

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

9:00 AM

The Board of County Commissioners of Brevard County, Florida, met in regular session on January 8, 2013 at 9:00 AM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

CALL TO ORDER

| Attendee Name | Title | Status | Arrived |
|----------------------|---------------------------------------|---------------|----------------|
| Robin Fisher | Commissioner District 1 | Present | |
| Chuck Nelson | Commissioner District 2 | Present | |
| Trudie Infantini | Commissioner District 3 | Present | |
| Mary Bolin Lewis | Vice Chairman/Commissioner District 4 | Present | |
| Andy Anderson | Chairman/Commissioner District 5 | Present | |

INVOCATION

The invocation was given by Pastor Larry Linkous, Newlife Christian Fellowship, Titusville.

PLEDGE OF ALLEGIANCE

Chairman Andy Anderson led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES

The Board approved the December 6, 2012, Zoning Meeting Minutes.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Trudie Infantini, Commissioner District 3 |
| SECONDER: | Chuck Nelson, Commissioner District 2 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM I.A., VIDEO PRESENTATION, RE: PUBLIC SERVICE ANNOUNCEMENT AGAINST DOMESTIC VIOLENCE

Howard Tipton, County Manager, stated every year in the State of Florida, there are over 100,000 reported crimes of domestic violence; the total for Brevard County is 4,000 reported crimes; last fall there was a Public Service Announcement (PSA) that had the President of the United States, notable sports personalities, and celebrities talking to the abusers telling them that it is never right to be a victim of abuse; and it was decided to bring that PSA home to Brevard County. He read aloud a list of local cast members consisting of: Clint Hurdel, Pittsburgh Pirates Manager; Geoff Bodine, former NASCAR Driver; Jon McBride, Astronaut; Wayne Ivey, Sheriff, and Commissioner Robin Fisher who are part of the video presentation about domestic violence. He recognized Don Walker, SCGTV/Communications Office Director, Jonathan White, SCGTV/Communications Office Production Manager, and Isa Kennedy, Sexual

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Assault Victim Services of The 18th Judicial Circuit, Inc., for putting the video presentation together. He added, the video will be running on Space Coast Government Television (SCGTV) and Bright House Networks; and he suggested calling the Florida Domestic Violence Hotline (800) 500-1119, if anyone is a victim of domestic violence.

The Board acknowledged video presentation of Public Service Announcement against Domestic Violence.

ITEM I.B., PRESENTATION, RE: 16TH ANNUAL SPACE COAST BIRDING AND WILDLIFE FESTIVAL UPDATE

Neta Harris, Executive Director, 15th Annual Space Coast Birding and Wildlife Festival, announced the Festival is scheduled for January 23 - 28, 2013, and will be headquartered at Brevard Community College, but there will be field trips all throughout the County, and five other neighboring counties; and Brevard Nature Alliance felt Promise in Brevard is a worthwhile partner.

Shawn Lockhart, Airboat Rides at MIDWAY, stated MIDWAY is located on the Brevard and Orange County lines of the St. Johns River (SJR); MIDWAY has been involved with the Festival for the past four years; and the Captain's are very knowledgeable about the birds, wildlife, and the history on the SJR.

Nancy Palmer stated she helped coordinate the 1st Annual Scrub Jay 5K and Duathlon to be held on Sunday, January 27, 2013, at Chain of Lakes; she provided the Board with posters to display the event; stated people can go to www.ScrubJay5K.com to register; and the event registrants will be benefiting Promise in Brevard.

Betsy Farmer, Promise in Brevard, stated Promise in Brevard received \$75,000 from the City of West Melbourne that will go towards the purchase of property; a \$750,000 pre-development loan was recently approved from the Florida Housing Finance Corporation; \$500,000 of those funds will be used to close on the 39 acres in West Melbourne; low-income house tax credits are being applied for; and there are 225 young adults waiting for the facility.

Matt Smith, Audubon Center of Birds of Prey, stated he his present with Francis, a 21-year old male Bald Eagle; Francis has been at the Center his entire life, was pushed from the nest by his parents, because he was sick; and due to a lung infection, Francis cannot be released back into the wild. He added, Francis will be at the Festival representing the Center, which focuses on rescue, rehabilitation, and education relating to birds of prey; approximately 600 raptures consisting of eagles, owls, falcons, hawks, and vultures are taken in at the Center; and 40 percent of the raptures are released back into the wild.

Captain Jeanette Vasbinder, Master Naturalist, B.A. of Wildside Tours, stated she is present today with Captain Ben Evans, Master Naturalist, B.A. of Wildside Tours; Wildside Tours is offering a specialty tour called 'Birds by Boat', a 10 to 15-miles cruise, on an 18-passenger catamaran with a restroom, and covers most of the Indian River Lagoon habitat during the Festival; and will travel through Mangroves into the open Banana River. She added, Wildside Tours has worked with the Festival for six years now; she provided photographs for the Board to review; and stated Wildside Tours is a Member of the Florida Society for Ethical Ecotourism.

Captain Evans stated he looks forward to the Festival every year; and is the peek of numbers of birds in the area.

Ms. Harris added, Brevard County has over 300 species of birds.

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Shari Blissett-Clark, Bat Belfry's Inc., stated she operates a small bat conservation agency in Brevard County; she has in her hand an adult male Eastern Evening Bat that is unable to fly due to injury, and would starve to death if he was released into the wild; she will have two programs during the Festival telling why bats are beneficial to mankind; and her mission is to do educational outreach and assisting conservation agencies in place to provide healthy habitat for roosting bat species in Florida. She provided the Board with a handout of frequently asked questions about bats.

Mike Knight, Environmentally Endangered Lands Program Manager, stated there are a lot of unique things that people can do on the nature sanctuaries around the County and through education centers; he pointed out most of the programs are free to the community, with some costing a few dollars to participate; and he looks forward to providing involvement opportunities.

Ms. Harris expressed her thanks to the Board for its support of the Festival.

The Board acknowledged presentation by Neta Harris, Brevard Nature Alliance, for the 16th Annual Space Coast Birding and Wildlife Festival update.

VIDEO PRESENTATION, RE: BREVARD COUNTY FIREFIGHTERS LOCAL 2969 - FIRE OPERATIONS EVENT

Chairman Anderson stated there is an add-on to the Agenda for Fire Operations of Brevard County Firefighter, Local 2969.

Chris Disciascio, Secretary Treasurer of Brevard County Firefighters, stated he is present today with Steve Royer, Dan Sinova, and Jeff Butler; and they provided the Board with a video presentation of Commissioners Infantini and Nelson, at the December 18, 2012, Fire Operations event in Melbourne at the drill yard. He stated the message during the event was the importance of proper staffing and the preservation of fire-based Emergency Medical System (EMS) Transport System; the event allowed the Commissioners to see first hand what it is like to wear the gear, and feel the stress of working in an atmosphere where vision and senses are limited; and they were able to function as a member of a firefighting crew, providing medical treatment to a simulated victim, and transporting the victim to the hospital. He added, the Commissioners were able to see the teamwork, professionalism, and skills of a firefighter; and he presented Commissioners Infantini and Nelson with a symbol of appreciation and a keepsake for their experience with a helmet, a Digital Versatile Disc (DVD), and pictures of their day as a firefighter. He added, he is hopeful that all Commissioners will get to participate in this years event.

Commissioner Infantini expressed her thanks for providing hands on experience of being a firefighter; stated training makes the difference of completing a task; and she will keep promoting for lighter weight gear and bigger volume air tanks.

Commissioner Nelson expressed his thanks for the opportunity to learn what firefighters do on a daily basis; and he stated the Board needs to continue supporting its firefighters.

ITEM II.A., REPORT, RE: HOWARD TIPTON, COUNTY MANAGER

Howard Tipton, County Manager, stated last week he sent the Board notice of the need to postpone the January 17, 2013, Joint Workshop with the School Board; he has had many conversations with Dr. Brian Binggeli, Superintendent of Brevard Public Schools; staff and the School Board are exploring every opportunity to find efficiencies and savings, which is being

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done for a number of years already; joint purchases are being explored now in the facilities, fleet, fuel, and technologies; and staff will be exchanging lists and getting together in couple of weeks to review and explore the listed opportunities. He asked to the Board if will entertain a motion to cancel the workshop.

The Board approved postponing the January 17, 2013, Workshop/Joint Meeting with the School Board for budget issues, to a future date.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Chuck Nelson, Commissioner District 2 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM II.D., REPORT, RE: CHUCK NELSON, DISTRICT 1 COMMISSIONER

Commissioner Nelson inquired if the Board would consider having a transportation workshop in March; the Transportation Impact Fee is expiring and there are other transportation type of questions arising; and the Board could discuss issues, plus it would help to plan for a better future.

Mel Scott, Assistant County Manager, suggested having the workshop in February, as it would be in advance of the expiration of the Transportation Impact Fee.

Commissioner Nelson advised his concern of having the workshop in February is there may not be enough time to gather the needed information; and he mentioned he will probably not be supporting the continuance of the Transportation Impact Fee.

Howard Tipton, County Manager, responded March 14th is the date the Board can schedule a workshop.

