CITY OF RIVIERA BEACH
PALM BEACH COUNTY, FLORIDA
CITY COUNCIL SPECIAL MEETING MINUTES
MUNICIPAL COMPLEX COUNCIL CHAMBERS
NOVEMBER 8, 2010, AT 6:30 PM

1. ROLL CALL

Chairperson Pardo was present and presided. Upon roll call by City Clerk Ward, the following were present: Chairperson Dawn S. Pardo; Chair Pro Tem Judy L. Davis; Councilperson Billie E. Brooks; and Councilperson Cedrick A. Thomas. Also present were: City Manager Ruth C. Jones; City Clerk Carrie E. Ward, MMC; and City Attorney Pamala H. Ryan.

Councilperson Lowe was tardy.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Everyone stood for a Moment of Silence with the Pledge of Allegiance led by Chairperson Pardo.

3. INTRODUCTORY COMMENTS: CITY MANAGER/CITY ATTORNEY

City Manager Jones stated that the meeting was called by the city council to hear presentations from the four potential solid waste service providers.

City Attorney Ryan stated that a memo was distributed to the city council outlining what staff recommended for a possible procedure in conducting this meeting; a letter was sent to each proposer informing them of the procedure for this meeting. She suggested that the city council hold their questions until the end of each presentation and in consideration of time hold the question and answer session for each proposer to 10 minutes. She stated that the vendors should limit their presentation to the Request for Proposal (RFP), they should not discuss anything that occurred since the opening of the RFP's, nor should they attempt to negotiate with the city council at this meeting. She stated that the point system utilized by the evaluation committee did not bind the city council – the city council had the discretion on determining how the proposals would be ranked. She advised the city council that if they decided to award the contract at this meeting a directive needed to be given to staff to negotiate a contract with the proposer which would be presented to the city council for approval.

Councilperson Thomas recommended that the city council pick a number one and number two just in case negotiations with the top pick fail to produce an amenable contract or they did not complete the probationary successfully which he would be recommending in order to ensure that the city was receiving the service it was paying for.

There was a consensus of the city council to have a number one and a number two just in case negotiations were not successful or the probationary period was not successful.

4. OVERVIEW OF RFP#246-09 CRITERIA: PURCHASING DIRECTOR

Ben Guy, Purchasing Director, stated that the evaluation criteria outlined in the memo provided by the city attorney was as indicated in section 2.12.1 of the RFP.

5. PRESENTATIONS BY PROPOSERS (20 MINUTES EACH)

• REPUBLIC SERVICES OF PALM BEACH

A presentation was given by representatives from Republic Services of Palm Beach and Osmond Clark, of O.C. Unlimited.

• SOUTHERN WASTE SYSTEMS, LLC

A presentation was given by representatives from Southern Waste Systems, LLC.

• WASTE MANAGEMENT INC OF FLORIDA

A presentation was given by representatives from Waste Management Inc of Florida.

• WASTE PRO USA

A presentation was given by representatives from Waste Pro USA.

6. PUBLIC COMMENT

Councilperson Pardo stated that public comments would be limited to two minutes.

Andrew DeGraffenreidt, Esq., Clematis Street, stated that staff advised the city council that the criteria that had to be followed was that which was outlined in the RFP and that the proposal submitted by Waste Pro provided the highest benefit to the city based upon what was outlined in the RFP. He requested that the city council abide by the criteria set forth and direct to staff to begin negotiations with Waste Pro who submitted a proposal with the highest benefit to the city.

Alonzo Brinson, W 25th Street, stated that Waste Pro was committed to providing best and highest quality community service for its customers. He stated that Waste Pro was the best vendor for the job based upon their strong level of commitment to the city and its residents.

Bonnie Larson, W 27th Street, stated that the subcontractors that each vendor would be hiring would be the actual persons providing the service. She stated that the statement regarding the city's Legal Department would go after any customer utilizing any other vendor other than the vendor the city had a contract with needed to be removed. She stated that the start time for services needed to be negotiated in the contract and that automated services was the safest and most efficient way to provide solid waste services.

William Burrs, Canterbury Dr S, stated that if citizens were questioned about the point system they would ask what it was or asked what was their main concern and it would be having the best price which was what Southern Waste System provided. He stated that residents of the city and the county should be offended by Waste Management being that it was stated that someone from Texas was overseeing the contract and the fact that they were now saying that they could offer a better price meant that the company had been overcharging the city all along.

Artice Cobb, Aspri Way, stated based upon his experience in solid waste, staff got it right the first time as it related to the specifications provided in the RFP was well prepared.

Amon Yisrael, W 26th Court, stated that the cost to the citizens should be the main concern of the city council and encouraged them to choose Southern Waste Systems for the city's solid waste service.

Bruce Herring, W 33rd Street, stated that Southern Waste Systems provided the best benefit to the city in that it provided the lowest rate for the residents and business owners.

Bruce Guyton, W 26th Court, stated that he was serving on the city council when it decided to privatize solid waste services and he was the appointee for negotiating the contract with Waste Management. He stated that due to current economic conditions the city council should be concern with the vendor that would provide its residents and business owners the best rate.

