

**MEETING OF THE CITY COUNCIL
PLANTATION, FLORIDA**

February 27, 2013

The meeting was called to order by Councilman Peter S. Tingom, President of the City Council.

1. Roll Call by City Clerk:

Councilmember:	Ron Jacobs Robert A. Levy Sharon E. Moody Lynn Stoner Peter S. Tingom
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald J. Lunny, Jr.

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2. The invocation was offered by Councilman Jacobs.

The Pledge of Allegiance followed.

3. Approval of Minutes of Meeting – October 24, 2012

4. Approval of Minutes of Meeting – November 14, 2012

The minutes of the City Council meetings for October 24, 2012 and November 14, 2012 were approved as printed.

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ITEMS SUBMITTED BY THE MAYOR

Mayor Bendekovic presented Service Awards to the following Employees:

Officer Albert Clark	Police	25 years
Richard Gilberto	Utilities	25 years
Jeff Sabouri	Building	25 years
Edward Consaul, Jr.	Public Works	20 years
John Burt	Utilities	15 years
Greg Polins	Parks & Recreation	10 years
*Karen Katz	Fire/Rescue	5 years
John Monteleon	Info. Tech.	5 years

*Unable to attend.

Congratulations were offered.

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Resolution No. 11647

5. **RESOLUTION** of Appreciation to Donna Jones-Wehbe for 25 years of dedicated service to the City of Plantation.

*Motion by Councilman Jacobs, seconded by Councilwoman Moody, to approve Resolution No. 11648.
Motion carried on the following roll call vote:*

Ayes: Moody, Stoner, Jacobs, Levy, Tingom
Nays: None

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Jim Romano, Parks and Recreation Director made the following announcements:

- PAL Baseball Opening Day will be on Saturday, March 2, 2013 between 10:00 a.m. to 2:00 p.m. at Plantation Central Park ball fields.
- The Multi-Family Garage Sale will be held at Volunteer Park on Saturday, March 9, 2013 between 7:00 a.m. and 12:00 p.m. Each spot costs \$30.

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Mayor Bendekovic made the following announcements:

- Plantation Woods Water Park has been voted 2013's Favorite Water Park by Broward Family Life readers. The announcement came in the February edition of the magazine and they sent us a certificate.
- Thanks to the Plantation Chamber of Commerce and Parks and Recreation for an outstanding event Friday evening; Celebrate Plantation. Over 3,000 people were in attendance.
- The Friends of the Library Annual Author Luncheon Fashion Show is Saturday, March 16, 2013 between 11:00 a.m. and 3:00 p.m. at the Jacaranda Country Club. Tickets are \$38 and all proceeds benefit the Helen B. Hoffman Plantation Library.
- There is an election in the City of Plantation on Tuesday, March 12, 2013.
- The Swearing In Ceremony will be held on Friday, March 15, 2013 in the City Council Chambers at 12:00 p.m. The public is invited.
- The Plantation Historical Society Adventure is in our backyard Museum on March 9, 2013.

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Councilman Tingom announced that Item No. 18 has been removed from the agenda at the request of the applicant.

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CONSENT AGENDA

As a Commissioner of the CRA, Mayor Bendekovic has a voting privilege on Item No. 15.

Mr. Lunny read the Consent Agenda by title.

6. Permission for Primera Iglesia Bautista Hispana De Plantation to have an Easter event Thursday, March 28 to Sunday, March 30, 2013 on their Church property from 7:00 p.m. – 10:00 p.m.
7. Permission for Kiddie Academy of Plantation to have a Grand Opening Event on Saturday, April 6, 2013 from 10:00 a.m. until 1:00 p.m.
8. Approve purchase of 23 replacement sets of Globe Bunker Gear from Bennett Fire Products Company in the amount of \$27,950. (Budgeted – Fire)

Ordinance No. 2476

9. **ORDINANCE** Second and Final Hearing pertaining to Volunteer Firefighters' Retirement Plan by amending Chapter 18 "Pensions and Retirement", Article III "Volunteer Firefighters", Section 18-81, "Normal Retirement Benefit", providing a savings clause; and providing an effective date.

Resolution No. 11648

10. **RESOLUTION** pertaining to the subject of property; authorizing a quit claim conveyance of property described in Exhibit "A" this Resolution to Broward County as requested by the County to remove a cloud on its title; making certain findings relative to the City never accepting title to the property or maintaining same; providing a savings clause; and providing an effective date therefor.

Resolution No. 11649

11. **RESOLUTION** approving amending the existing Local Housing Assistance Plan ("LHAP") to include the Affordable Housing Advisory Committee incentive strategies; providing findings; providing a savings clause; and providing an effective date therefor.

Resolution No. 11650

12. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 7 – February 20, 2013 for the Plantation Gateway Development District.

Resolution No. 11651

13. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 7 – February 20, 2013 for the Plantation Midtown Development District.

Resolution No. 11652

14. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 7 – February 20, 2013.

Resolution No. 11653

15. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period February 7 – February 20, 2013 for the City of Plantation's Community Redevelopment Agency.

Motion by Councilwoman Moody, seconded by Councilman Jacobs, to approve tonight's Consent Agenda as printed. Motion carried on the following roll call vote:

Ayes: Moody, Stoner, Jacobs, Levy, Tingom
Nays: None

NOTE: Mayor Bendekovic voted affirmatively on Item No. 15.

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ADMINISTRATIVE ITEMS

Mr. Lunny read Item No. 16.

16. APPROVE HEALTH INSURANCE RATE RENEWAL WITH UNITED HEALTH CARE, RENEWAL WITH MARATHON AND PREMIUM FOR STOP-LOSS COVERAGE FOR PLAN YEAR 04/01/13 – 03/31/14.

A revised memorandum dated February 27, 2013 to Mayor Diane Veltri Bendekovic and Members of Council, from Gary Shimun, Chief Administrative Officers and Margie Moale, Human Resources Director, follows:

The contract with United HealthCare (UHC) is due for renewal on April 1, 2013. Willis, our insurance broker of record, has been in negotiations on our behalf to obtain the best possible premium renewal rate. Essentially, premium rate renewals are based on the claims experience over the last year combined with administrative costs and other underwriting elements. Current nationwide trends for health care costs continue to increase 10% to 14% annually. In addition to these medical trends, the new Health Care Reform has added additional fees known as Transitional Reinsurance Fees and the Comparative Effectiveness Fee to employers beginning in January 2014. Annually, these additional per member fees amount to \$125,906.

Our current annual net premium funding is \$11,190,358 for our partially self insurance health plan. After analyzing the claims data, combined with the Employee Health & Wellness Care Center recommendations and related factors, Wills has projected an annual adjusted Partially Self-Insured net premium of \$12,105,539, a 9.2% increase which is still less than national trend even with adding in the Reform Act's new fees.

We have had no new catastrophic claims this plan year which has positively affected our stop loss renewal. However, run out claims from the previous stop loss catastrophic claims as well as the new Health Care Reform Comparative Effectiveness Fees, Reinsurance Fees, and medical trend have caused the increase.

Essentially, the increased utilization of the Employee Health & Wellness Care Center in its third year as well as employee education via the Benefits Committee has successfully contained the standard industry health care cost trend. Over the last five (5) plan years, we have done an effective job of containing health care costs. These efforts will continue in the future and the City of Plantation will continue to contain health insurance costs with proactive measures.

The attached chart reflects the bi-weekly employee and retiree premiums based upon this recommendation.

Beginning with the new Plan Year (April 1, 2013), employees will automatically be enrolled in the new Standard Choice Insurance Plan. Standard Choice provides for a 10% premium contribution for the employee and all other tiers. It pays at 80% and carries a \$2,000 deductible for the employee and a \$4,000 deductible for the family. Prescription co-pays under the new plan are \$20/\$40/\$60. Employees and Retirees that have chosen to complete the “3 Steps to Wellness,” will be rewarded with placement in the Preferred Choice Plan, which provides the same benefits as the current Preferred Choice plan. Currently, only 36 general employees have not yet completed the “3 Steps to Wellness”. These employees have until 03/31/13 to do so or they shall remain in the Standard Choice Plan for one year.

It is projected that increased employee and spouse wellness participation will result in increased cost containment and disease management while redirecting costs for the City and our employees.

