

**FINAL AGENDA AND MINUTES  
TOWN OF JUPITER  
TOWN COUNCIL MEETING  
COUNCIL CHAMBERS  
TUESDAY, NOVEMBER 15, 2016**

Mayor Wodraska called the meeting to order at 7:00 P.M.

Roll Call: Mayor Todd R. Wodraska; Vice-Mayor Ilan G. Kaufer; Councilor Ron Delaney; Councilor Jim Kuretski; Councilor Wayne R. Posner; Town Manager Andrew D. Lukasik; Town Attorney Thomas J. Baird and Town Clerk Sally M. Boylan.

**PRESENTATION**

1. Gehring Group, Health Insurance – Christian Bergstrom, Director, Senior Benefits Consultant.

Mr. Christian Bergstrom, Director Senior Benefits Consultant of Gehring Group, presented a PowerPoint presentation of the Town of Jupiter Employee Benefits renewals for 2017 calendar year. He mentioned claims experiences, readdressed self-funding renewals and short term disability insurance.

Mr. Mike Villella, Director of Finance, stated the Town set up a Health Insurance Fund to track the cost for health insurance when the Town went to partial self-insured basis.

Mayor Wodraska asked Mr. Bergstrom to explain his roll with the Town and this process. Mr. Bergstrom explained he represented Gehring Group, an Employee Benefit Consulting Firm, based out of Palm Beach Gardens specializing in the public sector.

**CITIZEN COMMENTS**

Ms. Carol Watson, resident of Chasewood Drive North, read a lengthy list of women's names who served on Council in the 38 municipalities within Palm Beach County.

**MINUTES**

2. November 1, 2016 Town Council Meeting Minutes and October 5, 2016 Town Council Emergency Meeting Minutes.

Vice-Mayor Kaufer moved to approve the November 1, 2016 Town Council Meeting Minutes and October 5, 2016 Town Council Emergency Meeting Minutes; seconded by Councilor Posner; motion passed.

Wodraska  
Yes

Kaufer  
Yes

Delaney  
Yes

Kuretski  
Yes

Posner  
Yes

**CONSENT AGENDA**

All items listed in this portion of the agenda are considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests; in which event, the item will be removed and considered at the beginning of the regular agenda.

- Councilor Kuretski pulled items 7 and 9
- Councilor Posner pulled item 7.

Vice-Mayor Kaufer moved to approve the Consent Agenda, as amended; seconded by Councilor Posner; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	Posner
Yes	Yes	Yes	Yes	Yes

**CONSENT AGENDA**

**PUBLIC HEARINGS**

3. **Resolution 77-16, Jupiter Creek Commercial – Quasi-judicial** - Site Plan amendment application for shared parking on Parcels 1 and 8 with less than 250 parking spaces, and change in use from office and church to medical office on a 3.4± acre property, located at 1232 West Indiantown Road.

*Ex-Parte Communications:*

- Mayor Wodraska stated he had a phone call with Mr. George Gentile about the application on Thursday, November 10, 2016.
- Councilor Posner mentioned he had a phone call with Mr. Gentile on the same day where Mr. Gentile explained his positions.
- Councilor Delaney had a meeting with Mr. Gentile Friday, November 11, 2016 for about an hour to discuss the issue and the Loxahatchee River District.

4. **Ordinance 26-16, Second Reading, Reasonable Accommodation Procedures for Disabled Persons Regulations** – Text amendment to Chapter 21 (Buildings and Building Regulations), Division 5 of Article VIII (Housing Standards) to revise the reasonable accommodation procedures, and to update and add definitions.

Title read by Mr. Baird.

