



**MINUTES  
SPECIAL COMMISSION MEETING  
Ed Burke Recreation Center - 11400 NE 9th Court  
Biscayne Park, FL 33161  
Wednesday, May 21, 2014 at 6:30pm**

**1 Call to Order**

Mayor David Coviello called the meeting to order at 6.35pm.

**2 Roll Call**

Mayor David Coviello - present  
Vice Mayor Barbara Watts - absent (*Arrived at 6:37pm*)  
Commissioner Bob Anderson - present  
Commissioner Fred Jonas - present  
Commissioner Roxanna Ross - present

Present from staff were:

Village Manager Heidi Shafran  
Village Clerk Maria C. Camara  
Village Attorney Eve Boutsis  
Assistant to the Manager/Public Services Director Candido Sosa-Cruz  
Finance Director Irwin Williams  
Chief of Police Duncan Foster  
Assistant Public Works Director Cesar Hernandez

**3 Pledge of Allegiance**

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*Item 8.a is taken out of order.*

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**8.a Discussion of Miami Country Day School proposed expansion.**

Mike McGwinn, Biscayne Park resident and architect for the Miami Country Day School (MCDS) expansion project provided the background and summary of the project.

Mayor opened the meeting for public comment on this item:

Jacqueline Gery: Concerned with noise from the property. Confirms height of garage is 35'. Concerned with increase in traffic with the addition of 250 students.

Danielle Forsythe: Lives on Griffing and sees the back area of the school property. Concerned will see a chain link fence.

Mr. McGwinn (MCDS): Looks to remove all chain link fencing and make back area very lush.

Cristian Alonzo: Lives on Griffing and had a beautiful view of lush landscape, but no longer. Currently sees a lot of debris. Noise level has increased.

Drew Dillworth: Hears noise from school. Has kids that go to this school. Operational and landscape issues will be addressed. Their plan is a great benefit to our community. Have put a lot of thought into it. Concerts and performing arts theater will be available to us.

Gary Kuhl: They have taken three years to address chain link issue. Lighting on top of garage is a concern. Traffic issue is during pick up in the afternoon. North on sixth avenue is a major inconvenience. It will only get worse. Have no faith in the platitudes. Issues have not been taken care of. Only see more lights, more traffic and more structures. Have not seen effort from the school to work with our community.

Steve Bernard: This is an issue that has to do with property values. Reason I moved here is because of low taxes. Millage may be high but taxes are low, and allowed us to send our daughter to this school. What has been done to the campus over the years has improved it greatly. Suggest we sit down with the school and list what our needs and issues are. This is world class school that can only get better. Parking garage will help the traffic greatly. This is a good project.

Mayor Coviello agrees that this is an excellent project, but is asking for a 30-day delay to allow the Village to look at all issues.

There is consensus to have MCDS meet with the Manager and work towards ironing out issues brought up. If not all resolved, then directs Administration to attend the County zoning meeting on May 28th and ask for a 30 day delay.

#### **4 Public Comments Related to Agenda Items / Good & Welfare**

Attorney Boutsis read the meeting decorum for all in attendance.

Helen Orozco: Was told about this from a Public Works employee. Attend the workshop. Heard from several residents that they were never informed of this. Collected signatures from 326 residents on a petition asking to overturn the decision of the Commission.

Barbara Kuhl: Concerned with the process prior to making this decision and the lack of transparency. There had to be a better way to get this out to the community and to inform the community.

Drew Dillworth: Supports the decision to outsource. This focus is to maintain independence as a community, or instead, travel down a path of incompetent financial decisions. There is a lack of resources to purchase, dwindling reserves. This is a debate of securing the long term of this Village. We have never properly paid our employees. They still have a job here in the Village. Median maintenance was outsourced and has not changed our lives. You made the right choice.

Noah Jacobs: On outsourcing, we have an enterprise fund. We pay a separate fee. Not supposed to impact our general fund. If we get a franchise fee, it should go back to the enterprise fund. If we outsource this, we will no longer differ from other cities. We will have employees at the administrative level that we will no longer need. If we are going to pay, pay those who provide a service.