WELLNESS INITIATIVES

To increase awareness of prevention and healthy lifestyles, this plan year’s incentives will be based on “3 Steps to Wellness” and two (2) subsequent Health Coaching Visits at the Employee Health & Wellness Care Center. Employees and/or spouses can monitor their health proactively. Aggregate data continues to guide our wellness initiatives, gives disease management success, both which affect our overall insurance costs. The ultimate goal is healthier employees. Completing the “3 Steps to Wellness”, making lifestyle changes to mitigate any health risks, and adopting healthy habits such as exercise and eating right will ensure that we meet that goal. Current utilization at the Employee Health & Wellness Care Center is 96% employees and 24% spouses.

MARATHON-HEALTH RENEWAL RATE

Once again, Marathon Health has held the line on our fees and waived the contractual increase for Plantation. As we complete our third year with our Employee Health & Wellness Care Center, its success continues to increase. In the first nine (9) months of this Plan year, we avoided actual costs of \$1,032,153 on redirected care, retail pharmacy costs, and preventive impact due to the care our covered members received at the Care Center. Our net cost avoidance for this same period is \$631,558 with three (3) months left. The two evening hours on Tuesday and Thursdays continue to be very successful as all appointments remain booked solid weekly.

RECOMMENDATION

In consideration of all of the facts surrounding our renewal rate premium, it is the recommendation by Willis and City staff to approve the Marathon renewal at \$568,716 annually, and to continue with the Partially Self-Insured Health Insurance Plans for a projected net premium of \$12,105,539. Stop-Loss coverage is recommended to protect the City from claims in excess of \$250,000 for a projected premium of \$1,060,797. For budget purposes, the above includes premiums for United Health Care, projected Stop Loss increase and Marathon’s fee for Plan Year 04/01/13 – 03/31/14. CompBenefits Vision premium remains at \$71,238; the Dental premium remains at \$1,087,962. Once the Plan Year renewal is approved by Council, we will begin Open Enrollment in March with changes effective 04/01/13.

Ms. Moale advised that while we did have a rate increase of 9.2%, most of that was related to our Stop Loss again and also a slight bit of medical trend. The UHC ASO rate, which is what we pay them to process our claims, came in with a 6% rate increase and Willis got them down to 1.5%. Marathon, for the second time in our three-year contract, held the line on their price and waived their contractual fee increase. The success of our

Care Center speaks volumes. In three years we have already avoided spending \$930,000 over and above their fees. The clinic is doing what it was intended to do.

Councilperson Stoner commented that we have talked about revising some package benefits and some for new employees only while going forward.

Ms. Moale indicated that the dental cleanings went from two to four at no cost to the City.

Councilperson Stoner questioned whether this is something we want to consider and revisit. She also questioned whether Council was recently told that we were only looking at a 4% or 5% increase in our rates.

Ms. Moale advised that when the quotes came in on the Stop Loss the rates went up again.

Mayor Bendekovic believed that the estimates were at 5% and 7% during the budget update. Unfortunately it came in higher; we thought it was going to be lower because of the Stop Loss.

Councilperson Stoner questioned whether anyone wants to consider a change in how dental is paid either by the City or employees.

Councilwoman Moody commented that she does not know if this is the time to do it but when we are looking at almost a \$5 million deficit going into next years budget we certainly need to look at something. We can either look at this; it is a million dollars or maybe half, and Councilman Levy has suggested the dependent charge. We are now charging 6% and that is unheard of in the private sector; we could go to 25% or 50% gradually.

Councilman Tingom stated that it is his understanding that this is the premium that we will pay. What we may or may not charge employees and dependents is not related to this resolution.

Ms. Moale advised that the employees do pay that and we do have a three-year rate guarantee from the dental and vision.

Councilman Levy stated that we have been looking at the health grade and the benefits. The plan, in his mind, is to look at a reduction of benefits to employees' families and dependents; however, it would be for new employees, not those who are here now. The rates we are currently paying are for present employees but he thinks we need to examine benefit packages and health is part of it. This needs to be done soon because we need to cut into the projected deficit. As far as the present employees and present rates, they are not affected by what we do for the benefit package and what we ask employees to pay in the future.

Motion by Councilman Jacobs, seconded by Councilman Tingom, to approve Item No. 16. Motion carried on the following roll call vote:

Ayes: Moody, Stoner, Jacobs, Levy, Tingom

Nays: None

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Mr. Lunny read Item No. 17.

17. DISCUSSION CONCERNING SOLID WASTE DISPOSAL SERVICES.

Resolution No. 11654

RESOLUTION OF THE CITY OF PLANTATION RELATING TO ENVIRONMENTAL CONTROL; SELECTING FROM AMONG BROWARD COUNTY'S AUTHORIZED CONTRACTORS WHICH CONTRACTOR WILL PROVIDE FOR THE BENEFIT OF THE CITY AS A PARTICIPATING COMMUNITY DISPOSAL SERVICES FOR ADDITIONAL WASTE; AUTHORIZING THE ADMINISTRATION TO EXECUTE AN AMENDMENT TO THE PLANTATION-BROWARD COUNTY INTERLOCAL AGREEMENT SO AS TO IMPLEMENT SUCH DECISIONS; DETERMINING NOT TO COMPETITIVELY PROCURE THE SERVICES COVERED BY THE CONTEMPLATED AMENDMENT TO INTERLOCAL AGREEMENT; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFORE. RESOLUTION OF THE CITY OF PLANTATION PERTAINING TO ENVIRONMENTAL CONTROL; APPROVING AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY AND OTHER CONTRACT COMMUNITIES FOR OPTIONAL SERVICES FOR ENVIRONMENTAL CONTROL FOR KEEP BROWARD BEAUTIFUL, HOUSEHOLD HAZARDOUS WASTE, AND BULK TRASH AND YARD WASTE DROP OFF PROGRAMS; AUTHORIZING THE MAYOR OR CHIEF ADMINISTRATIVE OFFICER TO FINALIZE THE INTERLOCAL AGREEMENT, SIGN ALL AGREEMENTS AND DOCUMENTS, AND TAKE ALL ACTIONS TO IMPLEMENT PROCUREMENT FOR THE SERVICES COVERED BY THE INTERLOCAL AGREEMENT; PROVIDING FINDINGS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFOR.

A memorandum dated February 2, 2013, to City Council, from Gary Shimun, Chief Administrative Officer and Priscilla Richards, Strategic Ops Administrator, follows:

The Administrative item on this week's agenda pertains to Solid Waste Disposal Services.

Page 3 of the PowerPoint Presentation entitled "Solid Waste Disposal Services" outlines the topics to be considered at the meeting.

Please note that there are four (4) items:

Item #1: Selection of ADDITIONAL Waste Disposal Services (bulk trash and yard waste).

*Item #2: Selection of ADDITIONAL Waste Disposal Services (construction & demolition debris).

***If you select Option A for C & D disposal services, it will not be necessary to consider slides #23 through #31 since they represent Option B.**

Option #3: Extension on the non-exclusive Franchise contracts for collection and hauling of C & D.

Item #4: Selection of OPTIONAL Disposal Services (Household Hazardous Waste, Bulk Trash and Yard Waste drop off).

Please feel free to contact either one of us if you have any questions.

Mr. Shimun advised that Council has already determined where we are going to dispose of solid waste that is collected within the City. That was the Interlocal Agreement with the County and we are waiting for a check in the amount of \$500,000. A recycling facility has also been selected in the past but as you recall, RE Communities has not been able to create a facility in the County; therefore, the County is currently negotiating with Waste Management. Tonight we are going to talk about Bulk Trash and Yard Waste; Construction and Demolition Debris; and the hauling of that. We are also going to talk about Hazardous Household Waste, Electronics, Yard Debris and Bulk Items. We will actually discuss who will haul the Solid Waste in March.

Mr. Shimun made the following presentation:

Additional Services #1

Yard Waste and Bulk Trash:

- Broward County approved a separate agreement with Wheelabrator and Sun-Bergeron to provide Solid Waste disposal services for those two items.
- Plantation can choose to sign an Interlocal Agreement with the County to have either Wheelabrator or Sun-Bergeron or both provide those disposable services.
- Only Waste Management is currently under contract to collect those.
- Yard Debris and Bulk Trash are loaded onto the same trucks; therefore, there is not a way to accurately divide those.

Process:

Administration and Public Works staff met to discuss two options.