The Board reached consensus assigning Transportation as the topic for the March 14, 2013, Workshop

ITEM II.E., RE: TRUDIE INFANTINI, DISTRICT 2 COMMISSIONER

Commissioner Infantini stated she attended the grand opening of Pollo Tropical in West Melbourne; the food was fantastic; but more importantly, they invested \$1.7 million into their building, and hired 103 employees. She added, concern was expressed to her regarding the impact fee moratorium; they are fearful they will not receive their building permit in time to meet the waiver; and the impact fees would be \$135,000. She went on to say it is very difficult to move forward when a person does not know if they are going to get their permit in time, or meeting the moratorium requirements, and waiting year-by-year to receive their building permit in time to meet the waiver. She stated she would like the moratorium to be extended for six-months. She mentioned wanting to make a motion extending the moratorium for another year.

Chairman Anderson advised it is a public hearing item and it would have to be done at the formal public hearing; and he inquired if it will be on a February Agenda. Howard Tipton, County Manager, responded the item will be coming before the Board in February.

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ITEM II.G., REPORT, RE: ANDY ANDERSON, DISTRICT 5 COMMISSIONER, CHAIRMAN

Chairman Anderson stated the Commission on Aging posted a bulletin on the County's website looking for 'Meals on Wheels' volunteers. He mentioned he recently volunteered over the holiday; it means more than getting meals to the seniors; it gives the seniors social interaction; and for some seniors, it is the only time he or she talks with someone outside of the home.

ITEMS PULLED FROM CONSENT AGENDA

Commissioner Anderson he would like to pull Item III.B.5., Reappointments, Re: Environmentally Endangered Lands Selection and Management Committee; and Item III.D.5., Permission to Issue Request for Proposals (RFP), Re: Property and Casualty Insurance Broker Services for discussion.

Commissioner Infantini stated she would like to pull Item III.A.4., Resolution and Local Agency Program (LAP) Supplemental Agreement with State of Florida Department of Transportation, Re: Right-of-Way Acquisition for St. Johns Heritage Parkway; Item III.A.6., Contract for Sale and Purchase with Heritage Baptist Church of the Space Coast, Inc., Re: Acquisition of Additional Right-of-Way Located in the Southeast Quadrant of the Intersection of Hollywood Boulevard and Fell Road; and she is voting nay on Item III.D.9., Approval, Re: Billfolder.

ITEM III.A.1., BINDING DEVELOPMENT PLAN, RE: DEN HUBERT

The Board executed Binding Development Plan Agreement with Dean Hubert, for property located approximately 900 feet northwest of the western terminus of Areca Palm Street in the Canaveral Groves.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM III.A.2., ACCEPTANCE OF QUIT CLAIM DEED FROM TITUSVILLE-COCOA AIRPORT AUTHORITY (TICO), RE: PROPERTY LOCATED IN SECTION 2, TOWNSHIP 23 SOUTH, RANGE 35 EAST

The Board accepted Quit-Claim Deed from TICO for property located in North Brevard, westerly of U.S. 1 and northerly of Golden Knights Boulevard in Section 2, Township 23 South, and Range 35 East.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM III.A.3., INTERLOCAL AGREEMENT WITH CITY OF COCOA, RE: SURVEYING AND MAPPING SERVICES

The Board executed Interlocal Agreement with City of Cocoa for surveying and mapping services to locate their stormwater asset inventory; and approved all needed Budget Change Requests associated with this action.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.A.5., RESOLUTION AND EASEMENT WITH FLORIDA POWER & LIGHT COMPANY, RE: UNDERGROUND LOCATION OF ELECTRIC CONVEYANCE ALONG BRESLAY DRIVE

The Board adopted Resolution No. 13-002, and executed Easement with Florida Power & Light Company for underground location of electric conveyance along Breslay Drive located in Section 5, Township 26 South, and Range 36 East.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.A.7., ACCEPTANCE OF SIDEWALK EASEMENT FROM 330 PINEDA COURT LLC, RE: PROPERTY LOCATED ALONG PINEDA COURT

The Board accepted Sidewalk Easement from 330 Pineda Court LLC for the proposed sidewalk associated with construction of additional parking improvements for property located along Pineda Court in Section 13, Township 26 South, and Range 36 East.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.A.8., ACCEPTANCE OF SANITARY SEWER EASEMENT FROM THE VIERA COMPANY, RE: HARNETT DRIVE IMPROVEMENTS PROJECT

The Board accepted the Sanitary Sewer Easement from The Viera Company for the Harnett Drive Improvements Project, located in Section 9, Township 25 South, Range 36 East; and waived the requirement for environmental assessment.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.A.9., AGREEMENT WITH LAWRENCE M. THORNTON, RE: CARETAKER SERVICES AT CONE ROAD IN MERRITT ISLAND

The Board executed Caretaker Agreement with Lawrence M. Thornton for caretaker services at Cone Road in Merritt Island; and authorized the County Manager or his designee to execute renewal options as outlined in the Agreement.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.B.1., APPROVAL, RE: TERMINATION OF AGREEMENT WITH CFL HOUSING CORP., INC. DUE TO NON-PERFORMANCE

The Board terminated the Agreement with CFL Housing Corp., Inc. due to non-performance; and authorized you to transfer the house to an active Community Housing Development Organization (CHDO) for the remaining term of affordability.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.B.2., AGREEMENT WITH BREVARD COMMUNITY PARTNERSHIP, INC., RE: ACQUISITION AND REHABILITATION OF AFFORDABLE RENTAL HOUSING FOR LOW INCOME HOUSEHOLDS

The Board executed Contract with Brevard Community Partnership, Inc. for acquisition and rehabilitation of affordable rental housing for low income households; and authorized the Chairman, County Manager, or Department Directors to execute any future amendments or subsequent modification to the Agreement, based on their signature authority per AO-29, and upon approval of the County Attorney and Risk Management.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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ITEM III.B.3., AMENDMENT TO MEMORANDUM OF AGREEMENT (MOA) WITH RIVERSIDE DEVELOPMENT, RE: GRANT FLATWOODS SANCTUARY

The Board executed Memorandum of Agreement with Riverside Drive Development Group, LLC for the Grant Flatwoods Sanctuary mitigation Permit conditions.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.B.4., SOVEREIGNTY SUBMERGED LANDS FEE WAIVED LEASE WITH BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, RE: LAKE WASHINGTON PARK

The Board executed Sovereignty Submerged Lands Fee Waived Lease with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for Lake Washington Park.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.C.1., APPROVAL, RE: BUDGET CHANGE REQUESTS

The Board approved the Budget Change Requests, as submitted.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

ITEM III.C.2., APPROVAL, RE: POLICY BCC-48, FACILITIES CONSTRUCTION FEES

The Board approved revisions to Policy BCC-48, establishing a uniform system of fees and/or charges for the Facilities Department.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Mary Bolin Lewis, Vice Chairman/Commissioner District 4
AYES: Fisher, Nelson, Infantini, Bolin Lewis, Anderson

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ITEM III.D.1., RESOLUTIONS, RE: AUTHORIZING PROJECT MANAGERS TO BIND THE BOARD OF COUNTY COMMISSINERS IN CONDEMNATION ACTIONS

The Board adopted Resolutions Nos. 13-003 and 13-004, authorizing Carolina Alvarez and Bach McClure to bind the Board of County Commissioners regarding the construction, operation, and maintenance of the stormwater improvements projects known as A Lane, Lake Drive, and Sarno Lakes.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM III.D.2., RESOLUTION, RE: AUTHORIZING JOHN DENNINGHOFF, P.E., DIRECTOR OF BREVARD COUNTY PUBLIC WORKS DEPARTMENT, TO MAKE ENGINEERING RELATED COMMITMENTS ON THE COUNTY'S BEHALF IN CONDEMNATION PROCESSING FOR THE S.R. 3 AND HALL ROAD INTERSECTION IMPROVEMENTS PROJECT

The Board adopted Resolution No. 13-005, authorizing John Denninghoff, P.E., Director of Brevard County Public Works Department, to make engineering related commitments on the County's behalf in condemnation proceedings regarding the SR #3 and Hall Road Intersection Improvements Project.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM III.D.3., INTERLOCAL AGREEMENT WITH CITY OF PALM BAY, RE: AUTHOMATIC AID

The Board executed Interlocal Agreement with the City of Palm Bay for Automatic Aid.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM III.D.4., APPROVAL TO BID AND PURCHASE, RE: SELF-CONTAINED BREATHING APPARATUS (SCBA) AND CYLINDERS

The Board approved to competitively bid and purchase self contained breathing apparatus (SCBA) and breathing air cylinders.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM III.D.6., SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS WITH ALLIED WORLD ASSURANCE COMPANY, AXIS SURPLUS INSURANCE COMPANY, AND UNDERWRITERS AT LLOYD'S, LONDON, RE: VANDALISM/THEFT AT MONROE CENTER, BUILDINGS A-8 AND CAFETERIA/AUDITORIUM, LOCATED AT 705 BLAKE AVENUE, COCOA

The Board executed Settlement and Release Agreement with Allied World Assurance Company, Axis Surplus Insurance Company, and Underwriters at Lloyd's, London to obtain final payment on property insurance losses incurred by Brevard County as a result of the December 2011 vandalism/theft or wiring, plumbing, and other building components from the Monroe Center, Buildings A-1 and the cafeteria/auditorium, all located at 705 Blake Avenue, Cocoa.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM III.D.8., APPOINTMENTS/REAPPOINTMENTS, RE: CITIZEN ADVISORY BOARDS