**PUBLIC BUSINESS**

5. Approving the Renewal of EPW 2016-21 Annual Miscellaneous Concrete Contract Incorporated by Supplemental Agreement No. 4 with One Call Property Services, Inc. in the amount of \$368,875.00. (continued from 10/20/16)

**CONSENT AGENDA**

**PUBLIC BUSINESS**

6. **Resolution 78-16**, Approving the Year-End Budget Amendment for Fiscal Year beginning October 1, 2015 and ending September 30, 2016.
7. **Resolution 74-16**, Approving an amendment to the Town's Purchasing Policy. **MOVED TO REGULAR AGENDA**
8. Approving the renewal of the Microsoft Enterprise Agreement through Software House International in the amount of \$536,661.
9. Approving Contract EPW 2016-12D Work Order No. 5 with Wantman Group, Inc. for the design work for the Rehabilitation/Replacement of the Dune Crossovers in an amount not to exceed \$65,000.00. **MOVED TO REGULAR AGENDA**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA**

7. **Resolution 74-16**, Approving an amendment to the Town's Purchasing Policy.

Councilor Posner asked to continue the item to have more time to review.

Councilor Kuretski asked if Staff could address three items better, including adding the specific Palm Beach County Ordinances that were referenced, better documentation of the bidding process end results and contracts that were being piggy backed, and remove mandatory requirement for payment and performance bonds.

Vice-Mayor Kaufer moved to continue Resolution 74-16; seconded by Councilor Delaney; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	Posner
Yes	Yes	Yes	Yes	Yes

9. Approving Contract EPW 2016-12D Work Order No. 5 with Wantman Group, Inc. for the design work for the Rehabilitation/Replacement of the Dune Crossovers in an amount not to exceed \$65,000.00.

Councilor Kuretski asked if one or two of the crossovers would be disabled accessible, with matting on a portion of the beach surface.

Mr. Tom Driscoll, Director of Engineering, Parks and Public Works, stated Staff would look for those opportunities.

**REGULAR AGENDA**

**ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA**

9. Approving Contract EPW 2016-12D Work Order No. 5 with Wantman Group, Inc. for the design work for the Rehabilitation/Replacement of the Dune Crossovers in an amount not to exceed \$65,000.00.

Councilor Kuretski moved to approve Contract EPW 2016-12D Work Order No. 5 with Wantman Group, Inc. for the design work for the Rehabilitation/Replacement of the Dune Crossovers in an amount not to exceed \$65,000.00; seconded by Vice-Mayor Kaufer; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	Posner
Yes	Yes	Yes	Yes	Yes

**PUBLIC HEARINGS**

10. **Ordinance 24-16, Second Reading,** - Approving the award of a franchise to Advanced Disposal Services Solid Waste Southeast, Inc. to provide services associated with the collection and disposal of solid waste refuse, multi-material recycling and vegetative waste.

Mr. Thomas Driscoll, Engineering and Public Works Director, stated Staff recommended award of the Solid Waste Franchise Agreement to Advanced Disposal. He explained the five year contract would commence March 1, 2017, which included: curb side service for yard waste, trash and recycling at a total cost of \$8.45 per month. Mr. Driscoll said commercial customers would continue to pay a basic rate of \$7.75 per cubic yard.

Mr. Driscoll said the current hauler was Waste Management, Inc. at a current rate of \$12.03 per month. He said Waste Management was the second lowest bidder at a monthly rate of \$12.45 per month for residential curb side yard waste, trash and recycling.

Mr. Driscoll mentioned Advanced Disposal's annual cost to residential customers was estimated at three million dollars and Waste Management's was estimated at four million dollars annually.

Mr. Driscoll stated he held a publicly noticed meeting with Advanced Disposal to follow up on questions asked by Council from the First Reading of Ordinance 24-16 and he also provided the meeting minutes to the Council.

He said Advanced Disposal was committed to providing the resources needed to service the Town and provide the level of service that was included in the franchise agreement.

## **REGULAR AGENDA**

### **PUBLIC HEARINGS**

#### **10. Ordinance 24-16, Second Reading**

Mr. Driscoll said Advanced Disposal had good references and felt they would meet the Town's expectations.

Mr. Lukasik mentioned the Town was subject to the provisions of the Palm Beach County Lobbyist Ordinance as it relates to the decision making process, specifically the Competitive Selection Process.