Paul Spence: Waste Pro is in Pembroke Pines and soon we are going to have those same blue cans. Our current service is awesome. On MCDS, concerned with students who speed through the Village.

Pamela Garmen: Started petition on a grass roots level. We want to support the guys who pick up our trash. We should express our loyalty to them. They are not going to Waste Pro. No reason to abandon them. Our voices should be heard. Can't see how three commissioners can make a decision for the entire Village.

*Petition was submitted to Clerk Camara.*

Steve Bernard: Have analyzed the numbers. Waste Pro bid is very low. Feels our in-house numbers are too high to prove we have to outsource. Waste Pro's fee for recycling is higher than what Miami Shores charges us. Can't take money from an enterprise fund and put it into the general fund. Need to do an actual budget, cut down to current service and only increase current rate by \$20 to \$30. You have proceeded when the majority has said no. If you don't want to listen, then do it at your own detriment and the detriment of the Village.

Susan Weiss: On privatization, watch out for the hidden costs. They will cut corners. Quality of municipal services will decline after privatization. We don't want to hand over control. Miami Shores Recycling has not been responsive to when I was late putting out my bin.

Dan Keys: Thanks all five commissioners for listening, and for three commissioners who made the right decision. Don't feel we will see a reduced service. Fact is we will pay less and it is a positive impact for the Village. Read the petition. Not totally factual. This decision was only about sanitation. A portion of Public Works will remain. Will give them more time to get things done. We can monitor the contractor every day, and if we need to, we can get rid of them at any time.

Milton Hunter: I am in favor of outsourcing for one specific reason. It is not an opinion or debate. It is based on our audited financials for the last several years where we have operated in the red. We have had a deficit 8 out of the last 10 years. Changes need to be made. This is one of the many that need to be made. To keep the most favorable option in-house, would be a 75% increase over outsourcing. Naive to think there would not be an outcry from citizens if we were to do this. Next is to see a reduction in the millage as long as services are maintained. Many other benefits with outsourcing. Future property valuations will come from the aesthetics of our Village, and not on who picks up our garbage.

Karen Cohen: We should take a breath and let this go. Our department is so great. We should work hard to keep them. Part of our family. Commissioner Anderson has a good proposal by waiting another year. Then look again at what our options are. See a problem where we are not finding out what residents want. We are not at the point of making this change. This outward in process not good for us. Troublesome nature of how changes are being made. This is an opportunity to give us one more year, and get support of the community. Make a bold decision and turn this down.

Chuck Ross: In favor of outsourcing. First time we will know what our costs are for the next five years. Costs to keep in-house are much higher and unknown in the following years. Best time to make the change. We are having difficulties hiring because of low wages. Being short on personnel, causes us to pull from other departments. Trucks are on our streets five days a week. If we outsource, it will only be two days. We can use the Public Works building for other departments. There is an opt out clause in the contract and damages if they do not perform. For these reasons and many more, in favor of outsourcing.

Brian McNoldy: In favor of outsourcing. There are many who call and email the commission, so many others you do not hear at the meetings. We have good leadership in administration and commission. Going ahead with this is what this Village needs, and to remain sustainable.

Brad Piper: In favor of privatization. Initially against it, but then attended the meetings, went to the workshop, called commissioners, and spoke to many to gain knowledge. Have heard we are not financially sustainable. How can there be a debate? We are cutting costs, lessening our liability, freeing up resources, buildings. Heart goes out to employees, but we need to do this. We need this for our future. Person who presented me with the petition was mis-informed. Information was inaccurate. If signatures were based on incorrect information, they are not valid.

Matt Kaminsky: We have a budget issue. Our garbage department does not affect our millage. You don't state this to the residents. We voted you in and you are not listening to us. The problem is taxes. Explain to the residents how this will help us.