The Board appointed/reappointed **Peggy Nolan** and **Joe Thompson** to the Art in Public Places Advisory Committee, with terms expiring December 31, 2013; **Mike Cunningham** and **Bruce Moia** to the Building and Construction Advisory Committee, with terms expiring December 31, 2013; **Doug Baker** and **Dale Young** to the Citizen Budget Review Committee, with terms expiring December 31, 2013; **Alan Bergman**, **Napoleon Carroll** to the Community Action Board, with terms expiring December 31, 2013; **Leonard Beckett**, **Dennis Ciurla**, **Glenda Fox**, and **Catherine Mitchell** to the Community Development Block Grant Advisory Board, with terms expiring December 31, 2013; **Clifford Barber**, **Gerald Hirt**, and **Brian Trumble** to the Community Action Board, with terms expiring December 31, 2013; **Albert Underwood** and **Nick Witek** to the Contractor's Licensing Board, with terms expiring December 31, 2013; **Sara Ann Conkling**, **Tara Edginton**, and **Gregory Shaw** to the Country Acres Advisory Board, with terms expiring December 31, 2013; **Wayne Cooper** and **Robert Jordan** to the Economic Development Commission of the Space Coast, with terms expiring December 31, 2013; **Leanne Saylor-Milucky**, **Patrick Reed**, **Mike Smith**, **Leesa Souto**, **Diane Stees**, and **Kim Zarillo** to the Environmentally Endangered Lands Procedures Committee, with terms expiring December 31, 2013; **Murray Hann**, **Karen MacArthur**, and **Bruce Wechler** to the Environmentally Endangered Lands Program Recreation and Education Advisory Committee, with terms expiring December 31, 2013; **Barbara Borman** and **William Pezzillo** to the Emergency Medical Services Review Committee, with terms expiring December 31, 2013; **Lydia Jackson** and **Danielle Stern** to the Employee Benefits Advisory Committee, with term expiring December 31, 2013; **Allen Cowart**, **Mary Beth Hinshaw**, **Fred Kusterer** to the Extension Advisory Council, with terms expiring December 31, 2014; **Jane Beach**, **Jeff Boston**, **Benjamin Brotemarkle**, **Roz Foster**, **David Paterno**, **Rachel K. Wentz**, PhD, RPA to the Historical Commission, with terms expiring December 31, 2013; **Jim Milucky**, **Peter Fuscas**, and **Todd Starkey** to the Investment Committee, with terms expiring December 31, 2013; **Mark**

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Broms and **Helen Dezendorf** to the Library Board, with terms expiring December 31, 2013; **Jim Britton**, **Dan Daniels**, **Jeff McKnight**, **John Mongioi**, **Robin Roark**, and **James Rosasco** to the Marine Advisory Council, with terms expiring December 31, 2013; **David Isnardi** to the Melbourne-Tillman Water Control District, with term expiring December 31, 2013; **Carolyn Freier**, **Joyce Gordon**, **Suesan Ellison**, **Brian McEachran**, and **Fawn Raley** to the Mims/Scottsmoor Public Library, with terms expiring December 31, 2013; **Arnold Benson**, **Adrienne Herrell**, and **Randy Rodriguez** to the Merritt Island/Beaches Service Sector Advisory Board, with terms expiring December 31, 2013; **Dottie Reed** to the Onsite Sewage Disposal Variance Board, with term expiring December 31, 2013; **Keith Farguharson**, **Mary Goelz**, **John N. Kendrick**, and **Ted Whitlock** to the Parks and Recreation South Service Sector Advisory Board, with terms expiring December 31, 2013; **Johnny Albert Diggs**, **Cleave Frink**, and **Cynthia Shaheen** to the Personnel Council, with terms expiring December 31, 2013; **Ron Bartcher**, **Bill Cannon**, **Robert J. LaMarr**, **Henry Minneboo**, and **Patrick Reed** to the Planning and Zoning Board, with terms expiring December 31, 2013; **Constantine Daniel**, **Christine Jenkins**, **Vaughan Kimberling**, **Wendy Porter**, and **Maureen Rupe** to the Port St. John Public Library Advisory Board, with terms expiring December 31, 2013; **John Drotar** and **Gary Silcox** to the Public Golf Advisory Board, with terms expiring December 31, 2013; **Rick Evans**, **Robert Jordan**, **Lily Renzetti**, **Susan Palma**, **Stockton Whitten** to the Spaceport Commerce Park Authority, with terms expiring December 31, 2013; **Rodney Honeycutt**, **Peter Fuscas**, **Tom Gaume**, **Tres Holton**, **Paul Secor**, and **Milo Zonka** to the Transportation Planning Organization Citizens Advisory Committee, with terms expiring December 31, 2013; **Nelle Ayres**, **Julia Derrick**, **Stephany Eley**, **Hal Rose**, and **Mark Broms** to the West Melbourne Public Library Board, with terms expiring December 31, 2013; and **Fred Kusterer**, **Dave Pasley**, **James Rosasco**, **Paul Secor**, and **Dale Young** to the Zoning Board of Adjustment, with terms expiring December 31, 2013.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM III.D.9., APPROVAL, RE: BILLFOLDER

The Board approved the Billfolder, as submitted.

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| RESULT: | ADOPTED [4 TO 1] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson |
| NAYS: | Trudie Infantini |

ITEM III.A.4., RESOLUTION AND LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT WITH STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, RE: RIGHT-OF-WAY ACQUISITION FOR ST. JOHNS HERITAGE PARKWAY

Commissioner Infantini stated she wanted to confirm publicly that the money that is being allocated from Florida Department of Transportation is not necessarily going to go to those specific projects and those dollar amounts; some of the appraisals she had seen in the past, she had strong reservations about; and a revaluing of the parcels that are required for the St.

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Johns Heritage Parkway is very important. She inquired if these are estimates and not the actual amounts given to each of the property owners.

John Denninghoff, Public Works Director, stated this Item is the agreement that was necessary between Florida Department of Transportation (FDOT) and the County in order to secure the federal funding for an additional \$3.1 million, it is not the actual contracts for acquisition of any of the properties involved; it is restricted for the purpose of right-of-way acquisition, but it is not the actual acquisition; and that would come in the form of separate contracts with each individual property or in the form, if it came to it, for some sort of eminent domain. He added, the estimates are based on old appraisals.

Chairman Anderson stated Mr. Denninghoff may want to explain that FDOT is driving that process, not the County.

Mr. Denninghoff advised in order to have the federal funds to be used for the project, it mandates a restricted procedure that required these appraisals even in the event that there is an expectation of a donation; and the appraisals still have to be done and follow procedures so the property owners are fully-informed as to what all their rights are, including what the value of their property is.

Commissioner Nelson stated his understanding is the money could only be used for the Beltway because Transportation Planning Organization (TPO) voted to allocate it for that purpose; but when those dollars were identified, the County could have requested those dollars be used for other projects for right-of-way acquisition.

Mr. Denninghoff stated in this particular case, the funds were coming from other projects within FDOT District 5, but were from outside of Brevard County; the FDOT had decided that if the County had a project that was ready to move forward, such as the Parkway with the right-of-way, that it could utilize those funds for that purpose; and in order to get those funds for any project, it would have had to have been one that could have been spent within this current year, and it would have to be something that the FDOT also approved of. He went on to say it required TPO approval, but the FDOT had discretion over the funds; there are certain funds that TPO absolutely has unilateral authority to authorize how the funds are spent; but these funds were not from that source.

Commissioner Nelson inquired if the County had been prepared to do the acquisition for Babcock, it could have asked to use the funds for that purpose. Mr. Denninghoff responded as long as there was anticipation the County could get it done in the current fiscal year.

Commissioner Infantini inquired if there is a way to go back to the TPO and reallocate so those funds could be used for the improvement of Babcock. Mr. Denninghoff stated he thinks the opportunity to do that, not internally to the County, but due to the FDOT process of how and when it allocates funds, it cannot be done now; the opportunity to make that change has passed; but Bob Kamm would probably have to answer that question. Commissioner Infantini advised moving forward she will watch more closely on those funds.

Chairman Anderson advised the TPO has to approve, so it depends what the TPO's priorities are; the Board does a priority list as TPO Members; and this is a high-ranking priority. Mr. Denninghoff stated FDOT cannot spend those funds without TPO's concurrence, but the TPO cannot mandate that it be spent on a particular project. Chairman Anderson inquired if funding is identified for Babcock but have not been received yet, but it is on the priority list. Mr. Denninghoff advised that is correct but that is on the FDOT portion of Babcock rather than the County portion.

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Commissioner Nelson stated at the last TPO meeting, TPO approved the FDOT funding for the Micco Road Interchange, which was about \$28 million, where Micco and Babcock would be tied in; inquired if that moves forward and no improvements are made to Babcock will it not generate additional traffic; and stated that will open that road up to a lot more traffic associated with the Interchange. He went on to say when the Board gets to the Transportation Workshop, a significant discussion needs to be had about what that means, because they have programmed that for two years from now.