He said the Cone of Silence isolated decision makers and Staff from direct communications from the parties participating in the Competitive Selection Process. Mr. Lukasik mentioned the Cone of Silence began when bids were submitted by vendors and ended when the governing body made a decision.

Mr. Lukasik stated he was informed of a Council Member and Staff being contacted by a representative of Waste Management. He said from his perspective those acts were a violation of the Cone of Silence, of the Palm Beach County Lobbyist's Ordinance.

Mr. Lukasik stated the Municipal Manager was responsible for conducting a preliminary investigation in potential violations. He said regardless of the decision Council made, if a violation occurred he would submit the investigation for further review to the Commission on Ethics.

Councilor Kuretski and Mr. Driscoll discussed the vegetative collection schedule and stated the issued had been corrected not to override the next collection day.

Vice-Mayor Kaufer and Mr. Driscoll discussed the pilot program relating to solar trash compactors in certain areas and customer service data. Mr. Driscoll stated Exhibit 2 of the franchise agreement listed the services. He said solar compactors were not required. Mr. Driscoll said there was a reference process established and he mentioned customer surveys were not requested.

Councilor Delaney asked if Advanced Disposal would begin service in March with the same size fleet and workforce they proposed from the First Reading of the ordinance.

Mr. JR Romero, Advanced Disposal, said yes they would begin with the proposed fleet and workforce. He confirmed the vegetative collection pickup was the tag day and the next day was pickup; therefore two days. Mr. Romero stated the base package included five rear-end load trucks and ten employees.

## **REGULAR AGENDA**

### **PUBLIC HEARINGS**

#### **10. Ordinance 24-16, Second Reading**

Mr. Jeremiah Begnal, resident of Bluejay Lane said he emailed the Town Council expressing his satisfaction with Waste Management and their services. He said they never missed a pick up day and did a great job. He said he was worried about service interruptions and urged the Town Council to retain Waste Management.

Ms. Teri Grooms, resident of North Perry Avenue said she supported Waste Management and was pleased with their service and dedication to the community. She suggested using Survey Monkey in the future to get input from the residents.

Mr. Robert Culpepper, former Mayor of the Town of Jupiter and resident of Park Street, congratulated the Council on their elections and re-elections. He said Waste Management had provided excellent service and supported Jupiter. Mr. Culpepper suggested the Town reject the proposal from Advanced Disposal and retain the services of Waste Management.

Mayor Dan Comerford, Jupiter Inlet Colony mentioned the letter he provided to the Council on the dais from the City of Palm Coast. He said the letter mentioned that Advanced Disposal was rejected and filed a protest because they received a zero score under financial ranking. He suggested the Council read the letter in detail and not move forward with a company that was not financially stable.

Ms. MB Hague, resident of Bourne Drive said she was skeptical of a company that underbid a contract. She was concerned with the level of service and market pricing.

Mr. Tom Seamon, resident of Santiago Drive, mentioned as a professional speaker he frequently used Waste Management's style of customer service as an example for other businesses to follow. He felt you could not put a price tag on service.

Ms. Jean Sanders, resident of Riverside Drive said after forty-seven years of service from Waste Management she had never been disappointed. She said they got the job done and never left anything behind. Ms. Sanders said excellence should be rewarded.

Mr. Ben Klug, resident of Raintree Trail, President of Indian Creek HOA, and former Jupiter Councilor, said he expected the Council to represent the resident's views.

## **REGULAR AGENDA**

### **PUBLIC HEARINGS**

#### **10. Ordinance 24-16, Second Reading**

Mr. Greg Hill, resident of Lake Bend Drive said he supported the retention of Waste Management, the company was almost perfect.

Mr. Gerald Gore, resident of Xanadu Place, former Jupiter Councilor said he supported Waste Management and agreed with the other residents.

Mr. Jose Tagle, resident of Bayberry Circle said Waste Management had always done an exceptional job. He said he was comfortable paying the additional cost per month for the same level of service. He asked why Council had to commit to a five year contract.