- Two options for additional service for Bulk Waste and Yard Debris, which were Sun-Bergeron and Wheelabrator.
- Benefits were discussed for each option for the residents.
- Both contractors will have something to say about their recycling efficiencies and may want to address this issue directly with Council.

Sun-Bergeron:

- Bulk Waste - \$42 fee per ton, \$.50 per ton with revenue share with no minimum annual guarantee.
- Yard Trash - \$28 fee per ton with revenue share of \$1 per ton no minimum annual guarantee.

Bulk Waste at \$42 per ton. We decided to divide Bulk and Vegetative 50/50 or combine it and use one figure. If the 50/50 is used the Bulk Waste at \$42 per ton with a total of 6,300 tons of bulk gives a total of \$264,606. There is a rebate of \$3,150 giving a total of \$261,456. Yard Trash at the other 50% at \$28 per ton with a rebate of \$1 per ton gives a total of \$170,000 for a total disposal cost of \$431,000. If it is done as a combined portion, Bulk Trash at \$42 per ton, the total comes out to \$524,145.

Wheelabrator:

Waste Management reports the Bulk Trash and Yard Waste at \$12,600.30 tons and they are offering Bulk Waste at \$33 per ton and Yard Waste at \$27 per ton.

Bulk Waste at \$33 per ton on a 50/50 split for a total of \$207,904 and Yard Trash at \$27 per ton for a total of \$170,104 giving a grand total of \$378,009. If they are combined using the Bulk Waste figure of \$33 per ton it comes to \$415,809. There is not a rebate on either of these so no reduction is seen.

Comparison:

In either case, Wheelabrator is ranked #1 and if you do the half and half they are at \$378,000 and Sun-Bergeron is at \$431,000. If combined is done, Wheelabrator is at \$415,809 and Sun-Bergeron is at \$524,145.

Consideration:

Based on the rankings, the request is to approve a Resolution authorizing Administration to sign the ILA with Broward County selecting Wheelabrator as Plantation's disposal site for additional services of Bulk Trash and Yard Waste.

Mr. Lunny suggested that Council take a short pause because the proposers wanted to discuss some of their efficiencies and may have some comments on this first decision. The C & D part of the discussion is a little different in terms of what staff's recommendations might be.

Additional Services #2

Construction and Demolition Debris:

- Broward County approved separate agreements with Wheelabrator and Sun-Bergeron to provide solid waste disposal services for construction and demolition debris.
- Option 1: Plantation can choose to keep its C & D regulatory structure the same as it is.
- Option 2: Plantation can choose to sign an ILA with the County to have either Wheelabrator or Sun-Bergeron to provide disposal services (sites) for these items.
- Waste Management and Southern Waste Systems are both currently under contract to collect and haul construction and demolition (C & D) materials from Plantation until 04/01/13.
- Waste Management hauls C & D, Bulk and Yard Waste to the Delta Davie site at 3250 SW 50th Avenue in Davie.
- Southern Waste Systems hauls C & D materials to Sun Three located at 3251 SW 26th Terrace in Dania.

Process:

Administration and Public Works staff met.

- Two options for Additional Services (Construction and Demolition Debris services);
 - A. Keep current C & D non-exclusive franchise structure in place.
 - B. Sign ILA with County to have either Sun Bergeron or Wheelabrator provide C & D disposal service.
- Benefits of each option for the residents of Plantation.

- City staff met with both contractors to discuss the current C & D program and two options. Both contractors thought that keeping the program as it is would be the best option.
- Both contractors have advised the City informally of their recycling efficiencies and they may want to address this issue directly with Council.

Councilman Tingom questioned if we do nothing on this particular item we have the ability to use Sun-Bergeron and Wheelabrator as both services within the City.

Mr. Shimun advised that there is currently a connection between the current provider and Sun-Bergeron so that is a slightly different situation. We do have the two who haul for us. If you leave it the same anybody can haul.

Considerations for C & D

Option A – Stay as is:

Mr. Shimun discussed the pros and cons.

C & D Option A

Decision:

We would need to extend the current contracts until September 30, 2013 and both contractors agreed that Option #1 is the best. The decision is to not sign the agreement with the County, approve an ordinance that extends the two non-exclusive franchise agreements with Waste Management and Southern Waste Systems until September 30, 2013 and keep the process as it is. If Council chooses to go this route at this point then we do not have to go over the following slides.

Councilman Tingom requested that Mr. Shimun continue the presentation.

Considerations for C & D

Option B: Sign ILA:

Mr. Shimun discussed the pros and cons.

C & D Option B

Southern Waste Systems:

Southern Waste Systems reported collecting 26,780 yards and converted into tons it came in just under 7,000 tons at \$37 per ton with a revenue share of \$1 per ton.

Using the \$37 per ton with tonnage at 9,877 tons gives a total of \$365,464. The share on that tonnage at \$1 per ton would be subtracting \$9,877 for a total cost of \$355,586 for the Sun-Bergeron proposal.

For Wheelabrator, their tonnage at 3,182 tons, residential commercial – anyone who utilized a roll off box, was reported at \$39 per ton. Using \$39 per ton on the 6,695 tons for Southern Waste Systems and 3,182 tons for Waste Management giving 9,877 tons the total would be \$385,218. There is no rebate on that.

C & D Option B

Comparison:

In looking at the rankings, Sun-Bergeron comes in first at \$355,586 and Wheelabrator at \$385,220.

C & D Option B

Decision:

If you were to choose based on the rankings, approval of the Resolution directing Administration to sign the Interlocal Agreement with Broward County and designate Sun-Bergeron as the disposal for Construction and Demolition and approval of an Ordinance extending the two current non-exclusive Franchise Agreements with Waste Management and Southern Waste Systems until July 2, 2013.

#3. Non-Exclusive Franchise Agreements for Construction and Demolition Collection

History/Process:

- Waste Management, Inc., of Florida and Southern Waste Systems LLC have non-exclusive Franchise Agreements with the City of Plantation to collect and haul Construction and Demolition materials.
- The contracts are due to expire as of 04/01/13.
- Staff met with Waste Management and SWS to discuss extending the agreements either through 09/30/13 if the process was left as is or 07/02/13 if the City chose to sign the ILA with Broward County for C & D services.
- Both firms agreed that continuing providing collecting, hauling and disposal services for C & D in the current manner would be the best choice.

Considerations

Depending Upon Decision #2:

- Approve Ordinance approving the extension of the two current non-exclusive Franchise Agreements with WM and SWS until September 30, 2013.
- Approve Ordinance approving the extension of the two current non-exclusive Franchise Agreements with WM and SWS until July 2, 2013.

#4. Option Services

Household Hazardous Waste, Bulk Trash and Yard Waste Drop Off

History:

Per the current City's Interlocal Agreement with Broward County, the following services will continue to be provided through fiscal year 2013:

- Household Hazardous Waste and Electronics Recycling Drop Off and Events.
- Bulk Trash and Yard Waste Drop Off.
- Keep Broward Beautiful – outreach and education.

History:

- Staff presented Council with a workshop item on 12/12/12.

- At that meeting, Council's consensus was to continue to provide Bulk Trash, HHHW and Yard Waste drop off services for the citizens of Plantation through the County and to eliminate the Broward Beautiful Program. The County cost was \$175,100 for HHHW and \$44,200 for Drop Off Services for a total of \$219,300.
- Broward County extended the notification date from 12/31/12 until 02/28/13.
- Sun-Bergeron offered to provide the optional services for \$24,120.50 per year as part of the proposed incentive for traditional Solid Waste Disposal Services. This is not available as a "stand alone" proposal.
- Wheelabrator offered to provide the optional services for \$50,000 per year as part of an alternative to the County's Optional Services Program.

Decision:

Direct staff to negotiate a contract with Wheelabrator to provide Household Hazardous Waste and Electronics Recycling and Bulk Trash and Yard Waste Drop Off Program according to the Scope of Services outlines in their letter dated January 16, 2013.

Considerations:

- *1. Direct Administration to negotiate a contract with Wheelabrator to provide Optional Services at a cost of \$50,000 per year and return same to Council for approval at a future date.

*NOTE:

- Residents will no longer be able to take debris to County dump locations even if they wish to and pay.
 - If contract cannot be successfully negotiated, City has lost its opportunity to participate in the County program because of 02/28/13 deadline.
2. Approve Resolution directing Administration to sign ILA with Broward County for Optional Services at a cost of \$219,300 per year.