Chairman Anderson stated the Interchange is a long way off because of permitting issues that the City of Palm Bay are having; and it probably will not happen for another eight or 10 years. Commissioner Nelson stated they are allocating the money now. Chairman Anderson stated that was a political thing that happened last year.

Mr. Denninghoff advised the Board he has not studied that particular interchange because it is not a County project; the process of the funding and scheduling of the funding for the out years is a phased in approach; exactly when that would expect to be under construction, he is not sure; and it is not going to be just a couple of years away. He went on to add, the Commissioner's point is a good one in that as soon as an interchange is in place there will be impacts to Babcock and Micco Road; the majority of those impacts on Micco Road will be to the west of where the connection is going to be; there will be impacts that need to be addressed and understood; and the County needs to be prepared to deal with those the best it can.

Chairman Nelson stated because the whole Interchange was developed, the development Emerald City will have to pay for a lot of improvements along Babcock; and it will be on them, not taxpayers, if they want to develop that area. He advised he drove to Sebastian for something, and that southern part of Babcock between C54 going back towards Deer Run is atrocious; and he could not go 50 mph because it was so rough.

Commissioner Infantini stated it needs to be resurfaced in a big way; the Interchange is needed because it is the biggest stretch of I-95 that does not have an interchange; and it is more for public safety than future development.

The Board adopted Resolution No. 13-001, and executed Local Agency Program (LAP) Agreement Supplemental Agreement with Florida Department of Transportation for right-of-way acquisition purchases for St. Johns Heritage Parkway; and approved all budget change requests needed for this action.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Trudie Infantini, Commissioner District 3 |
| SECONDER: | Robin Fisher, Commissioner District 1 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM III.A.6., CONTRACT FOR SALE AND PURCHASE WITH HERITAGE BAPTIST CHURCH OF THE SPACE COAST, INC., RE: ACQUISITION OF ADDITIONAL RIGHT-OF-WAY LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF HOLLYWOOD BOULEVARD AND FELL ROAD

Commissioner Infantini stated she was originally under the impression that the church was going to be donating the land needed; and there has been some change of heart.

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John Denninghoff, Public Works Director, stated a portion of what is being acquired by the County by virtue of this item was previously indicated by the church that they would donate that as they were going through some of their approval processes, but not all of it; what has occurred is staff took a look at it and recognized that future widening of Hollywood Boulevard to four lanes would require more right-of-way than what the church indicated they would donate; and they started talking to the church about the purchase of that additional width of right-of-way along Hollywood Boulevard. He went on to say in that discussion the church indicated they wanted to be paid for all of the property they had previously discussed with the County; the total of that value, based on the appraisals, was \$24,150; through the negotiations with them, they expressed a desire for \$30,000; and the City of West Melbourne indicated they would pay the difference between the appraised value the County would pay to get it up to the \$30,000. He stated if the County would get it through eminent domain to acquire the right-of-way, it would cost the County a good deal more than the City of West Melbourne is putting up; from his perspective, it made sense if this project is going to be done, this would be a good thing; it was brought before the Board for consideration; at this point, they actually have the check from the City of West Melbourne for that difference; and if the check has already been deposited and the County decides it is not doing that project, staff will need Board authorization for Finance to cut a check to refund it back to the City of West Melbourne.

The Board executed Contract for Sale and Purchase and Addendum with heritage Baptist Church of the Space Coast, Inc. For acquisition of additional right-of-way located in the southeast quadrant of the intersection of Hollywood Boulevard and Fell Road.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Trudie Infantini, Commissioner District 3 |
| SECONDER: | Robin Fisher, Commissioner District 1 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM III.B.5., REAPPOINTMENTS, RE: ENVIRONMENTALLY ENDANGERED LANDS SELECTION AND MANAGEMENT COMMITTEE

Chairman Anderson inquired as the County exhausts the money for acquisition of EEL property, what function the Environmentally Lands Selection and Management Committee would play.

Mike Knight, EEL Manager, stated the Committee also has the function of overseeing management activities; at every meeting they review ongoing management; and what the land managers are doing to make sure the requirements of the management plans are being met.

The Board reappointed **Dr. Dave Breininger, Dr. Mark Bush, Susan Hann, Dr. C. Ross Hinkle, Dr. Randall Parkinson, Dr. Paul Schmalzer, Kim Zarillo, and Laurilee Thompson** to the Environmentally Endangered Lands Selection and Management Committee, with terms expiring December 31, 2014.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Chuck Nelson, Commissioner District 2 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM III.D.5., PERMISSION TO ISSUE RFP, RE: PROPERTY AND CASUALTY INSURANCE BROKER SERVICES

Chairman Anderson stated the Palm Bay Senior Center had some claims made that have impacted their insurance; they are up to \$26,000 a year they are paying for insurance; Melbourne Senior Center is \$7,500; and it is about to shut the facility down. He inquired if there is anything that can be done while this is being investigated to look into how to accommodate that issue.

Gerard Visco, Insurance Director, stated staff has already utilized their broker resources to assist Palm Bay Senior Center in trying to secure coverage for their non-profit facility; and they are using everything the County has at this point in terms of access to the market.

The Board granted permission to issue a Request for Proposals (RFP) for Property and Casualty Insurance Broker Services necessary for the continued operation of the Board's property/casualty insurance program; and appointed a Selection Committee consisting of Deputy County Manager Stockton Whitten, County Attorney Scott Knox, and Human Resources Director Frank Abbate, or their designees, to evaluate all proposals submitted and to make recommendations to the Board.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| SECONDER: | Robin Fisher, Commissioner District 1 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM IV., PUBLIC COMMENTS

Charles Tovey stated grades come out today; there is only one American citizen who got a passing grade; and he provided Commissioner Infantini with a handout. He stated Brevard County is exploiting him; and he thinks the beautification being promoted is not true. He stated he can provide services as a horticulturalist with soil erosion solutions, mechanical, plumbing, building, and construction. He mentioned Ken Shields being honored with an award as a Deputy who knows constitutional rights, which were promoted under Sheriff Parker, but he cannot disclose how he knows of the award because he does not have the proper paperwork with him to do so; and mentioned he has been up all night guarding his belongings against the government system; and the government system is depriving and destroying America. He added, he is a man of God; and he needs a new Bible, if anyone wants to donate to his ministry.

ITEM V.A., RESOLUTION, RE: PETITION TO VACATE PUBLIC UTILITY EASEMENTS IN CASHEW CIRCLE, BAREFOOT BAY, UNIT 2, PART 12 - CHESTER AND BRENDA DUNN

Chairman Anderson called for a public hearing to consider resolution vacating public utility easements in Cashew Circle, Barefoot Bay, Unit 2, Part 12, in Section 10, Township 30 South, and Range 38 East, as petitioned by Chester and Brenda Dunn.

Mel Scott, Assistant County Manager, stated this is a proposal to vacate the interior public utility easement for two lots in Barefoot Bay can be aggravated into one lot.

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There being no objections, the Board adopted Resolution No. 13-006, vacating Public utility easements in Barefoot Bay, Unit 2, Part 12, in Section 10, Township 30 South, and Range 38 East.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Trudie Infantini, Commissioner District 3 |
| SECONDER: | Chuck Nelson, Commissioner District 2 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM V.B., ORDINANCE, RE: AMENDING ORDINANCE 2012-16 FOR THOR RENEWABLE ENERGY, INC. TO REFLECT NAME CHANGE TO CARBOLOSIC CORPORATION AND ADDRESS CHANGE

Chairman Anderson called for a public hearing to consider ordinance amending Ordinance 2012-16 for Thor Renewable Energy, Inc. to reflect name change to Carbolosic Corporation and address change.

There being no objections, the Board adopted Ordinance No. 2013-01, an Ordinance granting an economic development Ad Valorem exemption Carbolosic Corporation; specifying the items exempted; providing the expiration date of the exemption; finding that the business meets the requirements of Chapter 196.012 F.S.; providing for proof of eligibility for exemption; Carbolosic Corporation; and providing an effective date.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| SECONDER: | Chuck Nelson, Commissioner District 2 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM VII.A.1., FINAL PLAT AND CONTRACT APPROVAL WITH THE VIERA COMPANY, RE: HARNETT DRIVE

Mel Scott, Assistant County Manager, stated this Agenda Item needs approval for a final plat.

The Board granted final plat approval, subject to minor changes, if necessary, receipt of all documents required for recording, and developer responsible for obtaining all other necessary jurisdictional permits; and executed Subdivision Infrastructure Contract with The Viera Company.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| SECONDER: | Chuck Nelson, Commissioner District 2 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

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ITEM VII.D.1., REJECT OFFER TO HAVE JUDGMENT ENTERED AGAINST RESPONDENT, RE: BREVARD COUNTY V. SUMMERSET FLORIDA, LLC, ET. AL., ACE AND JULIA YOUNG

Scott Knox, County Attorney, stated he recommends the Board reject the offer being made by Julia Young; and in substitution, the County offering \$10,000 for acquisition of the right-of-way.

The Board approved rejecting an offer to have judgment entered against the Respondent; and authorized the County Attorney Office to submit Offer of Judgment to Respondent in the amount of \$10,000, exclusive of attorney fees and cost.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| SECONDER: | Chuck Nelson, Commissioner District 2 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

ITEM VII.E.1., RESOLUTION RE: APPROVING ISSUANCE OF REFUNDING BONDS FOR BENEFIT OF PIVOTAL UTILITY HOLDINGS, INC.