Ms. Nadine Burns, resident of Woodlake Drive and former City of Lake Worth official, thanked Councilor Posner for his response to her email. She said Waste Management's debris removal was quick and she appreciated their level of service.

Mr. Bill Soffera, Advanced Disposal's Senior Vice President of Operations stated Advanced Disposal was a Florida based company with \$1.4 billion dollars of annual revenue. He said he had competed with Waste Management for years and had great respect for them. Mr. Soffera said Advanced Disposal had met all the requirements for the bid. He said he was confident in the rate they had submitted and they had the experience and resources to provide service to Jupiter.

Ms. Linda McDermott, resident of Chadwich Drive mentioned she visited Advanced Disposal's website and there was not a phone number to call anyone and noted the site was not user friendly. She said she hoped Council would listen to the residents.

Ms. Susan Brandt, resident of Florida Avenue said she was very happy with Waste Management and the service they provided.

Dr. Thomas Poulson, resident of Marlberry Circle said Waste Management assisted with a composite project that assisted with a community garden. He said they provided great community service.

Mr. Stephen Schafer resident of Lands End Way said he was happy the Town wanted to save money but was concerned it would not make a difference. He said their service was great. He was concerned about Staff being overwhelmed with future complaints.

## **REGULAR AGENDA**

### **PUBLIC HEARINGS**

#### **10. Ordinance 24-16, Second Reading**

Mr. Steve French, resident of Lands End Way, and representing Lands End residents, suggested allowing Waste Management to rebid and lower their cost. He supported keeping Waste Management and a good quality of life.

Mr. Rick Kania, Director of Waste Management's Collection Operations for the southern part of the state said Advanced Disposal's proposal included insufficient trucks and equipment to service the community.

Mr. Ken Pruitt, representing Waste Management, spoke about the successful long term partnership between the Town and Waste Management.

Mr. Shelly Adcock representing an independent public opinion research firm provided Council with a customer satisfaction survey and spoke about the methodology and results.

Ms. Dawn McCormick, Director of Communications for Waste Management provided Council with a petition and said more people had been added.

Mr. Jeff Sabin with Waste Management mentioned how they had sponsored Town events for many years. He reiterated the trust, human element and level of service they have provided.

Dr. Stefan Harzen, resident of Stonewood Court, spoke about the deficiency of Advanced Disposal's proposal, the technical score definition and importance, their lack of resources, and Inspector General practices.

Mr. Chris Heiser, resident of Elsa Road, said he was willing to pay for exceptional service.

Ms. Maria Marino, Executive Director of the Jupiter Children's Foundation mentioned Waste Management's partnership and investment with her organization and many others.

Councilor Posner asked about procedures for public bid openings. Mr. Driscoll stated the procedures for sealed bids and the two part process in this case. They discussed the price breakdown and its interpretation.

Vice-Mayor Kaufer was concerned with keeping the same level of service with a decrease in resources. He said he could not support the Staff recommendation based on the technical aspects of the proposal.

**REGULAR AGENDA**

**PUBLIC HEARINGS**

**10. Ordinance 24-16, Second Reading**

Councilor Posner felt there were questions about the bid and that choosing Advanced Disposal would be a risk. He supported keeping Waste Management and felt the price difference was insignificant for the service received.

Mayor Wodraska stated the franchise process had been fascinating. He noted the service contract was different than a partnership contract and normally a savings for residents would be a responsible move. Mayor Wodraska said he had seen overwhelming support for Waste Management but he was a little concerned about how information was given and the negative comments toward Council. He said he believed in the process and the community had spoken so he would support retaining Waste Management or seeking other options.

Councilor Delaney noted he had been concerned with Advanced Disposal's decreased fleet size and what would happen if the service level decreased and how unhappy residents would become. He did not think the value for residents was there and he would not support moving forward with Advanced Disposal.

Councilor Kuretski stated everyone had been satisfied with Waste Management and the reason for the RFP was an obligation based on the Inspector General's guidelines. He mentioned no one was interested in sacrificing quality and he found no flaws in Staff's evaluation.