Ali Waldman, General Counsel for Sun-Bergeron, Ron Bergeron, Principle for Sun-Bergeron, Phil Medico, Senior Vice President of Sun-Bergeron, Lonnie Bergeron, Principle for Sun-Bergeron, Brad Cane (sic), Sun-Bergeron, George Platt (sic), Consultant, Seth Platt (sic), Consultant, and Brenda Clark, HDR Engineering, were present.

Ms. Waldman distributed a Power Point presentation to Council.

Ms. Waldman made the following presentation:

In 2010 the State of Florida passed a law that requires every County to reach a recycling goal of 75% by the year 2020. The Legislature recognized the importance of recycling C & D and requires all counties to implement a recycling program for C & D. Recognizing that the 75% goal could not be met by only processing Municipal Solid Waste, the City of Miramar as well as Broward County, through their respective contracts, offered Cities the ability to elect to include the disposal of C & D, Bulk, and Vegetative Waste, which make up the balance of the Solid Waste stream that is not currently under contract today with Wheelabrator; all they handle is Municipal Solid Waste. If we do not process C & D, Bulk and Vegetative Waste and recycle it, we will never reach the goal. They included that as an option for every City to elect to recycle those streams in order to meet the goal. Certain Cities in Broward County have opted to go with Sun-Bergeron to recycle the C

& D, Bulk and Vegetative Waste; Coral Springs and Coconut Creek have opted to do that. They are concerned about reaching that goal by 2020. Responsible Environmental Stewardship is not just a word; it is something that most Cities take very seriously. It also happens to be the centerpiece of Sun-Bergeron's business model.

Ms. Waldman read a couple of statements made by some of the Elected Officials throughout the County concerning the recycling of C & D, Bulk and Vegetative Waste.

Sun-Bergeron Recycling Rates for C & D, Bulk, and Vegetative Debris:

Sun-Bergeron's business model is to divert as much C & D, Bulk, and Vegetative Waste, which lessens the amount of the Solid Waste that get into the landfills and promotes reduction, recycling and reuse of these materials. We are constantly looking for emerging markets for these recycled materials. This is what we call Value Added Environmental Stewardship. They recycle C & D at 93%, Bulk at 87% and Vegetative Debris at 99%. These are some of the highest recycling rates in the State of Florida for this type of material. They are ranked #1 in C & D but there is no mention of the fact that they recycle at 93%. She believes that it is incumbent upon this Council to ask the vendors to make a commitment to recycle at these very high rates. It may cost a little more in some instances, but in some instances it does not; however, it is something we all have a responsibility to do.

Importance of Processing and Recycling the C & D:

Processing the C & D, Bulk and Vegetative Waste helps obtain the 75% goal and it also is consistent with the City of Plantation's sustainability commitment. Slide #21, which says that for Construction Demolition Debris let's keep this status quo; she believes it is Council's responsible to look at that a little different. If you can have a vendor that can actually recycle C & D at 93% why not change the structure you are operating under? Why not keep your haulers but tell them all to go recycle and send that material to a designated site, which is a free site in Dania that recycles this material at 93%? It does not cost anything else and you actually get a revenue share. To her, that is something that should be done as part of decision making tonight.

Another concern is that as a result of what they do in clean up conditions for all of their facilities, they have strict reporting requirements. They report to the State of Florida and to the County all of the materials that they recycle, how much they recycle and where that material goes. A copy of those reports was distributed.

In addition to that reporting, they will also provide the City a specific City report that tracks and reports all of the recyclables for Construction Demolition Debris of the City.

The next concern is that there is no contractually guaranteed disposal site. Should Sun-Bergeron be selected as the City's vendor, they would designate the Dania site, which is Sun 3, only 17.8 miles away from City Hall, and that would enable them to recycle the C & D between 87% and 93%, depending on the make up of the material from your City.

Finally, the last concern was that it does not assist the County and other participating communities to achieve economies of scale. Sun Bergeron's strategically located facilities do achieve the economies of scale. The County has offered through its ILA every City the ability to choose these services. They have six sites in Broward County and 12 all together.

Award Bulk and Vegetative Debris to Sun Bergeron:

In that area they are more expensive than Wheelabrator; they are \$107,000 more expensive. If you divide that number by your population, which is almost 85,000 residents, it will cost every resident 2.5 cents a week in order to achieve the recycling rates of 87% for the Bulk and 99% for the Vegetative Waste.

Sun Bergeron's processing and disposal methods align with the City of Plantation's sustainability commitment to increase recycling and assists the City in reaching the 75% recycling goal.

Awarding the Bulk and Vegetative Debris to Sun-Bergeron will increase your recycle rates, it will assist the City in reaching the recycling goal; and it will fulfill Plantation's commitment to Responsible Environmental Stewardship.

Staff's evaluation of Solid Waste did not include recycling, weighing or require vendors to disclose their recycling rates; they feel that is probably the single most important decision that has to be made tonight. For the C & D they are less expensive and it makes sense to do it. For the Bulk and Vegetative Debris, they are slightly more expensive but it costs 2.5 cents a week per resident to get recycling in excess of 80% for some things and 99% for the Vegetative Waste. They would hope that the promotion of Environmental Stewardship and the sustainability goals mentioned on the website will be honored.

Tony Spadaccia, Manages Government Affairs for Waste Management, was present along with Aaron Shilke (sic), Environmental Protection Manager, Luigi Pace (sic), Government Affairs, Attorney Bill Laystrom and Bill Labrats (sic), Senior Vice President for Wheelabrator Technologies.

Mr. Spadaccia advised that they have earned the City of Plantation's trust and confidence by delivering a reliable service that the residents have come to count on. The City of Plantation has a number of unique delivery programs such as a Pay as you Throw Program. With that, nothing is left on the curb following collection. Things need to be considered past the disposal and where it is going to go and what effect it has on the delivery of service and to the residents. He referred to optional services and an attempt back to a flow control system as it relates to C & D. Broward County has long had a number of permitted licensed C & D recycling facilities; some are Waste Management; some are the SWS Sun Recycling facilities; and there are others by other haulers. The person picking up this stuff pays attention to his business; it is worth his while to reduce the C & D loads, to remove the recyclables from them to limit his overhead and cost and make his operation as cost effective as possible. In Plantation, up until a few years ago, C & D was exclusive to the City's Franchise Agreement. It was subject to franchise fees and it produced revenue for the City. As a result of constant infringement by unlicensed haulers that ignored the City's ordinances and franchise fees, it became increasingly difficult to manage and through Code Enforcement to chase the haulers and cite them. The result of that was untold revenue lost to the City because it could not be collected; additional expenses paid to Code Enforcement to try to find and cite haulers that were imposing on the City's ordinances and Franchise Agreements. As a result of that the City decided to put out a request for qualifications for interested C & D haulers with the intention of being able to better control hauler activity that would ensure the safety and the welfare of the residents by properly ensuring insurance requirements, background checks, by providing the City with details of the operation and the people who run the companies. The City limited that number initially to five that they felt would be an adequate number to properly service the business and construction companies in the City. They created the current non-exclusive C & D Franchise Agreement. Haulers were subject to an annual franchise license fee and a franchise fee over and above that amount once that initial license fee was met. The City of Plantation was ensured of a minimum fee for a hauler and able to get more fees once that initial fee was met and their businesses were good. The idea was to create a manageable non-exclusive competitive open

market opportunity to allow the builders and developers to choose and to negotiate services to accommodate their needs and requirements. They are not limited and inhibited by flow control to a designated facility at a certain price. As the economy grows so with the revenue to the City and it is manageable and it works.

Mr. Shilke referenced Bulk and Yard Waste. There has been a lot of talk about the carbon footprint. They limit their carbon footprint in Broward County; they do not grind the waste, they do not haul it offsite to out of County facilities, we keep it here and make energy out of it. It is either sent to Wheelabrator where it is burned and heat is taken from the incineration to create electricity or it is put in the landfill and gas is taken that is produced from that to make more electricity. Wheelabrator powers about 50,000 homes in Broward County every day. Gas collected out of the landfill is going to be coming up anyways so they might as well put beneficial reuse to it. Waste Management and Wheelabrator have been doing this for a long time. The landfill has been operating the landfill gas energy facility for more than 20 years; it is the second facility in the nation. That facility makes about 12 megawatts of power, which is enough to power about 10,000 homes in Broward County. That is a very small carbon footprint. Everything is kept in the County and they make sure that all of that power goes back to the County.

