to declining overtime, the issue is that when overtime is needed, it requires the entire staff to stay late, not just one or two.

Commissioner Anderson understands the need for roadway and storm water improvements and the need for new trucks. Concerned that Village is proceeding too quick on this decision. Franchise fee is good, but does not cover the reduction of the administrative fees and the impact to the general fund. Concerned that the service will not be exact to the way it is today, how will Waste Pro handle trash put out on the wrong day, how will properties with an alley be handled. This decision is being made too quickly.

Mayor Coviello appreciates our workers and their service to the Village. But must make a decision on the numbers and not on passion. Finances must be considered. The outlook three or five years out does not look good. Residents say they are willing to pay more, but when does it stop, and when will the bleeding stop. Keeping it in-house is not a good decision for the Village. Obligated to do what is best for the Village. Not taken lightly. There is \$160,000 that will be saved each year that can be put towards other needs of the Village. Another idea we are pursuing is Annexation, but that is not guaranteed. We can't continue to poke holes at all ideas. We need to move forward and continue to grow. A very difficult decision that is not being taken lightly. Not looking at this in isolation. Looking at the complete financial picture.

Commissioner Ross: Reasons why it is being looked at now: Equipment inventory has to be rebuilt; choices have been thoroughly examined; making an informed decision; concerned we are keeping the correct amount on staff, recommends keeping two additional to meet special needs. To tap into money at the state level for flood mitigation, need to be in a better position with a proper master plan. Must make decisions based on fiscal responsibility. Ideally, it will be the same staff working at Waste Pro.

Vice Mayor Watts: Thanks Waste Pro staff for being at meetings. Dis-inclined to outsource; need to listen to residents' opinion; should wait for annexation decision; once you outsource, you can't go back; we have good people that do a good job; feels costs are inflated; to follow the temptation of the franchise fee is a mistake. Former commission created the financial problems we are in. A dis-service to outsource at this time.

Commissioner Jonas: This is a very passionate subject which complicates the decision; legitimate feelings on both sides; initially opposed and initially thought owning the system was better; but it is currently out of control. If we outsource and then have to reclaim it, would have to hire more and buy new equipment, however that is what needs to be done now. Problem with trash out on wrong day will not be caused by outsourcing. Problem exists today and has to be fixed regardless. To outsource is fiscally advantageous. It is the job of the Manager to obtain the costs and budget accordingly. A better bet to outsource at this time.

Commissioner Ross makes a motion to approve outsourcing sanitation and move forward on the ordinance for the franchise agreement. It is seconded by Commissioner Jonas.

All in favor: Mayor Coviello, Commissioner Jonas, and Commissioner Ross.

Opposed: Vice Mayor Watts and Commissioner Anderson

Motion carries: 3/2

Mayor called a recess at 10:15pm

Meeting resumed at 10:29pm

FIRST READING:

9.a **Ordinance 2014-02**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 166.041, FLORIDA STATUTES, TO AMEND ORDINANCE 2013-12 ADOPTED ON NOVEMBER 20, 2013 FINALIZING AND ADOPTING THE **ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2013-2014, BY AMENDING VARIOUS PARTS OF THE BUDGET** CONSISTENT WITH EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Manager Shafran provided details summarizing that through the mid-year, FY 2013-14 budget shows a \$52,951 increase in net assets.

Mayor Coviello opened the meeting to public comment on this ordinance, but there were none.

Commissioner Anderson makes a motion to approve Ordinance 2014-02 at first reading and it is seconded by Commissioner Ross.

All in favor: Mayor Coviello, Vice Mayor Watts, Commissioner Anderson, Commissioner Jonas and Commissioner Ross.

Opposed: None

Motion carries: 5/0

Ordinance 2014-03

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **GRANTING AN EXCLUSIVE FRANCHISE FOR SOLID WASTE COLLECTION SERVICES TO WASTE PRO OF FLORIDA, INC.;** REPEALING ALL ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Attorney Hearn read the title.

Manager Shafran continuing to work through the terms of the contract. Key points: Five year contract and after first year, increase based on consumer price index (CPI) or maximum 5%; residents can request side door service; 10% franchise fee; annual \$5,000 donation to the Village or in-kind service; 80% share of recycle rebates; share 50/50% of savings on decrease of tipping fees; code of conduct for employees of Waste Pro; most favored nation clause added; between franchise fee and donation, approximate \$39,000 in revenues.

In addition, median maintenance will be brought back as an in-house service; public works building will be shared with other department which will save on outside rental fees; will maintain three public works employees on staff.

Mayor Coviello opened the meeting to public comment on this ordinance.

Barbara Kuhl: Ironic you are passing a resolution on Pet Trust that talks about following the will of the people. There is fiscal responsibility, but also responsibility to your constituents. Where are the emails from those in favor of outsourcing? Object to describing those opposed to outsourcing as emotional. The franchise fee the Village will get is only a drop in the bucket. We are willing to pay \$300 more to keep in-house, yet it was decided it was not the best for us. Not pleased with this commission.