Councilor Kuretski said he was deeply concerned with what transpired in this bid process, including push pulling tactics and misleading information. He said he had received additional financial information on Advanced Disposal on the dais and would have reservations about proceeding without having time to study the information.

Mr. Baird said Council could deny the Ordinance and then decide whether to accept another proposal or throw out all proposals and begin the process again.

Councilor Posner moved to deny Ordinance 24-16, Second Reading; seconded by Councilor Delaney; motion passed.

Wodraska  
Yes

Kaufer  
Yes

Delaney  
Yes

Kuretski  
No

Posner  
Yes

**REGULAR AGENDA**

**PUBLIC HEARINGS**

**10. Ordinance 24-16, Second Reading**

Councilor Posner moved to accept the proposal from Waste Management and direct Staff to prepare a Contract; seconded by Councilor Delaney; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	Posner
Yes	Yes	Yes	No	Yes

At approximately 9:44PM, Mayor Wodraska recessed the meeting.

At approximately 9:51PM, Mayor Wodraska reconvened the meeting.

**11. Ordinance 22-16, Second Reading, Zoning Code Correction – Accessory Residential** – An amendment to re-establish accessory residential use in Industrial Park Light (I-1) and Industrial General (I-2) zoning districts. (continued from 11/1/16)

Ms. MB Hague, resident of Bourne Drive, asked Council to reexamine the ordinance for any safety or security impact and to go over the advantages and disadvantages.

Councilor Kuretski stated he opposed accessory residential fitting into an industrial and commercial zone.

Mayor Wodraska explained the Town was giving incentives for residents to redevelop, including the ability to have live\work space or rental property.

Mr. John Sickler, Director of Planning and Zoning, stated there would be review criteria for anyone who would submit an application for a site plan amendment and anything that would be done to initiate the use for an accessory residential unit would be processed as a site plan amendment or site plan application. One of the criteria would be whether or not the proposed development was compatible or consistent with the established or proposed character of neighborhood or area.

Mr. Sickler mentioned there was not a limit on who occupied the unit.

Vice-Mayor Kaufer stated it would be appropriate for Council to move forward since the ordinance was previously approved but due to a clerical error it was not in the code and in addition direct Staff to identify any concerns from Council.

**REGULAR AGENDA**

**PUBLIC HEARINGS**

**11. Ordinance 22-16, Second Reading, Zoning Code Correction – Accessory Residential**

Councilor Kuretski mentioned he would like the use by right changed to special exception use and return for Council’s approval.

Councilor Posner stated that keeping the use by right could cause a potential dangerous live\work space.

Mr. Baird stated if a majority of the Council preferred special exception, the ordinance could be changed from accessory residential use by right to special exception due to only changing the criteria on which you judge the use not the use.

Mr. Baird added the accessory residential use did not typically fit with the special exception use, special exception use normally has a high impact on a community.

Councilor Posner moved to approve Ordinance 22-16, Second Reading, as amended, from accessory residential use by right to special exception; seconded by Councilor Delaney; motion passed.

Title read by Mr. Baird.

Wodraska	Kaufer	Delaney	Kuretski	Posner
No	Yes	Yes	Yes	Yes

**REPORTS**

**TOWN ATTORNEY - NONE**

**TOWN MANAGER - NONE**

**TOWN COUNCIL – LIAISON REPORTS AND COMMENTS**

**COUNCILOR KURETSKI**

- Solid Waste Award – Councilor Kuretski expressed concerns regarding Council’s action on Ordinance 24-16. He felt it would negatively affect the bidding process and lead to a loss in negotiating leverage.

Councilor Posner offered support for the bid process and stressed the need for all bidders to follow the rules.

Mr. Lukasik commented how neither bidder included all the requested data.

**ADJOURNMENT** - 10:30PM

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Sally M. Boylan, Town Clerk

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Todd R. Wodraska, Mayor