With regard to C & D Recycling, last year just in Broward County they recycled 64,000 + of C & D material such as concrete, asphalt, wood, land clearing debris, pavers, plastics and textiles. They keep that material in Broward County and it is sent to their processing facilities in Davie and Pompano. Both of these facilities are achieving excellent rates of recycling and recovery of material.

When you achieve very high rates of recycling there is a hidden component to all of that, which is recovered screen materials. When processing material like this you end up with little bits of things that fall through the screens; dirt, glass, plastic, Styrofoam, etc. The Florida Department of Environmental Protection highly regulates this material because it is very high in heavy metals; arsenic, bariums, etc. and they strictly regulate the way this material can be reused. Waste Management and Wheelabrator fully understand the potential dangers from this material, not only to our neighbors and human health, but also to native soils, ground water and surface water. It is very important that this material be managed properly. Waste Management is currently in the process of working with the Florida Department of Environmental Protection to have this material beneficially reused in a very controlled and monitored environment.

The first application is land application; putting the material that is potentially harmful to humans, ground water, soils, etc. They are almost finished having the Florida Department of Environmental Protection approve this material to be reused at their landfills as part of the capping system. Modern landfills are designed with a double liner system and when the landfill is finished building to grade or to height the lining system has to be completed. They also have to put grass and dirt, etc. on top of the final capping system. They want to mix the covered screen materials with the dirt and put grass on top of it. They monitor the ground water and surface water at their landfills; they do everything possible to make sure this material stays onsite and has no impact to neighbors, ground water, surface water and native soils. It is a much better reuse and Waste Management fully understands that it is important to do this.

Councilman Tingom questioned what the first item was that needed a decision.

Mr. Shimun stated that Page 3 of the presentation refers to Bulk Trash and Yard Waste. Based on the rankings on Page 16, they would ask that Council approve a Resolution authorizing Administration to sign the Interlocal Agreement with Broward County selecting Wheelabrator as Plantation's disposable site for Bulk Trash and Yard Waste.

Councilperson Stoner indicated that Sun-Bergeron distributed a monthly report they prepare and submit to the County. She questioned whether it would be correct in assuming that everyone has to submit a monthly report to the County.

Mr. Auerhan believes that is correct; those reports go to their Environmental Department.

Councilperson Stoner questioned whether the contracts have any requirement as to how much has to stay in the County or how much is moved to other facilities.

Mr. Auerhan replied no; it is at the discretion of the vendor.

Councilperson Stoner referenced Page 11 of Sun-Bergeron's presentation that indicated a difference in the Bulk and Vegetative; there is a difference of \$107,120.55 between Sun-Bergeron and Wheelabrator. Staff's report indicates a difference of \$108,335.10. She questioned whether their number was based on something different.

Ms. Waldman stated that a computation was made by using the Bulk number of \$12,630 on Sun-Bergeron and it should have been \$12,600.30. That is why the number on the Bulk is slightly different.

Councilperson Stoner mentioned the reports for the months of November and December 2012 and January 2013. Incoming Waste materials are listed in total cubic yards along with outbound recycled materials and a total recycle. She questioned whether outbound recycled materials are what they consider to be recycled on that report.

Mr. Medico advised that the report adequately reflects that because the designated facilities have to be named so that the residual non-processable in the outbound recycling materials can go. Some of the material goes to an RDF plant, some to Waste Energy plants in Palm Beach County and some to landfills. Those are strict conditions of the material recovery facilities. They all have reporting requirements. It may have been an oversight on staff's part that there was no reporting requirement, but they do it not only internally but also send it to Broward County and DEP.

Councilperson Stoner stated that the reports for November, December and January show 65%, 61.5% and 55% as recycled in those respective months versus 87% to 93% recycled. It also goes from there to 17.25%, 16.4% and 15.28% and then goes to other facilities outside of the County.

Mr. Medico indicated that is with the C & D. The Yard Waste goes to a dedicated Yard facility in Deerfield Beach where they are achieving 99 percentile. They have a dedicated Metal yard and a dedicated Wood yard so all of the Yard Waste and Wood go to another facility in Sun-3, which is a building. It does not have the capacity to store the volumes of Yard Waste; it is not processed there. It is collected there and transshipped to Deerfield Beach where it processed and recycled. Those numbers get added back into the numbers shown for Sun-3. Sun-3 on the C & D does not take Bulk, Metal goes to another central processing facility, and the Yard Waste goes to a central processing facility where it is ground and co-mingled with Wood. It is then sent to a plant that is coming up with gas to create energy; no different than the Wheelabrator technology. That material is used to enhance the burn from a residual non-processable product from sugarcane growth or harvesting and that is the gas. The Wood enhances the burn. Ms. Waldman's numbers that were reported are completely accurate. They are trying to demonstrate that they all contract the material and they are required to do so.

Councilman Levy questioned requirements regarding recycling that we have agreed to with the State and DEP.

Mr. Shimun advised that there is a recommendation to recycle up to 75% and he believes that goes into effect in 2020. We are not required by law, there is no penalty if we do not reach it, but voluntarily we would like to.

Councilman Levy questioned how either reflects and whether that is being taken into account.

Mr. Shimun indicated that it is not being taken into account right now as a specific number. When we have conversations with both sides we ask them about the recycling rates and what they do. Both sides believe they can reach those goals by that time so we are relying on that information. We do not have any way of actually measuring ourselves. He does not think that the reporting system breaks it down by community; they may be able to give an aggregate amount to the County but he does not think they can tell exactly what is recycled.

Mr. Medico advised that they have a contract with the City of Deerfield Beach. If they wanted to track and give the actual recycle material to a mathematical certainty, they can and do it on a regular basis. They currently do that for the City of Deerfield Beach for their C & D, Bulk and Vegetative. They do it for their contract communities and those that expressed a desire to have the report.

Councilman Levy questioned why there is such a discrepancy in the financials for this part of the system. He is looking at the comparison on half Bulk half Vegetative. It is tough to justify going over \$100,000 difference and asked why Council should pick Sun-Bergeron even though there is that much of a difference.

Mr. Medico explained that they call it Value Added Environmental Stewardship. They have a tremendous amount of experience with Bulk material. They are recycling it; they are not grinding it and they do not own a landfill so it cannot be used a cover material. They do not think that is sustainable. They have outlets and there are farms that use the mulch material to spread for land application to act as a nutrient. It is believed that the cost per person, which is about 2.5 cents per person, is sustainable. If anyone were to ask why the extra money was spent for Sun-Bergeron his comment would be because it is good Government and good Environmental Stewardship. They feel it is worth the extra money because their costs are built in and are sustainable. You would be a paying a little more to get the maximum recycle rates.

Councilwoman Moody referenced the recovered screen material and questioned whether that is something that is done different.

Mr. Shilke advised that anytime there is a process that takes any material out of a way stream there will be little bits of unprocessable material and things that have to be disposed of. Part of any system is a shaker screen and when the material is shook those little bits will fall out. There are various screen sizes.

Councilwoman Moody questioned what Sun-Bergeron does with that material.

Mr. Medico indicated that Sun-2, Sun-3 and Sun-4 have unrestricted use to produce RSM, residual screen material, which are the fines that are extracted through screening. It is screened to a half inch minus, there are strict reporting requirements. They refer to it in the video as green fill. The reason they are at the 90 percentile is because they have unrestricted use. It is used in golf courses, ball fields, green space; it is a nonstructural fill and they are unrestricted for residential, commercial and industrial use applications. Fill in Florida is delivered between an average of \$12 to \$15 per cubic yard. They have used this in 13 golf courses throughout South Florida for rehab, building elevations and berms. Every company has different policies. Those have been issued by Broward County NDEP and those are operating permits. Sun-Bergeron does do it differently; they put it back into the environment and it has a beneficial reuse factor. DEP in the State of Florida encourages the distribution of this material.

Mr. Shilke stated that it does not matter where RSM comes from. There are strict requirements on it. He was unsure how C & D varies between different sites but every time they test that material for their own internal purposes it never passes clean residential standards and that is why they build the landfill with it; they can monitor the material.

