

City of Pembroke Pines, FL

*City of Pembroke Pines
Charles F. Dodge City Center
601 City Center Way
Pembroke Pines, FL 33025*



Meeting Minutes

Wednesday, August 23, 2023

6:30 PM

6:30 PM Workshop and Special Meeting to Discuss Solid Waste and an Update on the 2023-2024 Budget. City Attorney's Item added to agenda and republished.

Commission Chambers

City Commission

*Mayor Frank Ortis
Vice Mayor Iris A. Siple
Commissioner Jay D. Schwartz
Commissioner Thomas Good Jr.
Commissioner Angelo Castillo*

WORKSHOP AND SPECIAL MEETING**6:30 PM WORKSHOP MEETING CALLED TO ORDER****ROLL CALL**

Present 5 - Mayor Frank Ortis, Vice Mayor Iris A. Siple, Commissioner Jay D. Schwartz, Commissioner Thomas Good Jr., and Commissioner Angelo Castillo

Also present: City Manager Charles F. Dodge, Assistant City Attorney Michael Cirullo Jr., and City Clerk Marlene D. Graham.

The Pledge of Allegiance was led by Mrs. Patricia Good.

WORKSHOP ITEMS:

WS-1 23-0591 WORKSHOP ITEM #1: DISCUSSION ON THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL AND SUPPORT SERVICES UTILIZING WIN-WASTE INNOVATIONS PREVIOUSLY KNOWN AS WHEELABRATOR ENVIRONMENTAL SERVICES, INC.

Assistant City Attorney Cirullo read WS-1 into the record by title.

City Manager Dodge stated the purpose of the workshop was to discuss the Interlocal Agreement with Winn-Waste (formerly known as Wheelabrator). The first agreement with the City was extended until August 30, 2023. The City also had the option of entering into a second Interlocal Agreement up until 2028, which was the recommendation made by the City's Administration.

Vice Mayor Siple asked what options the City had if the Commission decided to vote against renewing the agreement.

City Manager Dodge said that the City would not have any municipal solid waste disposal services after October 1, 2023.

Commissioner Good spoke about the City going out to bid for disposal waste solutions.

City Manager Dodge said the bid referenced by Commissioner Good

pertained to the second workshop item for solid waste disposal with Broward County. Mr. Dodge then spoke about the opportunity to have the vendors who submitted letters of interest to come to the City and present information to the Commission at a workshop, to be scheduled within the next couple months.

Commissioner Good inquired about the time it would take to get a facility operational if the City decided to go with one of the potential vendors.

City Manager Dodge said that upon approval of a vendor and a disposal site the process could take from 18 months to 4 years.

Commissioner Good spoke about the residential and commercial waste disposal rates. He expressed concern about the additional fees to have excess waste hauled to another facility.

Kenneth Rivera, Regional Business Development Manager of Waste Pro Florida, responded to the questions of the Commission to confirm that Waste Pro had "open market" non-municipal agreements with smaller facilities in Broward County.

Assistant City Attorney Cirullo read Exhibit 19, paragraph 2 into the record. He said the City must make a decision whether to approve the second amendment agreement by September 1, 2023.

City Manager Dodge responded to the questions of the Commission regarding the municipal waste hauled range per ton. If Waste Pro agreed to a set rate around \$54.00 regardless of where the waste was hauled, the City would be open to negotiate.

Vice Mayor Siple spoke about the time frame being limited to get responses from the vendor, and requested Commissioner Good to list the matters to be addressed.

The following items were requested by Commissioner Good:

What would the disposal rate be to haul the municipal solid waste beginning October 1, 2023?

What are the determining factors that the City of Pembroke Pines caused the tonnage excess in which the solid waste would need to be hauled to another facility and be charged additional fees?

A formal request from all disposal companies in Broward County asking for committed rates for disposal services.

City Manager Dodge said that 30 days would be enough time to get responses for the requested items.

Commissioner Schwartz inquired if an early termination clause was included in the second Interlocal Agreement. He also inquired about the September 1, 2023; extension granted to the City from Broward County.

Assistant City Attorney Cirullo said though the reasons were not specified, there was no early termination clause in the agreement. .

City Manager Dodge responded to the questions of the Commission regarding the option for the City to negotiate with haulers directly, other than Waste Pro.