Gary Grizzle: We have a serious financial issue, but not because of sanitation. Problem is due to decrease of property value and lack of code enforcement. We fix these things and property values increase. Have sent e-mails to administration and commission to get answers and have only gotten evasive answers from two commissioners.

Jorge Marinoni: Initially against this. Then attended the workshop and read the information. This is the right decision. We pay taxes to Biscayne Park, but many exemptions exist. We pay a lot of taxes to state, county and school board. This is a decision to make the city viable. Love everything about Biscayne Park, and if we don't make these changes, we become part of the County or Miami Shores, and we lose everything we love about our city. Doing what we have to do. When people say they are speaking for Biscayne Park, you are not speaking for me. If we keep it in-house, cost will continue to go up.

Kate Winson-Reid: Don't believe in privatization. So many have come here to speak and you refuse to hear them. We pay a separate fee for garbage, and has nothing to do with taxes. You are supposed to be doing for the people and by the people. Don't see it here.

Gary Kuhl: Those that are in support are naïve. Waste fee has nothing to do with taxes. Many willing to pay more. The number who signed petition is significant. This is a community that comes out when they feel strongly about something. This is more than just about the guys. It is what makes us different, like our police force. Gives value to the community. Opposed to outsourcing. Other communities use Waste Pro, but none have the amount of garbage and trash we produce. This is being railroaded along.

Jacqueline Gery: We are a small community. Want to stay that way. Don't want to be big government. We elected you for that reason. Have heard many problems with Waste Pro. We love the way Biscayne Park is now.

Franc Madar: My name is the first name written on the petition. Have talked to many who agree. My donation for \$500 to purchase a lawn mower is still good.

Linda Dillon: Still opposed to outsourcing. Many said our system is broke. I agree, but we can work to fix it.

*Clerk Camara read four e-mails received:*

David Tunnell: Large majority of residents are in favor of retaining Sanitation team at any cost. You are the elected officials given the charge and authority by the park's resident. Reconsider your initial vote to outsource. The sentiment based on your actions to outsource is of outrage. There is an overwhelming opposition to your decision. Will volunteer my resources, both time and money to keep sanitation in-house.

Martine Aerts: Hope we can keep the current people, they are like family. They keep an eye on our homes. Please consider keeping these wonderful people.

A.J. Gallo: You are about to make a decision that once made cannot be reversed. What's next, police? Village Management is the only expense that has grown out of control. Time has come for elected officials to stop solving budget problems based on low hanging fruit. Look at where the real money is being spent. We are giving up control of our community to hired help.

Andrew Olis: I have converted my opinion from keeping inhouse to outsource. It is the right thing to do. I see Waste Pro in other areas and they do a good job.

Commissioner Anderson asks to move item 6.b, Ordinance 2014-03, up to be heard before item 5.a, Resolution 2014-41.

## 6 Ordinances - SECOND READING

### 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 Boutsis read the title.

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

Steve Bernard: Sanitation is an enterprise fund. Cannot take money from this fund and put in general fund. There are administrative fees that are in this budget that goes towards administrating this contract. 327 signed the petition, and none of you got this many votes. Reserves have gone down, and have asked why but not gotten an answer. Only big money that came out was from older workers comp claims. Have seen a projection that we are going to lose \$150,000 over five years. Only 2% of our budget each year. We should be able to find those reductions. People have said they are willing to pay more to keep our guys. They are helpful. Waste Pro won't be there for us after a hurricane. We trust them. They know us and we know them. Happy to pay them more. Show me a real budget. Only an inflated budget with two trucks, high administrative fees and higher health benefits. Not confident that Waste Pro agreement will hire our guys and keep them.

Barbara Kuhl: Five years ago the recreation department had a ridiculously high budget. We did not outsource it. We have a director and staff, and some programs are outsourced. It is not totally run by an outside company. Someone took the time to re-do it. Don't believe the numbers we are getting to keep it inhouse. They don't mean anything. System may not be perfect, but need to keep. If Comm. Anderson has a proposal, we should listen to it. Cannot believe three of you would not listen to all these people and just ram-rod this through. Can't believe the arrogance of the commission.