Mr. Medico advised that Sun-Bergeron is the leader of this industry; specifically in RSM. They do not have the benefits of owning a landfill and they do not think that it should go there. They have to do that because they do not have the permits Sun-Bergeron has because they did not demonstrate that they could produce a clean product that would have unrestricted use or it may be their policy. They are providing it as cover in the landfill where they are disposing partially processed C & D or sewage sludge and Bulk and Vegetative. That is why they get a lot of fines for not being able to control their odors.

In response to Councilwoman Moody, Mr. Medico explained that Sun-Bergeron ships the C & D to a C & D landfill. The non-processable material goes to Palm Beach County and it is burned at their combustion plant. Some of the material, based on the market, cannot be recycled and goes to Ocala. It is as safe as putting it in landfill. They go where they can get the cheapest rate; where there are low tip fees.

Councilwoman Moody noted that there probably has to be a limit in landfills.

Mr. Medico stated that about 7% ends up at either a waste energy plant or a landfill. When looking at that in terms of how much volume is done and what is actually disposed, it is an insignificant amount of volume but it fits their Economic Business Model.

Mr. Shilke advised that landfills are permitted and designed to a certain height and grade requirement. Once that level is reached, a cap has to be put on it and waste can no longer be accepted.

In response to Councilwoman Moody, Mr. Shilke they truck from the Davie facility to Wheelabrator South, which is less than two miles. From Davie to Monarch Hill in Pompano Beach is approximately 22 miles; the Waste Management Recycling Pompano facility is about 20 miles from Davie and about four miles from Wheelabrator North and Monarch Hill landfill. He noted that they do not like to use recovered screen materials as cover material because they do contribute to odors. They do not want to use RSM as daily or intermediate cover; they are mixing it with soil to put it on as final cover so it does not have the ability to make any odor or cause any health impacts.

Councilwoman Moody questioned whether there was an issue about this stuff being tested somewhere.

Mr. Shilke indicated that is why Waste Management has opted not to put this material back in the public environment. They do not want to take any chances on harming someone.

Councilwoman Moody questioned whether that was the issue brought up that this surfaced and was in a residential area.

Mr. Shilke stated that in that news story they found high levels of arsenic and other metals in the soil and also in the ground water.

Councilperson Stoner advised that she did not see any comments by staff that would indicate that Wheelabrator is not meeting and/or exceeding criteria or no other reason to go with them.

Mr. Bergeron indicated that his concern was that in the whole evaluation there is no percentages of recycling. If you look at the percentages from the residue of the Vegetation, Bulk and C & D, it is a very low percentage. It goes anywhere except back into useable products. They recycle more than any company in the State of Florida and there has never been an evaluation on that presented by staff. He feels that it is very important for future generations and for our environment. He also believes it is important that products are not put into landfills but back into useable products. The costs he has looked at are about 2.5 cents to meet the 75% goal. They are reaching 90% on the Bulk and Yard Waste and 93% on the C & D. It is not going into a landfill and they have gotten the highest recycling award in the entire State of Florida. He noted that every City in Broward County should regulate the waste they are creating for the quality of life we have. It should be regulated and make sure it is going to a facility that gives the highest rate of recycling so we are not building landfills.

Mr. Laystrom commented that the difference between the words recycling, reusable and sustainable gets mixed into one and the numbers are about the same for both companies if you recycle and get the count reuse. Councilwoman Moody was correct, in both Miramar and in Palm Beach, some of the material from the other company ended up in residential neighborhoods. That is why their price is 20% better and he requested that Council stay with the vote they are getting ready to make.

Councilman Levy mentioned that the County approved separate agreements with Wheelabrator and Sun-Bergeron to provide Solid Waste Disposal Services for Yard Waste and Bulk Trash. He questioned whether we are taking that option out and only giving it to Wheelabrator.

Mr. Shimun advised that is correct.

Mr. Lunny clarified that Council would be signing an Interlocal Agreement with Broward County and selecting for the Bulk Trash piece. We are not taking it out of the ILA and making a separate arrangement. The vote is for Bulk Trash and Yard Waste.

Councilman Levy commented that we have the option to go with what the County did and have both of them being able to provide that service within our community.

Mr. Lunny noted that is correct.

Councilman Levy stated that one of the clarifying issues for him is the cost; with our budgetary concerns that is very important. We could make a motion that we go with the County and do what they did, which is both.

Mr. Lunny explained that under the County's contract structure, Council can choose one provider for Bulk and Yard Waste and choose the other provider for C & D.

Councilman Levy understands that we are doing the Bulk Waste and Yard Trash now and C & D will be separate. He wished he knew why the County agreed for both.

Mr. Auerhan advised that the County gave each City the choice of which provider they want to use for each substance.

Councilman Levy stated that he was reading "Broward County approved separate agreements with Wheelabrator and Sun-Bergeron to provide Solid Waste Disposal Services for Yard Waste and Bulk Trash".

Mr. Auerhan indicated that these are form agreements that were sent to all of the Cities so they could choose whichever company they wanted.

Councilman Levy questioned whether the County agreed that both were good.

Mr. Auerhan advised that the County was neutral.

Mr. Shimun referenced the presentation on Page 22, which is the next decision for Construction and Demolition material. Staff has recommended that the non-exclusive agreement be done; leave things the way they are. There is an option of taking Sun-Bergeron because they were the ones who gave the better overall price; however, staff's recommendation is to leave it as is.

Councilman Tingom questioned if no action is taken whether this will stay in place or if action needs to be taken.

Mr. Shimun advised that action needs to be taken because the agreements will have to be amended. If you choose Sun-Bergeron, the agreements currently in place have to be amended so they run until July. If Council is going to leave it the way it is, those agreements also have to be amended so they run through September.

Councilman Tingom commented that amending the agreements allows both companies to compete for the business in our City.

Mr. Shimun noted that was correct and stated that any other companies could compete.

Mr. Lunny indicated that there is a flow over concern on this because there is a collection model and a disposal model. Our citizens desired to have more than one collector for C & D and the past Council thought that was a good idea; therefore, we went out for a competitive procurement and qualified up to four or five. The benefit of this system is that if Waste Management has a customer they can pick up the C & D and capture the vertical integration economies of disposing it at the Wheelabrator site, which can be a cost savings to the customer. At the same time, Mr. Metaco advised that SWS could pick up C & D from customers in Plantation and dispose of it in a Sun-Bergeron site and pass the cost savings to the customer. Where they expressed some issue is if we designate one then the other company will not be able to take advantage of internal vertical integration economies and that might affect the price to the customer. We did not want C & D to have a captive market and thought that to keep competition with collectors, low complaints and low overhead, that we should keep our current model of C & D in place. We do not have the resources or money in the budget to pay Broward County a disposal fee nor did Administration feel that rate regulation was something we wanted to get into at this time with C & D, where we would direct flow control and manage rates. Staff felt that perhaps keeping C & D the same and going through a re-procurement to re-qualify our providers and maybe a few more would be the best way to go. That is what was discussed with both providers and that is what they thought worked best. If Council goes with the County arrangement and picks a supplier for C & D that will affect our municipal operation in terms of required staff resources to run it and may involve some more active participation in the market in terms of rate regulation. It might also affect the existing competition and reduce the competition down to a point where we only had one real provider and it was not thought, that for this market, that was a good idea because both companies are good companies and seem to be doing a good job for our citizens.

In response to Councilman Levy, Mr. Lunny believed that we had four companies and then it was time to renew and two dropped off and now we have Waste Management and Southern Waste. We have asked whether both companies would be interested in continuing and submitting bids and both indicated that they would like to do

so and we may get a couple of more. One requirement was that they have to designate a licensed facility and when asked about achieving some reporting both providers indicated that they could provide reporting so that on the C & D piece maybe we could get some additional credit. That is why this option is being recommended.

Councilman Levy clarified that the option is to stay as is and that would allow both to have the business.

Mr. Lunny advised that we would have to extend the term to the end of the fiscal year and that is to give staff a little time to take a break from Solid Waste but to otherwise do a competitive procurement.

Mr. Bergeron commented that there is no regulation on what is being done as far as C & D and the percentage of recycling. It seems like you really care about regulating Solid Waste to achieve environmental goals and that concerns him.

Councilman Tingom disagreed with Mr. Bergeron.

Mr. Bergeron stated that Sun-Bergeron has the lowest number but you do not want to make sure you are achieving the 75%.

Councilman Tingom explained that the motion is to continue with the competition between the two companies that submitted bids.