Howard Tipton, County Manager, stated this Item is a request from Pivotal Utility Holdings, Inc., for industrial revenue bonds to be refinanced due to favorable market condition rates. He added, these types of revenue bonds are completely at the risk of the company and no County credit or risk is involved.

Commissioner Infantini stated she had received an e-mail from Stockton Whitten, Deputy County Manager, referring to her inquiry about the refunding of these bond; originally in 2005 \$20 million was borrowed; now in 2013 they are asking to borrow the same \$20 million again; in 2014 the bond will be due; and she inquired if in 2024 will another refund be asked for. William Palmer, Chief Corporate Counsel, stated HEO Resources is an Atlanta-based holding company, the parent company of Pivotal Utility Holdings, Inc., and is better known in Brevard County as Florida City Gas; four and one-half million energy customers are served throughout the United States; and this \$20 million Florida Industrial Revenue Bond issued to the County is only part of a \$3.4 billion portfolio of long-term debt the company has. He added, the \$20 million bond issued is supported by a bank mode credit agreement, which is code adsorption of banks essentially backing the bonds; and when the bonds coming due in 2024, a decision will be made at that time whether to refinance or pay it off.

Commissioner Infantini stated she was concerned because one comment in the bond issue said the \$20 million would be used to help combine and payoff some State of New Jersey bonds. Mr. Palmer advised originally Florida City Gas is the outfit that Pivotal Utility Holdings, Inc. is a part of; it is a New Jersey corporation that was a part of the NUI Corporation; and all companies are owner operated as one entity. He mentioned combined financing was done for \$200 million and when the economy at scale is combined with refinancing and conversions it is changing how to support industrial revenue bonds from being backed originally by bond insurance and letters of credit; and now to be bank purchased for the bank to essentially buy it and hold the bonds, which trigger requirements to come back and do a refunding through the County, rather than a simple transfer of how the bonds are supported.

Commissioner Infantini stated she is wondering when they will be paid off because it seems like they just keep rolling the debt.

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Mr. Palmer introduced Mike Wiener, Holland and Knight, Bond Counsel.

Mr. Wiener advised the bonds have a hard maturity of October 1, 2024, and cannot extend the maturity unless new allocation was given, which has not been requested, and are a special type of limited bond in the application and that new bonds could not be issued of the same type; and is grand-fathered in under a previous tax code that allows them to be tax-exempt.

The Board adopted Resolution No. 2013-007, approving issuance of Refunding Bonds for Benefit of Pivotal Utility Holdings, Inc., allowing for the refinancing of Refunded Bonds, Series 2005.

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| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Fisher, Nelson, Infantini, Bolin Lewis, Anderson |

The Board recessed at 10:09 a.m. and reconvened at 10:30 a.m.

ITEM VII.C.1., REQUEST FOR PROPOSAL NO. P-4-12-23, RE: SOLID WASTE RECYCLE AND COLLECTION SERVICES

Chairman Anderson requested individuals who filled out speaker cards to go the podium at the back of the room to write the company name they are representing on their card, so that it will help him better to sort through the speaker cards. He added, staff presentation will be heard first; each company will have 15 minutes to make a presentation, the employees will speak, and he will finish with private citizens.

Leslie Rothering, Purchasing Department, provided the Board with background information of May 10, 2011; stated the Board granted permission to advertise a Request for Proposals (RFP) for the solid waste service for the north and south franchise areas; and on August 8, 2011, the Board appointed a selection committee consisting of Euripides Rodriguez, Solid Waste Management Department Director, Assistant County Managers Stockton Whitten and Mel Scott, and appointed two citizen members Kathy Wall to the north area and Kelly Collins to the south area at the December 13, 2011 meeting. She stated on July 12, 2012, RFP for Solid Waste and Recycle Collection Services was advertised; and the responsive proposals were received from the following companies: Advanced Disposal Services, Republic Services of Florida, Waste Management, Waste Pro of Florida, and WCA of Florida; and on October 4, 2012, the Board authorized staff to solicit a RFP for a consultant to assist the selection committee. She indicated the selection committee met and listed three firms for further consideration, which consisted of Waste Pro, Waste Management, and WCA of Florida; and on December 14, 2012, the short-listed firms were invited back to give presentation, followed by a question and answer session; the selection committee scored and ranked the short-listed firms; and based on the short-listed firm ranking, Euripides Rodriguez, Solid Waste Department Director, will go over the numbers.

Mr. Rodriguez provided the Board with a PowerPoint Presentation providing information of the five firms that submitted proposals; there were seven options submitted in each proposal consisting of: 1.) Base Option of status quo with two contracts (north and south) areas to collect manually; 2.) Option 1A, the vendor purchases and the County owns the cart for the north area; 3.) Option 1B, the vendor purchases and owns the carts for the north area; 4.) Option 2A, the

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vendor purchases and the County owns the carts for the south area; 5.) Option 2B, the vendor purchases and owns the carts for the south area; 6.) Option 3A, the vendor purchases and the County owns the carts with one contract for all unincorporated areas; and 7.) Option 3B, the vendor purchases and owns the carts with one contract for all unincorporated areas. He stated Advanced Disposal and Republic Services were eliminated in the first round of presentations; WCA was eliminated in the second round of presentations; and the Options with 'B', related to vendor-owned carts were eliminated because there was no price differential between vendor owned carts and the County owned carts at the end of the contract. He continued to say each proposal is based on the 2012 Collection Billing Units (CBU's) submitted to the Tax Collector; CBU's were increased at one-half a point per year for projection purposes; and the 11.5 percent Cost of Living Adjustment (COLA) in the RFP was spread equally over the seven-year life of the contract. He stated recycling revenues are shown, but are not deducted from the cost, because of its variability; all CBU's and annual costs are rounded off; and under all options, and assessment notices will have to be sent to all homeowners to indicate increases. He stated the 'Base Bid' refers to the current level of service of no carts, garbage collection twice a week, and recycling collection one a week; Option 1A, refers to the cart system for the North area of the County; Option 2A, refers to the cart system for the South area of the County; and Option 3A, refers to the cart system with one contract for all of the unincorporated areas of the County. He provided the Board with breakdowns of areas for Base Bid North, with Waste Pro has the lowest annual cost; Base Bid South, with Waste Management has the lowest annual cost; Option 1A North (carts), with Waste Pro has the lowest annual cost; Option 2A South (carts), with Waste Pro has the lowest annual cost; Option 3A one contract (carts), with Waste Pro has the lowest annual cost; Base Bid South, with Waste Management has the lowest annual cost; and Optional 1A North (carts), with Waste Pro has the lowest annual cost by year. He reminded the Board it is not only residential being talked about it is commercial cost, as well providing exclusive garbage collection to commercials even when going out to assessment. He added, the County will not be intervening in the transaction, but it does regulates how much can be charged to commercials. He went on to say as part of the proposal each vendor was requested to submit the price for additional cart(s) if requested by the homeowner; Waste Management charges \$4 dollars a month per cart; Waste Pro charges \$2 dollars a month per cart; and several months ago staff made informal quotes for cart prices consisting of: the price was \$45.00 per 64-gallon cart of purchases of 100,000 carts. He summarized the residential costs by breaking them down by Options; the lowest Option is between Option 1A and Option 2A; the commercial cost summary is current compared to Base Bid North and South, which can change at any time because people are changing the size of containers and changing the frequency of pick-up; and the Board can review the comparisons themselves. He provided the Board with examples of compactor charges with size of dumpster's, current charge and compactor scheduled, proposed annual rental charges from Waste Management and Waste Pro, and increase and decrease of charge by percentage; and he explained compactor scheduled being there are compactors on a regular schedule; and there are compactors on-call with differences is prices shown.

He highlighted the impacts of collection assessment by basing the cost and the payment to the hauler through the years; stated the Municipal Service Benefit Unit (MSBU) for collection does not have any employees nor any contracted services, and paying the Tax Collector for collecting taxes; paying to the Property Appraiser for use of their data base and providing the billing; paying to the Clerk of the Circuit Court for services provided, with miscellaneous stuff; and about 99 percent of the cost is relating to the contract. He stated assessment rates were calculated to break even after seven years, such as one rate for the next seven years, under the different options in order to not have to keep on raising the rates to the homeowners, raising the rate one time to accumulate some money at the beginning of the contract and be disbursing more money than what is collected at the end of the contract, and it is supposed to break even; and notices will have to be sent out. He explained the assessment rates for each option are preliminary numbers, that are subject to change the projection, and could be changed in the future with other charges going towards the fund and interest rates; the current charge is

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\$125.70 per year totaling \$10.48 a month; Options 1A and 2A lowest cost option is \$143.65 per year, with a cart options totaling \$11.97 a month with a 14.22 percent increase for the North and South areas; it has been five years since the last increase; and would be the lock-in price for the next seven years. He went on to say Option 3A, with cart services is \$143.55 per year totaling \$11.96 a month with a 14.12 percent increase; and the Base Bid is the current lowest price of \$138.50 per year, \$11.54 monthly, with an increase of 10.12 percent. He advised the Board there are other permutations calculated recently that are not a part of the slides; and Kessler Consulting, Inc. Put the data together for the Board to compare where things lie within Brevard County. He concluded by saying under all the different scenarios, this falls in the middle-of-the-pack, no matter which scenario the Board picks; and when comparing it to other counties, it does not give an apple-to-apple comparison.