Janey Anderson: Concerned that Waste Pro will be here only two days a week and how they will handle trash out on the wrong day. It will be difficult to bring it back once you outsource a major department like this. Concerned with using the term "special assistance" for side yard / back yard service, and that trash pick up will be on Tuesday when residents work on their yards on the weekend. Took several months to pass a sign ordinance, yet this is being put through much quicker.

Dan Keys: Pass this ordinance. Three of you made the right decision to outsource. It is not ok for you to make a decision on how to spend my money. And also not ok for 27 people who spoke here to make a decision on how to spend my money. Get aggressive on those that put trash out on wrong day. Manager got ill deserved commentary. Manager was doing what was asked of her. She has our bet interest like all of you.

Chuck Ross: Thanks staff for this presentation. Agrees that we should keep two additional employees on staff. This would help solve any problems when Waste Pro is not in the Village.

At 11:00pm, Commissioner Jonas makes a motion to extend the meeting for 30 minutes and it is seconded by Commissioner Ross.

All in favor: Mayor Coviello, Vice Mayor Watts, Commissioner Anderson, Commissioner Jonas and Commissioner Ross.

Opposed: None

Motion carries: 5/0

Requested changes to agreement:

- Rewrite Article V to keep service identical as is today.
- Increase in the 50/50% split
- On Article II, confirm the change in the language of the 5 year term.
- On termination of contract, it states that Waste Pro will provide service for up to 90 days after termination. This same language should appear in all areas of the contract that talks about any type of termination.
- On the language if Waste Pro provides poor service, Attorney Hearn recommends using language for "liquidated damages".
- Look to add language for service to alleys.
- Look to increase the percentage of the franchise agreement from 10% to 12%.
- Look to change trash/yard waste pick up to Mondays.
- Confirm what the fiscal consequences are if Waste Pro does not finish the route.

Commissioner Ross concerned not enough staff to remain in Public Works to keep our medians maintained and clean. After discussion, consensus to recommend budgeting one extra person to remain from Sanitation, and if not used, rolled over to the following year.

Commissioner Ross makes a motion to approve Ordinance 2014-03 at first reading and it is seconded by Commissioner Jonas.

All in favor: Mayor Coviello, Commissioner Jonas, and Commissioner Ross.

Opposed: Vice Mayor Watts and Commissioner Anderson

Motion carries: 3/2

12 New Business

12.h Questions regarding Sunshine Law in personal relationships - As requested by Commissioner Jonas

Commissioner Jonas requested clarification from Attorney Hearn on whether the Commission can declare themselves private residents.

Attorney Hearn: No

13 Request for Placement of Items on Next Meeting Agenda

Commissioner Ross: Discussion of fund raising by the Recreation Advisory Board.

Vice Mayor Watts: Discussion on the creation of a Design Review Board.

Commissioner Jonas: Discussion on the creation of a new board to plan for future electric needs of the Village.

Discussion of Miami Country Day School expansion moved to the May 21st Special Commission meeting.

14 Reports

14.a Village Manager

- ◆ Work has started on the drainage repair at 111th Street.

14.b Village Attorney

- ◆ On Water Utilities agreement with North Miami, no progress. Meeting will be scheduled with Mayor Coviello and Mayor of North Miami and their city attorney.

14.c Board / Committee Reports

On the applications submitted for the Ecology Board by Karla Gottlieb and Luca Bronzi, Commissioner Ross makes a motion to accept and it is seconded by Commissioner Anderson.

All in favor: Mayor Coviello, Vice Mayor Watts, Commissioner Anderson,
Commissioner Jonas and Commissioner Ross.

Opposed: None

Motion carries: 5/0

Karla Gottlieb will be a regular member, and Luca Bronzi will be an alternate.

Dan Samaria, Recreation Advisory Board: Asking for commission approval for the Board to fundraise at all events scheduled on the Village calendar. Will also be providing food and entertainment at next meeting of the board to get residents to come out and participate in the meeting.

At 11:30pm, Commissioner Jonas makes a motion to extend the meeting for 5 minutes and it is seconded by Commissioner Ross.

All in favor: Mayor Coviello, Vice Mayor Watts, Commissioner Anderson,
Commissioner Jonas and Commissioner Ross.

Opposed: None

Motion carries: 5/0

Commissioner Ross recommends that the discussion on the Recreation Advisory Board be moved to the May 21st Special Commission Meeting

15 Announcements

Saturday, May 10th - Biscayne Park Night at the Theatre at 7:00pm at the Miami Theater Center.

Wednesday, May 21st - Special Commission Meeting at 6:30pm.

The next regular commission meeting is Tuesday, June 3, 2014, at 7:00pm.

16 Adjournment

The meeting was adjourned at 11:37pm.

Commission approved on June 3, 2014.

Attest:



David Coviello, Mayor



Maria Camara, Village Clerk