Dorothy McKinon, N Mangonia Drive, stated that when Waste Pro completed the section of the RFP regarding Local and Minority Participation they did not have to recruit a business in order to complete this section but had an established business relationship with Mack & Son.

Sylvester McKinon, N Mangonia Drive, stated that something that was not mentioned regarding Local and Minority Participants was that they must be certified with the Solid Waste Authority and in doing research he found that his company, Mack and Son, was the only minority company certified with the Solid Waste Authority. He stated that they must also be certified by the Florida Department of Environmental Protection and his company was the only minority certified with FDEP.

Fane Lozman, E 13th Street, stated that the dumpster located where at the marina for utilization by its customers was often overflowing which meant consistent service was not being provided. He stated that the service provided by Waste Management was not consistent and professional and that was what the city needed in a solid waste provider.

7. DELIBERATION BY CITY COUNCIL

Councilperson Thomas stated that at the beginning of the meeting that city council had a preferred vendor then the next preferred vendor just in case negotiations failed or the vendor did not successfully complete the probationary period. He stated that due to the length and potential cost of the contract he felt that it was important that a probationary period be established for whomever was selected except Waste Management.

City Attorney Ryan stated for the record that attached to memorandum provided to the city council was a copy of the evaluation committee point system, the evaluation committees tabulation, the evaluation criteria which included a summary of the offer's sheet, provided via email a copy of the RFP, and previously the city council was provided with a copy of each response to the RFP which allowed the opportunity for everything to be reviewed.

Chairperson Pardo stated that according to the RFP whoever was selected would be required to purchase new equipment and she did not feel that it was fair to advise them that they would be placed on probation for a time certain.

Councilperson Lowe inquired as to what ranking system would be utilized. He inquired as to what was the purpose of the meeting and how did it relate to the data the city council currently had in their possession.

City Attorney Ryan stated that the city council was not bound by the evaluation committee's ranking system for informational purposes and for utilization if the city council so desired but was bound by the criteria outlined in the RFP.

Chair pro tem Davis stated that based upon what the city council decided, her thought process would be on providing the lowest rate to the residents but also taking into consideration that revenues were down. She stated that the public speakers made comments reference tough economic times and in considering the lowest price to the residents her decision would be also be based upon the franchise fee that would be received by the city. Ms Davis stated that she would try to balance incoming revenue as well as the lowest price and the community benefit.

Councilperson Brooks stated that her interest was to provide residents and business owners with the lowest rate. She stated that her position was to look at the company who quoted the lowest rate early on and then it could be negotiated the more attractive things desired by the city council.

Chairperson Pardo stated that she was looking at the financial stability of the company; residential and commercial rates; but was not concerned with community benefits was something that the potential contractor was stating that they would provide which was good community partnership. She stated that customer service was important and she was aware of how some of the businesses treated her and members of the city council.

Councilperson Thomas stated that his main concern was the price then customer service and then experience of the potential contractor.

Councilperson Lowe stated that his concern would be rates and the possible flexibility; reviewing the current posture of the city and where the city wants to be which meant the customer would be bearing the cost; experience; and local and minority participation.

Chairperson Pardo stated for each councilperson to call out their top two ranks and called for a recess at 9:17 p.m.

The meeting was reconvened at 9:25 p.m.

Chairperson Pardo stated that the city council would call out their rankings starting with Councilperson Lowe.

Councilperson Lowe stated that his number one rank was Waste Management and his second rank was SWS (Southern Waste Systems).

Councilperson Thomas stated that his number one rank was SWS (Southern Waste Systems) and his second rank was Waste Management.

Councilperson Brooks stated that her number one rank was SWS (Southern Waste Systems) and his second rank was Waste Management.

Chair pro tem Davis stated that her number one rank was Waste Management and her second rank was SWS (Southern Waste Systems).

Chairperson Pardo stated that her number one rank was Waste Management and her second rank was SWS (Southern Waste Systems).

Staff was directed to negotiate with Waste Management and if an agreement was not reached to began negotiations with SWS (Southern Waste Systems).

8. PROCESS MOVING FORWARD: CITY MANAGER

City Manager Jones stated that based upon the decision of the city council, would immediately began scheduling negotiation sessions and if staff was not successful with the top ranked contractor the city council would be informed and began negotiations with the second ranked contractor.

There was a consensus to place the negotiated contract on the December 15, 2010 City Council Agenda.

9. ADJOURNMENT

There being no further business, the meeting was duly adjourned at 9:30 p.m.

PLEASE NOTE: A COMPLETE RECORDING AND AGENDA PACKAGE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK.

APPROVED:

THOMAS A. MASTERS
MAYOR

JUDY L. DAVIS
CHAIRPERSON

ATTEST:

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

BILLIE E. BROOKS
CHAIR PRO TEM

Absent
CEDRICK A. THOMAS
COUNCILPERSON

Absent
DAWN S. PARDO
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: Brooks

SECONDED BY: Lowe

J. DAVIS Aye

B. BROOKS Aye

C. THOMAS Absent

D. PARDO Absent

S. LOWE Aye

DATE APPROVED: 07/20/2011