Commissioner Castillo inquired about what the outcome would be after the discussion of the item so that trash services were not delayed.

City Manager Dodge responded with a recommendation for a Special Meeting to be held on August 30, 2023, to have a resolution by the required deadline.

Assistant City Attorney Cirullo responded to the questions of the Commission regarding the City's options should the City choose not to enter the Interlocal Agreement with WIN-Waste.

Bob Hely, Market Manager for WIN-Waste Innovations, 4400 South State Road 7, Fort Lauderdale, FL addressed the Commission and stated the City used approximately 90,000 tons of municipal solid waste annually. He said the existing contract WIN-Waste has with the County and 21 other participating municipalities, equates to 725,000-750,000 tons of municipal waste.

If WIN-Waste were to separate Pembroke Pines from their Interlocal Agreement with the County, they would be unable fulfill their obligations. Mr. Hely also addressed the determining factors and fees for excess waste should the City's municipal waste need to be hauled to another facility.

Kenneth Rivera, Regional Business Development Manager of Waste Pro Florida, responded to the questions of the Commission about the percentage difference between residential and commercial rates.

The Mayor opened the meeting for public comments.

The following members of the public spoke on the item:

Lonnie Bergeron, 20400 SW 51st Street, Pembroke Pines, FL

Kenneth Farkas, 5331 SW 199th Avenue, Pembroke Pines, FL

WS-2 23-0594

WORKSHOP ITEM #2: DISCUSSION ON THE INTERLOCAL AGREEMENT FOR SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY, FLORIDA.

Assistant City Attorney Cirullo read WS-2 into the record by title.

City Manager Dodge addressed the history of the City's solid waste procedures over the past 38 years. He said Broward County created a Solid Waste Disposal District and that the City opted not to participate. The City of Pembroke Pines chose to focus on alternative methods such as recycling and composting programs. The City of Dania Beach, City of Hallandale Beach, and City of Pompano Beach chose to join Pembroke Pines for those alternative methods in lieu of the incineration process.

Reuters Recycling facility was built and had successful operations, apart from the composting process which caused a foul odor. City Manager Dodge then commended Commissioner Good for making the motion to direct the City Administration to research alternate methods after the recycling program was discontinued. Thus, allowing the City Administration to provide options instead of the incineration process.

City Manager Dodge then expressed his concerns with the new Interlocal Agreement proposed by the County. He said the matter prompted the City to request letters of interest from other vendors who use alternative technology methods that does not include burning municipal waste. Upon completion of the research, the City Manager stated a meeting would be set up to discuss the matter further. The scheduled meeting would include input from the City Commission and members of the public once those methods were presented.

Mr. Dodge also spoke about the seven recommendations made by Staff, for the City Commission's consideration. He referenced Exhibit 5 from the backup as an effort to work with the Solid Waste Working Group. The positive results from the recommendations were so minimal, the City Manager concluded staff would continue to research alternative methods that would benefit the City. The option to join the Interlocal agreement with the County was also extended.

The following members of the public spoke on the item:

David Brubeck, 5801 SW 199th Avenue, Pembroke Pines, FL

Robert Garcia, 20840 NW 3rd Court, Pembroke Pines, FL

Allan Paulino, 19344 SW 60th Court, Pembroke Pines, FL

Jairo Piedrahita, 6143 SW 191st Avenue, Fort Lauderdale, FL

Herb Vargas, 12507 NW 18th Manor, Pembroke Pines, FL

Commissioner Schwartz, Commissioner Castillo, Vice Mayor Siple, and Commissioner Good spoke on the reasons they were not in favor of supporting the Interlocal Agreement or a waste energy facility being built.

WS-3 23-0589

WORKSHOP ITEM #3: PRESENTATION UPDATE ON THE 2023 -2024 PROPOSED BUDGET.

Mayor Ortis read WS-3 into the record.

City Manager Dodge explained the purpose of the third workshop item was to address the Operating Millage Rate of 5.7115 and the Debt Service Millage Rate at 0.3410. This kept the Aggregate Millage Rate of 6.0525 as requested and voted for by the City Commission.

The proposed budget had an initial deficit of 11 million dollars, but due to additional funds received by the City, the deficit decreased to 8 million dollars. City Manager Dodge then discussed the adjustments made to balance the budget for the 2023-24 Fiscal Year.