Chuck Ross: For the year ending September 2012, there is a \$91,000 loss in Sanitation. It had to be funded by the general fund. We have no control of future costs if kept inhouse. If we outsource, we will have a building for our police department.

Dan Keys: My house is an enterprise fund. I will see \$250 less going out. My community can now pave roads and make drainage improvements with that \$250. And if you don't it's \$250 less out of my pocket. No value in taking that \$250 in continuing this service. Gives administration more time to pay attention to code enforcement issues. We can learn something from Waste Pro, and maybe later restart it. Will continue to have Public Works and have time to do things that will improve our surroundings. Not saying everyone who collected signatures was giving out misinformation, but heard from one resident that did.

Olivia Almagro: Keep the guys. Never got information on this. Move here because of the transparency. Clear that the majority wants these guys here. Know people that work for Waste Pro - you don't want to go there.

Gary Grizzle: Not fair to say that all people who signed petition got misinformation. Only one person said they got misinformation. Put his decision to a referendum. That is the solution.

Gary Kuhl: Much confusion and mis-information going around. If nothing else, it should be postponed for that. You owe that to the community.

Manager Shafran provided the background, summarizing the changes to the agreements since the first reading of the ordinance:

- Article V was re-written to state that side door or back door service is free and available to anyone who makes the request for that service.
- Negotiated a higher percentage for solid waste avoidance rebate from 50/50% split to 65/35% split, in favor of the Village.
- Better termination clause wording added to Article XVI.
- Immediate financial consequences has been added.
- Mis-pick ups are addressed in Article VII.
- Items put out on wrong day, clearer language was added to exhibit C.
- Franchise fee increased to 11%.
- Garbage is picked up on Tuesday and Friday; trash is picked up on Tuesday; Recycling is picked up on Friday with rollaway carts, and pricing obtained for 65-gallon and 35-gallon containers.
- Hours of collection time have been limited.
- Will continue to do quarterly Saturday pick-ups.
- Five year contract, with opportunity to extend for two years, with any annual increase based on CPI, maxed at 5%.
- Recycle rebate if any, with 80% going to the Village.
- \$5,000 donation for special events, or in-kind service.
- Most favored nation clause if any other city in Miami Dade gets a better rate.
- Expectation of our employees to be hired.

Commissioner Jonas confirms that Waste Pro will pick up trash placed out on wrong day if they are called. On the same day if called before noon. Next day if called after noon. Confirms also that after a hurricane, a separate contractor is utilized for that due to the requirements of FEMA, and who is familiar with all the required forms.

Commissioner Anderson confirms that residents will have to choose whether to have curb side pick up, or side/back yard pick up, and that it will be the responsibility of the Village to contact each resident to find out. Asks to have "next operating day" clarified to state "next business day". Concerned on how spillage is taken care of from the trucks. Asked for clarification on disaster debris which Waste Pro stated is included in the RFP response. Concerned on how careful drivers will be not to damage roads. Asked for clarification on what the impact will be to the general fund with reduced administrative fees, taking into consideration what is balanced out with the franchise fee. Asks for language to be added that if excess recycling is placed that does not fit in the cart, will be picked up.

Mayor Coviello asked for clarification on insurance requirements, more detailed reporting in Article XXI. Both these items are detailed in the RFP response and the contract will reflect that. Asks that on the more favorable rate, to include Broward County. Waste Pro agreed as long as the service is comparable.

Vice Mayor Watts wants to see a delay in the discussion of this agreement. Have to take the resident's opinion into account. On liquidated damages, very vague. Asks for stronger language than "may choose to".

Commissioner Ross makes a motion to approve Ordinance 2014-03 granting an exclusive franchise agreement to Waste Pro. It is seconded by Commissioner Jonas.