In response to Mr. Bergeron, Mr. Lunny advised that it has to go to a licensed facility.

Mr. Bergeron questioned whether we are requiring any percentage of recycling with this material. We all have a responsibility to the environment.

Mr. Lunny replied no. When we re-procure this we could impose whatever we wish; we do not have that under our current scenario. The current scenario is up in one month and we need to extend this. We have requested both for reporting requirements. He believes that Mr. Shimun and his staff have a fairly good handle on this but we do not have a written requirement in this regard.

Councilman Levy requested that when looking at the requirements we put in a goal on recycling to review for the next go around.

Mr. Shimun referenced Page 34 that relates to which extension is preferred. Since Council chose to leave it as is the non-exclusive Franchise Agreement needs to be done with Waste Management and Southern Waste Systems until September 30, 2013.

Mr. Lunny read the Resolution as follows:

Resolution No. 11654

RESOLUTION of the City of Plantation relating to environmental control selecting from amongst Broward Counties authorized contractors, which contract will provide for the benefit of this City as a participating community, disposal services for additional waste, authorizing Administration to execute amendment to the Plantation Broward County Interlocal Agreement so as to implement such decisions determining not to competitively procure the services covered by the contemplated amendment to Interlocal Agreement; providing findings; providing a savings clause; and providing an effective date therefor.

Staff understands that this Resolution contemplates the designation of Wheelabrator.

***Motion by Councilman Levy, seconded by Councilwoman Moody, to approve Resolution No. 11654
Motion carried on the following roll call vote:***

Ayes: Moody, Stoner, Jacobs, Levy, Tingom
Nays: None

Mr. Lunny read the Ordinance as follows:

A Public Hearing and First Reading of an Ordinance of the City of Plantation, Florida pertaining to the subject of environmental control extending the terms of the City's two remaining Construction and Demolition Debris Collection Franchises; providing findings; providing a savings clause; and providing an effective date therefor.

This would be until September 30, 2013.

Motion by Councilman Jacobs, seconded by Councilman Levy, to approve the First Reading of the Ordinance. Motion carried on the following roll call vote:

Ayes: Moody, Stoner, Jacobs, Levy, Tingom
Nays: None

Mr. Shimun referenced screen 37; Household Hazardous Waste. Options available were to go with the County. There was an option to go with Sun-Bergeron, but that was part of their incentive program to do the Disposal of Solid Waste in entirety; however, Wheelabrator offered at \$50,000 per year to provide those services. Staff is recommending negotiating a contract with Wheelabrator to provide the Household Hazardous Waste and Electronics, Recycling, Bulk Trash and Yard Waste Drop Off program. If we do not sign with the County by tomorrow we no longer have that option.

Mr. Laystrom advised that the services being provided are relatively simple. They prepared a draft contract and have provided it to Mr. Lunny. They met with the Public Works Director to come up with a program which was basically for Household Waste events plus a drop off site. The hours of operation and number of days are already decided; it is just a question of when you want to pick those days. He does not believe there will be a problem finalizing the contract.

In response to Councilman Tingom, Mr. Lunny indicated that he could not guarantee whether this would be easy or not. He does not foresee any significant issues because the parties at this moment, staff and the provider, are fairly close in terms of scope, but it did not make the deadline. The County said that we have until tomorrow to sign up on additional services.

Mr. Auerhan stated this was before the County Commission and adopted; it would have to go back to the County Commission to change the date.

Mr. Lunny commented that we have known about this for quite a bit of time and he does not perceive it to be a County driven issue. We had a proposal, a letter from Wheelabrator, on January 16 or 18, 2013. We met with them and questioned if they could give us an agreement.

In response to Councilman Levy, Mr. Lunny noted that the County has already extended it once. Council is assuming some business risks.

Councilman Levy questioned whether this means that our residents will not be able to use County sites. He wants to be sure that we give our citizens the greatest options possible.

Mr. Lunny stated that is right. The Wheelabrator proposal says that you bring your things to Wheelabrator on the weekends. Currently you can go to the dump and pay to take whatever you want seven days a week. This is a bit of a change of service. The County service is broader but much more costly. He thinks that Mr. Shimun's report provides that information.

Councilman Tingom questioned how close we are to agreement on this.

Mr. Consaul advised that we are extremely close; they are actually providing three extra collection dates and other than wording alone, the scope of work is done.

Councilman Jacobs mentioned the Reese Road facility and the recycling facility in Sunrise. From the citizens perspective how is this going to change?

Mr. Consaul stated that citizens will have to go a little bit farther for everything. The same services will be provided at the site on Saturday as they have now. Both sites are in Davie. The extra three Household Hazardous Waste collections at Public Works will be a plus because we only have one now in February. If we do not go with the County we will lose the paint but everything else will remain the same.

Mr. Lunny commented that this is a change for residents who want to remove bulky items and yard waste from their property. They will not be able to go to any of the County sites even if they want to pay. The only time to get rid of that is by going to the Wheelabrator site which is one day a week.

Councilman Tingom stated that site is open on Saturday from 8:00 a.m. to 4:00 p.m.

Mr. Consaul advised that if you go with the County you can go every day they are open and pay or you can do it for free on Reese Road but you have to go to the Davie Delta site as part of this agreement if we go with Wheelabrator.

Councilman Tingom mentioned that the cost with the County is significantly more.

Councilman Jacobs stated that the cost is four times more. The level of service will be about the same at one-quarter of the cost.

Motion by Councilman Jacobs, seconded by Councilman Levy, to direct Administration to negotiate the contract. Motion carried on the following roll call vote:

Ayes: Moody, Stoner, Jacobs, Levy, Tingom

Nays: None

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18. PROPOSED FASHION MALL UNIFIED CONTROL.

This item was withdrawn.

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LEGISLATIVE ITEMS

Mr. Lunny read Item No. 19.

19. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES BY DELETING ARTICLE V, USE OF SEWERS, IN ITS ENTIRETY, AND RE-ENACTING A NEW ARTICLE V, USE OF SEWERS, TO PROVIDE FOR UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTOR INTO THE WASTE WATER COLLECTION AND TREATMENT SYSTEM FOR THE CITY OF PLANTATION, ENABLING THE CITY TO COMPLY WITH STATE AND FEDERAL LAWS REQUIRED BY THE CLEAN WATER ACT OF 1977 AS AMENDED AND GENERAL PRETREATMENT REGULATIONS AS AMENDED; PROVIDING FOR DEFINITIONS; REQUIRING THE USE OF PUBLIC SEWERS; PROVIDING FOR REGULATION FOR PRIVATE WASTE WATER DISPOSAL; PROVIDING FOR RESTRICTIONS ON THE USE OF PUBLIC SEWERS; ESTABLISHING PROHIBITED DISCHARGE STANDARDS; PROVIDING FOR THE POWER AND AUTHORITY TO REGULATE AND ENFORCE THE CHAPTER PROVIDING PENALTIES FOR VIOLATIONS OF THIS CHAPTER; PROVIDING FOR SERVICE CHARGES AND FEES AND THE AUTHORITY TO DISCONNECT SEWERS; ESTABLISHING AND MONITORING INSPECTION SAMPLING AND RECORDING REQUIREMENTS AND PROVIDING FOR THE REGULATION OF WASTE OR SEWER FROM OTHER JURISDICTIONS.; PROVIDING FOR A SEVERANCE CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

Motion by Councilman Jacobs, seconded by Councilwoman Moody, to approve the First Reading of the Ordinance. Motion carried on the following roll call vote:

Ayes: Moody, Stoner, Jacobs, Levy, Tingom
Nays: None

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QUASI-JUDICIAL CONSENT AGENDA – None.

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QUASI-JUDICIAL ITEMS – None.

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COUNCILMEMBERS’ COMMENTS

Councilman Jacobs appointed Susanna Bott to the Landscape Planning and Review Board.

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Mayor Bendekovic distributed a packet in response to emails received from Mayor Mike Ryan of Sunrise. They are memorandums from Chief Stearns, Chief Harrison and herself. There is a Resolution dated June 16, 2011 to be sent to Broward County on the disparity and funding of the E911 system. That was one of the catalysts that started the conversation and making recommendations on the I-Board on the Consolidated Communications Center. There is also correspondence to Bertha Henry requesting reimbursement funding for our E911 system in the City of Plantation and her response. The I-Board recommendations are also provided.