**7:00 PM [or such time as the Workshop adjourns] SPECIAL MEETING CALL
TO ORDER:**

ROLL CALL

Present 5 - Mayor Frank Ortis, Vice Mayor Iris A. Siple, Commissioner Jay D. Schwartz, Commissioner Thomas Good Jr., and Commissioner Angelo Castillo

Also present: City Manager Charles F. Dodge, Assistant City Attorney Michael Cirullo Jr., and City Clerk Marlene D. Graham.

City Clerk Graham declared a quorum.

RESOLUTIONS:

SM-1 2023-R-08 MOTION TO ADOPT PROPOSED RESOLUTION 2023-R-08.

PROPOSED RESOLUTION 2023-R-08 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL AND SUPPORT SERVICES, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THE SECOND AMENDMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

A motion was made by Commissioner Schwartz, seconded by Commissioner Good Jr., to defer Proposed Resolution 2023-R-08 to August 30, 2023. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Commissioner Schwartz, Commissioner Good Jr., and Commissioner Castillo

Nay 0

PRIOR TO THE VOTE BEING TAKEN:

Assistant City Attorney Cirullo read SM-1 into the record by title.

Commissioner Schwartz spoke to defer the item to the August 30, 2023, Special Meeting.

SM-2 2023-R-27 MOTION TO ADOPT PROPOSED RESOLUTION 2023-R-27.

PROPOSED RESOLUTION 2023-R-27 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE INTERLOCAL AGREEMENT RELATED TO SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY, BETWEEN BROWARD COUNTY AND THE MUNICIPALITIES IN BROWARD COUNTY, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY

MANAGER TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THE SECOND AMENDMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

No action was taken on the main motion.

A motion was made by Commissioner Schwartz, seconded by Vice Mayor Siple, to reject Proposed Resolution 2023-R-27. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Commissioner Schwartz, Commissioner Good Jr., and Commissioner Castillo

Nay 0

A motion was made by Commissioner Castillo, seconded by Vice Mayor Siple, to amend Proposed Resolution 2023-R-27 to send a non-voting delegate to meetings of the solid waste authority to represent the City of Pembroke Pines. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Commissioner Schwartz, Commissioner Good Jr., and Commissioner Castillo

Nay 0

A motion was made by Commissioner Schwartz, seconded by Vice Mayor Siple, to make a friendly amendment to the motion to state that the City's designee would be professional staff rather than elected official. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Commissioner Schwartz, Commissioner Good Jr., and Commissioner Castillo

Nay 0

PRIOR TO THE VOTE BEING TAKEN:

Assistant City Attorney Cirullo read Proposed Resolution 2023-R-27 into the record by title.

Vice Mayor Siple, Commissioner Schwartz, and Commissioner Castillo spoke on the item.

AFTER THE VOTE WAS TAKEN:

Commissioner Castillo spoke on the item to amend the motion to have a non-voting delegate as a representative of the City of Pembroke Pines in

the Solid Waste Working Group.

Assistant City Attorney Cirullo responded to the questions of the Commission about the removal of voting delegates as members on the Solid Waste Working Group.

CITY ATTORNEY'S REPORT

CA-1 23-0595 CITY ATTORNEY REPORT - ITEM #1: PEMBROKE PINES V. HOLLYWOOD LARGE USER AGREEMENT LITIGATION - REQUEST FOR CLOSED DOOR ATTORNEY CLIENT MEETING

PURSUANT TO SECTION 286.011(8) FLORIDA STATUTES, THE CITY COMMISSION IS REQUESTED TO CONDUCT A CLOSED-DOOR ATTORNEY-CLIENT MEETING TO DISCUSS PENDING LITIGATION IN THE FOLLOWING CASES:

CITY OF PEMBROKE PINES V. CITY OF HOLLYWOOD, 17TH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA CASE NO. 18-015330;

CITY OF PEMBROKE PINES V. CITY OF HOLLYWOOD, 17TH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA CASE NOS. 01-014030, 18-002017

The City Attorney Item was approved by Commission Consensus.

PRIOR TO THE VOTE BEING TAKEN:

Assistant City Attorney Cirullo read the City Attorney Report into the record to make the formal request for the Closed-Door Meeting to discuss the Large User Agreement.

ADJOURN - 9:06 P.M.

CITY OF PEMBROKE PINES

Marlene D. Graham, CMC
City Clerk