Commissioner Ross explained the many opportunities to meet, discuss and get information on this. In 2012, there was a loss of \$92,000 due to expenses exceeding what was charged to the residents and it was subsidized by the General Fund. This discussion began last year. Making this decision from a fiscally responsible position and what is best for the Village. Initially against outsourcing, and willing to pay more and get better equipment. But this is not the best option. Manager did a good job in negotiating the contract and incorporating all suggestions. Employees are being offered a position at Waste Pro and they want them because they know our community. Concerned about language on petition, and those that stated there was misinformation. Have spoken to other cities and they are satisfied with Waste Pro.

Commissioner Jonas agrees this was an extraordinarily difficult decision. Heard both sides and was left with making the decision to outsource as it was the best for the Village.

Commissioner Anderson makes a suggestion that since we must provide the yearly assessment by June, that we submit the higher cost to keep it inhouse. Keep it inhouse and work through the next several months to improve and find more efficiencies. Then if we absolutely cannot, then go ahead with outsourcing, and whatever amount of money is saved, it is rebated back to the resident the following year. This will give us more time.

Mayor Coviello stated it is time that this commission and this community makes the hard decision. No reason to push this decision down the road. Looking at the numbers, we have a serious financial issue. This will benefit the General Fund because we can take what we are saving and put it towards improving our roads. We have the highest taxes and sanitation fee. Paying too much for a service that we can get for much less for a company that can do it for much less and much more efficient. Value employees and resident opinions, but must do what is fiscally responsible.

Commissioner Watts confirms what the cost for unemployment compensation will be if employees are not hired by Waste Pro and that it is included in the budget. Agrees that a referendum is necessary. This is a premature decision that has been pushed through.

Commissioner Ross amends her motion to approve the ordinance and include the amendments discussed to the contract, and it is agreed by Commissioner Jonas.

The motion is called to a vote:

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

Opposed: Vice Mayor Watts and Commissioner Anderson

Motion carries: 3/2

## 5 Resolutions

### 5.a Resolution 2014-41

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE ANNUAL WASTE FEE ASSESSMENT** FOR THE VILLAGE OF BISCAYNE PARK, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Boutsis read the title.

Manager Shafran provided the background and summarized that the assessment for fiscal year 2014-15 will be \$467 per residential unit.

Commissioner Ross asks to add language to the resolution that it is "based on the approved annual Sanitation budget of \$605,655.00".

Commissioner Ross makes a motion to accept the Manager's recommendation and approve Resolution 2014-41. It is seconded by Commissioner Jonas.

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

Opposed: Commissioner Anderson

Motion carries: 4/1  
*Vice Mayor Watts was not present for the vote.*

**6 Ordinances - SECOND READING (Continued)**

**6.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 Boutsis read the title.

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

Manager Shafran confirms there were no changes since first reading.

Commissioner Jonas makes a motion to approve and it is seconded by Commissioner Anderson.

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

Opposed: None

Motion carries: 4/1

*Vice Mayor Watts was not present for the vote.*

**7 Old Business**

**7.a Discussion of Recreation Advisory Board's request to fundraise at all Village events.**

Attorney Boutsis explains that per Village Code, any request for fundraising by any Board must go before the Commission and get Commission approval.

Dan Samaria, Chair for the Recreation Advisory Board explains that any money received through fund raising is deposited with the Foundation.

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*Mayor Coviello calls a recess at 10:34pm*

*Meeting resumes at 10:40pm*

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After discussion, there is consensus from the Commission that the Recreation Advisory Board follows what is outlined in the Village Code.

**9 Announcements**

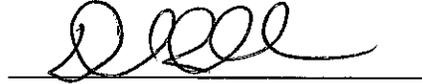
The next regular Commission meeting is Tuesday, June 3, 2014, at 7:00pm

The meeting was adjourned at 10:39pm.

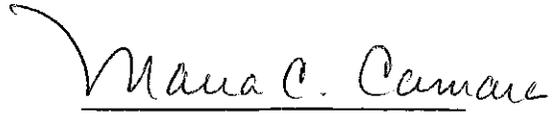
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Commission approved on June 3, 2014.

Attest:



David Coviello, Mayor



Maria Camara, Village Clerk