Staff has attended the 18 or 19 meetings that have been going on for the past year and half to two years. Chief Harris, Chief Harrison, Deputy Chief DeLeo, Chief Stearns and herself met personally with Commissioner Wexler, Commissioner Kerr, Commissioner Holness and with Bertha Henry, the County Administrator, and on September 19, 2011, they met with Sunrise Mayor Mike Ryan so that he would get a full understanding of our position. If we were to approve the proposed Consolidated Communications Center, the E911 Regional Communications Center, as currently proposed, we would jeopardize our Plantation Volunteer Fire Department, downgrade our International Accredited Communications Center, increase the Fire Rescue response time, impact our recently acquired ISO rating of 2 and create a financial burden on the City and residents; it would be a double taxation. Approximately 74% of the calls are non-emergency at the Communications Center so not only will you have to send dispatchers to the E911 Center, the Regional Center, you still have to provide a non-emergency Center. When weighing the pros against the cons, the cons outweighed the pros and at this time it was not prudent for Plantation to participate in the proposed consolidation.

During a meeting yesterday Commissioner Wexler made three motions; the first two did not pass but the third one did pass for a Municipal Service Tax Unit. Further information will be brought to Council about the Municipal Tax (MSTU) at a later date. During all the conversations and discussions a few thoughts came to our mind after going through the process. They recommended Pembroke Pines, Coconut Creek and Sunrise as a Regional Communications Center. Mayor Bendekovic's question is did the municipalities build those centers in order to think they were going to get reimbursed if they were made a Regional Center? Also, there are different ways to measure response time. There is an A way; as soon as the call comes in and it is picked up that is when it can be measured or it can be measured when the unit is in route. They have never indicated what the measurement was on the Fire Rescue response times nor have they ever given any comparison of response times with Fire Rescue. Our Fire Rescue is 4 minutes and 39 seconds; our Police Response time averages 4 minutes 47 seconds for the year. Our response time for Fire Rescue is when the receiver is picked up, which makes a great deal of difference between the times they are in route. Those are some of the things that were never answered and when we asked the questions the information was not available.

The County Charter states that the Countywide Communication Center was for Fire and Emergency Medical and Services. She does not understand how the Police got involved and were included in this E911 Regional Communication Center. Finally, it stated that the Community Center would be solely funded by the County and yesterday the ad valorem was not passed but an MSTU was. She requested that Council review this information and contact Mr. Shimun with any questions.

Councilman Levy mentioned double taxation and questioned whether we would be paying for our own Communication Service and then be charged by the County for the consolidated service even though we would not be using it.

Mayor Bendekovic indicated that it is her understanding that the County already gets a total of \$19 million, which is coming from the Cities. Then there would be an ad valorem tax or MSTU, depending on what we want to do. We already have and already fund our dispatch center; we have an International Accredited Center. There are only two municipalities in this County that have an International Accredited Communications Center; Plantation and Coral Springs.

Councilman Levy questioned if we decide to keep our own and not be part of the centralized dispatch whether that is all we would pay for or whether we would be charged for the centralized system. His concern is the bottom line. Motorola wanted to charge us \$100,000 per year for the new tower to use as a back up system. He questioned whether the new system the County is putting in could be used as a back up system. If so, we could save \$100,000.

Mayor Bendekovic advised that is not the way she understands it. The tower has nothing to do with the E911 system. That is an alternate system; it is a back up just for the Police. The MSTU indicates that everyone would pay their fair share.

Councilman Levy questioned whether we would be paying a fair share here and also to the County; therefore, double. We choose to opt out and keep our own and continue paying \$100,000 if we keep Motorola as the back up and not pay the County anything further.

Chief Harrison stated that Motorola is the back up and the cost is \$100,000 per year.

In response to Councilman Levy, Chief Harrison advised that the system is run by fiber optics; the tower is a secondary to that. It will not cost more than what we are already paying.

Councilman Levy mentioned that the County chose the third option.

Mayor Bendekovic indicated that if we go with the Municipal Service Tax Unit it goes to the County.

Councilman Tingom commented that we have a right not to do that.

Mayor Bendekovic clarified that we do not have to go with that; we already are funding our own communications system.

Chief Harrison advised that the \$100,000 we pay to Motorola is a connectivity fee to connect into the system. It no longer goes through the County; it goes in through Motorola and that was the overall plan.

Councilman Levy stated that basically the system we have and improve will be a better system for our residents than if we go with the County centralized.

Chief Harrison indicated that the confusion is the cost savings and quality of service. The quality of service you are going to get with our PSAP is voluminous.

In response to Councilman Tingom, Chief Harrison advised that PSAP is Public Safety Answering Point; it is a communications center.

Councilman Levy commented that he trusts that Chief Harrison will be looking at all of these and giving us the best quality for our residents. He noted that he has been receiving calls on this and wants to be sure that we are up to date with the knowledge as to why and what we are recommending.

Chief Harrison concurred and referenced his memorandum. One of the biggest points made was on the transfer of calls. If there are three regional sites there would still be a transfer of calls; there will still be overlaps. One of the things we have yet allowed to happen is the new generation 911; the upgrades. That is supposed to be addressed in that technology.

Mayor Bendekovic stated that some of the issues that are with the system are now might be eliminated if they wait for the next generation 911. From the very beginning Plantation has repeatedly stated that we could not approve the proposed Communication Regional Center. We have met with so many people so they can get an understanding of our position. For Mayor Ryan to state in one of the emails, "He had no knowledge of our Volunteer Fire Department", is inaccurate. We sat with him for several hours on September 19, 2011 and wanted him to understand because we knew he was going to be chairing the I Board. We always have people in attendance at the I Board and Deputy Chief DeLeo has been an iatrical part of that. Chief Harris and Chief Stearns have always been in attendance. As soon as there is a date for the next I Board meeting staff will be in attendance.

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Councilman Tingom recognized the Detective and Police Officers that worked a theft in his neighborhood.

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Councilman Tingom mentioned that a neighboring City went out for an RFP and lost \$772,000 by not signing the agreement in time. He congratulated staff on making sure that we probably made a good decision.

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PUBLIC REQUESTS OF THE COUNCIL CONERNING MUNICIPAL AFFAIRS

George Lord, resident, was present. He mentioned the walkway in the Country Club Estates area and noted that the lights are out apparently due to vandalism. He suggested taking parts out of half of the walkway lights across from the Building Department and use them to repair the broken lights.

Councilman Levy advised that he has been working on the problem since the lights were vandalized. Those lights are no longer manufactured and the parts are very difficult to come by. The electricity was turned off completely because the open wires were dangerous. The plan is to come up with some new sets of lights and bring it to the Association for them to select what they would prefer rather than try to spend a lot of money repairing something that will be vandalized again.

Mr. Lord thought as a low cost solution the parts from the walkway lights across from the Building Department could be used. There are more than 30 lights and it would not hurt anything by taking half of them out.

Councilman Levy stated that we need lighting around the trail; it is very important and we need to fast track that.

Mayor Bendekovic indicated that we are looking at the CDBG Funds and are in contact with HUD to see if they would fund putting that in as a public safety grant. From the very beginning people have complained that the lights do not illuminate enough and it is a public safety issue because it is very dark in that area. Overhead lights are being considered. She cannot promise that the CDBG Funds will cover the lights but they are looking into it.

Mr. Lord is for that 100%. At the time those lights went in everyone wanted the high lights.

Councilman Levy commented that the reason the low lights were installed was because neighbors across the street thought the lighting would be too much for them. He mentioned the Law Enforcement Trust Fund that we get when we confiscate drugs or sell things. That money can be used for anything that is a crime prevention type of equipment. He questioned whether that could possibly be used or if we could look into that rather than using CDBG Funds.

Mayor Bendekovic advised that we could look into it but she did not know if Chief Harrison would give up that money.

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Dennis Conklin, resident, was present. He mentioned the Channel 4 news last night and complimented Mayor Bendekovic on defending our Gold Standard Fire and Emergency System and saving us money.

He distributed papers and mentioned that he has been trying to explain why we need to make changes in the City's Defined Benefit Plan and thanked the Council President for directing him to Chapter 112.

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SEALED COMPETITIVE SOLICITATIONS – None.

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WORKSHOPS – None.

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The meeting adjourned at 10:30 p.m.

Peter S. Tingom, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2013.

Susan Slattery, City Clerk