Chairman Anderson advised he is going to remain neutral; he has not made up his mind; he wants the Board to know it comes down to two things, keeping the present service in place for a little bit less of a cost, or go to carts with a little bit more of a cost; but either way, residents are going to have an increase. He went on to say to continue keeping it neutral, he has two slips of paper with number one on one slip and number two on the second slip; and inquired if County Attorney Scott Knox will give him a number. Attorney Knox responded one. Chairman Anderson advised Waste Management will present first; and for any employees who wish to speak that filled out a speaker card, to please sit in the first row.

George Geletko, Waste Management Inc. Of Florida representative, stated at a Workshop several months ago, he heard residents say they do not want their services cut or changes made in yard waste collection; and he provided the Board with a PowerPoint Presentation explaining Waste Management efforts. He stated in 1989, Brevard County was one of the first counties Statewide to initiate curbside recycling, and later yard waste collection was initiated in 1992, to comply with Senate Bill 1192; single-stream recycling was introduced to municipalities in 2006, and to the County in 2010, along with curbside electronics in Compact Florescent Light Bulbs (CFL) recycling becoming available. He added, due to the hard freeze in South Florida, prior to 1989, claw truck collection was introduced to take care of the large piles of yard waste; he stated all additional services were provided with minimal financial impact to Brevard County residents of less than 1.3 percent a year, and that is far below the annual inflation rate; and the Board and staff deserves credit for being focused on the States required recycling initiative, and negotiating a very competitive rate. He stated the RFP process established minimum requirements for qualifications, project approach, and price to perform collection services; staff had a difficult time evaluating beyond the minimum requirements, which is understandable since the occurring criteria was price driven, not service driven; and the most critical services are yard waste collection and the economic impact of the materials recovery facility. He advised in the new contract the number of collection vehicles will have be increased to meet the yard waste expectations due to changing weather patterns over the years; rear loader collection vehicles have increased from 14 to 17, plus having two to three routes; and Waste Pro has eight rear loaders and one route. He stated claw trucks are important support of the rear loaders, and are ineffective for the collection of containerized yard waste and small crew piles; rear loaders collect at 90 percent of the homes on the collection route; the claw trucks pick up the large piles on the same routes representing the other two percent by house-count of 20 percent by volume; and the average number of house per yard waste route is 1,000 and covers 42-route miles. He mentioned Waste Pro averages 2,200 homes and will have to cover double the route miles, which is an impossible task; he has supervised many small no-name storm clean-ups over 20 years; he understands yard waste volumes in Brevard County; and Waste Management has a sub-contractor, Doug Conner Inc., available with additional heavy equipment to assist the yard waste peaks and unexpected storms and fires occur, which has been a constant in Brevard County for many years. He stated jobs are being added by 12 percent; Waste Pro is decreasing jobs by 40 percent and are substantially reducing the ability to provide the service the County is accustomed to; if Waste Management is awarded the Countywide contract, it will build a new

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Materials Recovery Facility (MRF) in District 1; it will provide an additional 36 jobs while the competition will be shipping materials out of the County, further reducing jobs; and there currently are four existing MRF's Statewide. He went on to say the MRF presented in the RFP was originally planned for Collier County; the importance of the Brevard County contract changed the location of the MRF from Collier County to Brevard County; and the permitting process has been completed and a contract is in place, with an option to cancel. He stated the independent analysis from the Space Coast Economic Development Commission resulted in over 30 years of economic impact totaling \$192 million, and 62 local jobs; and the competition would be shipping the \$192 million out of Brevard County, plus the jobs. He inquired where to build the fifth MRF. He stated it makes sense for Brevard County to divert as much volume to recycling as possible; and it costs \$350,000 per acre to develop landfill space, at a minimum of 100 acres at \$35 million. He stated community commitment over the years total more than \$150,000 a year; and contributed more than \$3 million to many non-profit in-kind services. He mentioned a compromise of cost reduces the level of service, jobs, and exports out of the County. He stated Waste Management is ranked number one in most qualified, best processes, and pricing is 25 percent lower than the highest bid and six percent lower than the average bid of the five proposers. He requested the Board consider Waste Management's Base Bid and allow to process to begin today.

Larry DallaBetta, Recycling Manager of Tampa MRF, advised the MRF opening in January 2012; within a couple of months a second shift had to be added to the MRF because of volume growth; single-stream recycling is the way to go; and there needs to be a local processing facility to keep the materials home based. He went on to say about 56 percent of the 11,000 tons processed goes into the Port of Tampa; he is hopeful the growth in Port Canaveral can partner with the Port of Tampa by deepening the goal of expanding and deepening the canal for a deeper sea and having more shipping lines to export Ports, consisting of 60 to 70 containers a week going to the Port of Tampa; and he would like to see Port Canaveral grow as the Port of Tampa is. He provided the Board with information about labor growth, community outreach to bring local employees and students to learn about the process, and learning where stuff goes after collecting at the curb. He stated there is thought for partnership to get shipping lines in to ship some of the material export and help grow Port Canaveral. He stated commercial recycling would grow having a local facility handling mixed recyclable's, making it easier for the smaller, commercial accounts to recycle rather than having multiple bins, hiring initiatives to create new jobs, expanding to second and third shifts potentially, and keeping it local.

Michael Lewis, District Manager Collections Operation in Brevard County, for Waste Management, stated Waste Management proposed to have more vehicles than Waste Pro; more trucks need to be added for Brevard County's unique situations with yard waste services; and the north area has high volumes of yard waste, which requires the need for more trucks. He stated he has been in the industry for 26 years, has worked in Orange, Seminole, Osceola, and Hillsborough counties; those counties have yard waste limitations; Brevard County does not have yard waste limitations; and with less trucks, the citizens will suffer the consequences. He requested the Board give Waste Management opportunity to serve Brevard County; and will benefit from the excellent services provided.

Doug Connor, Doug Connor Inc., stated he went to work with Waste Management in 1995; they hired him to drive claw truck work to pick up debris on the side of road and right-of-ways; he knows Brevard County better than anyone; he has the same drives since 2005; and to this day, he is still picking up yard debris. He mentioned he has always been there to remove debris from storms hitting all over Brevard County, under Waste Management's direction, plus he needs the work.

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Mr. Geletko added, it has been an honor serving Brevard County for the last 40 years; he provided the Board with handouts of a map of the difference in collection vehicles, the economic development impact study, and a copy of the presentation.

Tim Dolan, Regional Vice President for Waste Pro of Florida, stated he would like the folks behind him to speak for a few minutes about some of their personal experiences with the company and some of the things that they do; and then he will wrap things up.

Daniel Robson stated he has worked for Waste Pro since 2009; he was with Waste Management before that for about three years; and he is currently the Route Manager for the cities that Waste Pro provides service for in Brevard County. He went on to say they do not have an excuse for why they do not pick something up; and they have all the necessary tools to do the job.

Richard Lange, Commercial Driver for Waste Pro, stated he is a former employee of Waste Management; as drivers, they police themselves; if they see something, they pick it up; the employees follow policies and safety; and before the day is over, they make sure everything is picked up. He added, if they see debris on the side of the road, they call another driver to see if he is going by it; they make sure the haulers behind shopping centers are clean; they have a great owner who knows every employee by name; and each person is not just a number.

Ted Oglesby, Division Manager of Waste Pro, stated service is the number one driving force; they do not consider any task unobtainable; their job is to make sure the County's phones are not ringing; their job is to make sure that everything is off the street; and they take pride in doing their jobs. He advised they reward their employees with incentive programs; they have a three-year, \$10,000 bonus for great service with no accidents; they have monthly bonus programs for employees, which employees vote amongst themselves for employee of the month; and they have a Christmas performance bonus that grows \$250 every year, and caps out at \$2,500. He reiterated they take pride in their employees; they are not treated like numbers; they represent the company; they take pride in their jobs because the company takes pride in them; and they will do the same thing for the County.

Kristi Worley, Community Liaison for Waste Pro, stated she is the contact person for community events, as well as education; if the Board has any questions or concerns, she can always be reached on her cell phone; she has been a resident in Brevard County for over 29 years; and she lives here locally.

Mr. Dolan stated some of the points were made concerning the service of Waste Pro; they have been in business for over 10 years; they have converted over 90 communities in the State of Florida; he has personally supervised over 25 transitions in the last nine years; they are very experienced in doing this; and they put a lot of time and effort into it. He went on to say they are a privately held company; and the owner is fond of saying, "Take care of the service first. The profits will follow, not the other way around." He stated the issue was brought up about yard waste and the number of trucks they are running; they are running more clamshell trucks than their competitors; their competitors are running more rear load trucks than they are; they have been running residential service in the County for about three years; and they have been in the County for over eight years. He added, they have municipal contracts in Volusia, St. Lucie, Duval, and Flagler Counties, basically from Jacksonville to Miami; they are servicing coastal communities; they know what the yard waste is like and understand what the volume is; and at the end of the day, they have made a commitment, which is very important to the company. He stated if they have to operate another vehicle, they will; they take great pride in the yard waste service they provide; and that is one of the deciding factors in them breaking into this County in the first place with the municipal contracts, because they did fix yard waste problems for the communities they currently service. He added, another point was made about the recycling

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facility; he asked the Board to remember the contract is for residential service, commercial service, and the recycling facility is kind of a byproduct; they have looked at a local company in Brevard County to process the recycling; and the jobs will stay here. He stated they have talked to Waste Management about shipping the recycling to their facility; and they have considered dropping a facility locally to process that material. He wrapped up by asking the Board to focus on the dollars; this is quite a bit of expense to the taxpayers and citizens as there is quite a bit of difference in the price; they are committed to service; they will provide whatever service is necessary; and they are here to keep the phone from ringing.

Bridgette Johnson stated she is a private citizen, but she used to work for Waste Management; and she worked for them for five years. She stated she started working for Waste Management in 2006; in that five years she was able to get her Associates and Bachelors Degrees; she applied at the Sheriff's Office where she was hired; and she works at the Brevard County Jail. She went on to say those are things she was able to do while working for Waste Management; she did all of that while she was a single mom with three kids on the income Waste Management was able to pay her; and she was never treated like a number. She stated while she was working for Waste Management in 2009, there were tornados and straight wind storms come through, and one of them happened to sit down on her house; within an hour, there was a supervisor and other Waste Management employees helping her pick her roof up and getting back on her feet; they had an employee fund they were going to donate just to help to get some of the basic things she needed; and from personal experience, they did that for other employees as well. She stated if Waste Management were to lose the contract, her husband, who works for Waste Management, would lose his job.

Carol McCormack, Mayor of Town of Palm Shores, stated the Town of Palm Shores made a change in waste management providers after many years, and it came down to service. She went on to say since the Town changed to Waste Pro, she does not get phone calls; there are times people forget to put out their cans, and if they call Waste Pro, they will send a truck to pick that waste up; they had a problems with the clam trucks; there is a lot of trash on U. S. 1; and they had a problem getting the pepper trees and yard waste picked up. She advised the Town is cleaner than it has ever been; it has saved the residents money; they pay less, and they are happier; but they did not buy trash cans. She stated she sees what happened in the City of Palm Bay, and it is a nightmare; she urged the County not to buy the trash cans; the Town did not have problems at Christmas; she read the City of Palm Bay had problems with its Christmas pickup; and she reiterated, the Town did not have that problem. She went on to say for the Town of Palm Shores it was the best decision for it; and she knows the Board will ponder it and make the best decision for all of Brevard County.

Bill Hoskovec stated three years ago the Town of Melbourne Beach switched waste providers; he was skeptical; he lived in the Town with many years and was comfortable with the provider they had; and they gave quality service. He stated Waste Pro picks up everything; nothing is every left behind; and if something is, they come back and get it. He added there was a situation from an unnamed storm a few months ago, the Town was laid to waste; Waste Pro was in there with trucks and extra people; and they were not just picking up what was on the side of the road, they were going into people's yards and picking up debris. He went on to say his phone is ringing off the wall because people are happy with the service.

Rocky Randels, former Mayor of City of Cape Canaveral, expressed his appreciation to the Board for going out to bid for Solid Waste; and stated it was a wise decision. He encouraged the Board to consider Waste Pro. He advised the City of Cape Canaveral was the first city in the County to go out for bid; each community has unique needs; he can only speak for the City's residents; and the residents are very happy with the service received from Waste Pro. He stated Waste Pro is involved in the community; they have a favorable response when there is a

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problem; out of all the cities they have had a contract with, they have never lost a contract; and that said something to him. He stated they pick up the yard waste without a problem.

R. Victor Brungart stated he enjoyed listening to the presentations; it is clear Waste Management blew the presentation out of the water; they have been here for 40 years; and Waste Pro has been here about eight years. He stated Waste Management has proven themselves; Waste Pro apparently does good service; and from his standpoint, the Board should choose Waste Management. He went on to say Waste Management is proven; they have a recycling facility coming; and it would be a good pick. He suggested, unless it is a winner take all thing, to give a certain portion to Waste Pro to try to keep them around and doing good service; if it is winner take it, it is obviously Waste Management in his opinion; and he expressed his appreciation to the Board for allowing him to speak. He added, staff had a good presentation.

Chairman Anderson explained to the Board if it had questions of the vendors, to press his or her light; there will be one round of questions; a second round of follow up; and it will then be discussed by the Board.

Commissioner Fisher advised he has a question for Waste Pro. He stated he listened to Waste Management's presentation, and he started looking at the amount of trucks and total manpower hours they are indicating it would take to do the job; and he inquired why there is such a difference in trucks and manpower hours between Waste Management and Waste Pro.

Mr. Dolan advised Waste Pro schedules 1,800 homes per rear loader; in other communities throughout Central Florida, they schedule 2,500 homes per rear loader; they took a look at the yard waste situation and compared it to the other communities they operate in Brevard County; and they felt like 1,800 was a good number. He went on to add when he talks about 2,500 homes being done, that is without claw trucks; they have one claw truck scheduled for every 10,000 homes; and it is not only 1,800 homes for a rear loader but there is a claw truck running for every 10,000 homes. He stated they feel it is adequate to handle the service; they are committed to a certain level of service to the County; and if for some reason it turns out not to be adequate, they will put whatever equipment necessary on the road to make sure the yard waste is handled adequately.

Commissioner Fisher inquired if Waste Pro services any other communities comparable in size and population to Brevard County. Mr. Dolan stated they operate 70,000 homes in Duval County; 40,000 homes in Seminole County; 40,000 homes in Orange County; and all in total, through Volusia, Brevard, Seminole, and Orange County, they are servicing a quarter of a million homes. He went on to say some of those areas are rural, some are cities, some are coastal communities and some are not; but they have a wide variety of experience; they have a good handle on the yard waste in Volusia County; and reiterated they have been operating in Brevard County for over eight years. He added, they are familiar with the County; they feel an adequate plan has been put into place; and again, they will do what is necessary to pick up the yard waste.

Commissioner Fisher inquired what Mr. Dolan's philosophy is regarding giving back to the community. Mr. Dolan replied the owner of the company allows him to provide service through donations, employee activities as far as community service goes; some of the organizations locally they donate to are Boys and Girls Clubs, Boy Scouts, and many other non-profits; and that is not only in Brevard County, but throughout the State of Florida. He went on to say they are a firm believer in building community relationships; not only writing the check, but participating and taking part of boards and committees to organize events; and Ms. Worley could speak to some of the local organizations if the Board wishes it. Commissioner Fisher inquired what Waste Pro's level of giving to the cities they have contracts with. Mr. Dolan

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advised specifically for the area, he could not give a number, but the Central Florida region he operates would probably give upwards to a quarter of a million dollars a year.

Ms. Worley advised she is on the Boys and Girls Club and currently involved in the Boy Scouts; she is vice president of Cocoa Rotary Club; they are involved in Keep Brevard Beautiful; and the beach cleanups are involved in that as well. She advised the company gives from \$50 to \$500 depending on the events. Mr. Dolan advised there are some events that Waste Pro donates more than that. He went on to say if the Board is asking what level of support they will give to the community, it is generally proportional to the business out there; and obviously if they added the County or a portion of the County, they would have significant exposure, which would lead them to get involved with more events.

Commissioner Fisher stated Waste Management is recommending going from 14 loaders to 17; recommending going from six clam trucks down to four; and they are increasing manpower hours by 11 percent. He inquired what the reasoning is for that.

Mr. Geletko advised claw trucks are virtually ineffective when picking up containers of yard waste and small piles; those trucks were designed and built to pick up large piles; looking at the County on the residential collection side, 98 percent of the homes put out small piles and containers; and that is why the number of rear loaders were increased. He went to add claw trucks is why they had a contract with Doug Connor for the last 15 years, because the peaks and volumes he has, it is the larger trucks that can handle that. He stated when there is a fire in the County, people call in and need service immediately; and a rear loader can service a lot of homes on one collection cycle, where a claw truck can only service a few.

Commissioner Fisher inquired if Waste Management's level of giving would increase in the future. Mr. Geletko advised over the years he has set on seven or eight local boards, he chaired the National Solid Waste Association at the State level for eight years; and they have always been a community partner and believe that it is important to give back to the community. Commissioner Fisher stated according to the presentation, Waste Management has given over \$3 million in the past few years. Mr. Geletko advised they average over \$150,000 a year in donations; what the PowerPoint presentation shows is what they are going to give above and beyond previous years; and that was part of their proposal to the County.

Commissioner Nelson inquired where Waste Pro is taking its recycling. Mr. Dolan advised there is a local company called East Coast Recycling that they have talked to about committing to single-stream recycling; they have talked to Waste Management about handling that material; they are in the process of building a plant in Marion County that they are considering taking the material there; and additionally, they have considered putting their own plant in Brevard County. Commissioner Nelson stated in the meantime they are going to rely on someone else to do that. Mr. Dolan stated by the time the contract starts, they are scheduled to have a plant open in Marion County, and that is one place to take the recycling; if a local source can be located, they would take it there; and then again, they are in the process of building a plant themselves.

Commissioner Bolin Lewis stated the Waste Pro representative made a statement that she wanted to follow up on that had some concern for her. She stated Waste Management is increasing their trucks and manpower and have been in the contract for all those years, so she has a feeling they know exactly what the need is for Brevard County; Waste Pro says they are coming in at less but if the need arrives; they will do what it takes to get the job done and inquired what the level of service is if the need arrives.

Mr. Dolan stated Waste Management is going to increase vehicles in the contract; and inquired why would they increase the number of vehicles if the service is adequate. Commissioner Bolin Lewis inquired why would the County not want enhanced service if it is available. Mr. Dolan

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stated generally any time Waste Pro starts a contract, they would put excess trucks and vehicles to ensure they have not underestimated; there will no be calls coming in complaining of services not being taken care of; they will put the extra equipment on the street at the beginning of the contract, run it, and get to an acceptable level; and especially now since this concern is being raised.

Commissioner Bolin Lewis inquired what happens if Waste Pro finds out they need the additional vehicles they put out on the roads. Mr. Dolan responded then they will keep running those vehicles; they have committed to the County a price for a service, not necessarily for a number of trucks; and if he has to add a couple of trucks, it is within the price the Board currently has.

Commissioner Bolin Lewis advised the cities and municipalities Waste Pro services are very small; and inquired what the rate of service is when there is a large area. Mr. Dolan advised as an example, the City of Jacksonville, over the last two weeks they serviced 70,000 homes; there are three haulers up there; they have the lowest number of complaints of any of the three haulers; consistently in Orange and Seminole Counties, they do 40,000 homes; and they handle other large areas. Commissioner Bolin Lewis stated a large part of Brevard County is rural; and inquired if she is to feel comfortable that was considered in Waste Pro's proposal. Mr. Dolan responded affirmatively.

Commissioner Bolin Lewis stated sometimes the lowest price is not always the best price; and her priority is customer service.

Commissioner Infantini inquired if the chosen company does not deliver on their contract, can the contract be cancelled. Mr. Rodriguez responded affirmatively. Commissioner Infantini stated the point the representative from Waste Pro is making, is that he will deliver no matter the number of trucks; if more trucks are needed in order to keep the County's contract, he provides the number of trucks to do the service; and if someone can do the job with one employee instead of 20, then they can. She inquired when the recycling contract rate was switched; stated the County used to get 50 percent of the revenue and now it is twenty cents a household; and was that about two years ago. Mr. Rodriguez replied in 2010. Commissioner Infantini stated it is approximately \$295,000 per year the revenue being lost by going from 50 percent of the revenue stream down to twenty cents per household; if she had an extra \$300,000 in her pocket every year, it would make it easier to contribute to the community; there has been a lot of focus of how much money is being contributed to the community, and Waste Management has pointed out they have contributed about \$150,000 a year; and they are up about \$150,000 a year because of the change in the contract from the County's recycling.

Commissioner Nelson stated when carts were discussed earlier, the benefits were the process was more efficient, and it reduces labor; and he does not seem to see those savings in the bids before the Board. He asked Mr. Geletko to walk him through how money is saved with carts and the benefits of carts versus no carts.

Mr. Geletko advised the issue is the huge capital expenditure at the start up of the contract; that is where the additional cost is; the other thing is even though it is a one-man truck, less homes can be picked up than throwing bag garbage into the back of the truck; and the productivity is lighter on the automated side versus the maintenance side. He inquired if he could follow up on Commissioner Infantini's comments regarding recycling. He stated over the last three or four years, the recycling markets have been down; they have been in a negative, where many contracts out there getting paid by the ton were not receiving nothing, and some of them were paying to do recycling; Brevard County has never lost a nickel on recycling; whether the markets were up or down, it always made out; and they always received that \$225,000. He

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added, that they maintained that level of payment to the County; and they were taking losses on recycling because it is a commodity.

Commissioner Nelson inquired if the recycling numbers shown in Waste Management's chart are estimates that could go up and down and not an absolute. Mr. Rodriguez advised according to Waste Management it is 30 percent and 50 percent according to Waste Pro of the sale; and it is a snapshot. Mr. Rodriguez stated one of the things that made staff go this route is because at one point in time they were not single-stream; since they went single-stream, it is staff's belief that the materials being put out there are of a greater volume; and with a greater volume, there is a greater opportunity to receive additional revenue.

Commissioner Nelson inquired if Waste Pro concurs with Mr. Geletko's opinion regarding carts. Mr. Dolan stated it does have a lot to do with the capital costs involved with putting the two carts out versus the one-man and two-man truck. Commissioner Nelson inquired if there was a better optimal length of a contract; and would ten years have been better in terms of capitalizing and depreciating the equipment. Mr. Geletko stated typically, in accordance with industry standards, the equipment is depreciated over ten years.

Mr. Dolan advised Waste Pro would agree.

Carol Buchert stated she comes to the Board meetings to observe government in process and sort of to keep any eye on everyone. She stated as a homeowner she has several questions; and she will ask them all and set down so the Board can address them. She inquired why there was no estimate without containers; stated they live on North Capital Trail and they have a little bit of property; going to these containers will cause a problem for her husband getting the container to the road; and now they can use the smaller containers and throw them on the truck to get them to the road for pickup. She inquired if it is three percent annually that the rates cannot be raised more than three percent a year; and stated it said originally that it was 11 and one-half percent equally spread out for seven years or for the life of the contract.

Chairman Anderson stated the base bid without carts was provided to the Board; this was all derived from the workshop that was held previously where the Board asked for the bids to be presented in several different ways so all options could be weighed; and the base bid without carts had been bid by the vendors present today.

Mr. Rodriguez stated the COLA for projections purposes was divided equally among the life of the contract, but in reality what happens is that the COLA is capped at three percent, and when it reaches 11 and one-half percent, there is no more increase period.

Commissioner Nelson inquired if it could be less on an annual basis based on cost of living; and could it be one percent. Mr. Rodriguez advised there have been years in which it has been less.

Chairman Anderson inquired if comparing both companies services cart systems, the Delta was how much over the life of the contract. Mr. Rodriguez replied approximately \$7 million. Chairman Anderson inquired if the Board wanted carts it would cost the taxpayers \$7 million dollars more to go with Waste Management over Waste Pro. Mr. Rodriguez responded affirmatively. Chairman Anderson inquired what the amount the per month increase would be for each household for both of the base bids with carts. Mr. Rodriguez advised \$13 per year, and \$1.50 a month to keep everything the same for the residents, using Waste Management. Chairman Anderson inquired if going with the carts for Waste Pro, what would the increase be per month. Mr. Rodriguez responded approximately \$1.78. Chairman Anderson inquired if the carts, even though they are not being bought by the County, will be the County's property at the end of the contract. Mr. Rodriguez responded at the end of the contract, the vendor will

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maintain them and replace them during the life of the contract. Chairman Anderson inquired so for the additional .20 cents, the taxpayers would have assets after seven years. Mr. Rodriguez advised the County would be buying the carts. Chairman Anderson stated where he stands is either stay with the base bid, and the taxpayers will get an increase of \$1.50 with nothing more than they already have, or if the Board wants carts, it is \$1.70 a month per household, and the County owns the cart at the end of the seven years. Chairman Anderson inquired if Waste Management included in their contract a commitment to the recovery facility. Mr. Rodriguez advised it was in the proposal but it was not part of the RFP so it could not be considered. Chairman Anderson stated at \$1.70 the County owns something; he does not think the residents mind an increase for the same service if Waste Management will commit to building that facility within a very short time frame; and for him, it needs to be a win for the residents. He went on to say he does not care who they donate to or who they are, but it is about what the residents get.

Commissioner Infantini stated it is not just the residential people who are going to be paying more; when they opened their business, they had a choice of one size or bigger for garbage collection; it was astronomical; and the cost for an individual cannot be all that is looked at. She advised the small business owners employ a lot of local people; it is inappropriate to look at the contribution; if someone is going to be charging an extra \$2 million per year, that leaves a lot of leeway to make a lot more contributions to the community; she would rather be able to decide where her money is contributed; and although it is good they help out the community, the Board has to look out for all the businesses and individuals. She went on to say the cost differential is 22 percent; and so if the Board is considering going with Waste Management over Waste Pro, their total cost with carts is 22 percent higher than Waste Pro that is what the taxpayers are looking to the Board for, level of service to keep it the same service and dollars in their pockets.

Chairman Anderson inquired between the base Waste Management and the carts with Waste Pro, what the difference is within the business community. Chairman Anderson advised the Board will take a break while Mr. Rodriguez gets that information because it is an important piece to the community; and he wants the actual cost per month, per business.

The Board recessed at 12:02 p.m. and reconvened at 12:16 p.m.

Chairman Anderson stated rough calculations of the two residential options of keeping Waste Management versus having carts with Waste Pro; keeping the same service using Waste Management would have a \$1.06 increase per month; and if using carts with Waste Pro the residents would have a \$1.48 increase. He stated the difference for a business owner having a 96-gallon container services with Waste Management is \$163.44 more than the Waste Pro contract.

Commissioner Nelson clarified there is no rate under commercial that is higher than existing; when talking about the commercial rates Waste Management said they would do it again next year for the same price done this year; and is not an increase to what has currently been paid.

Chairman Anderson stated Commissioner Nelson is correct; if Waste Pro is chosen for business owners having the 96-gallon container, they would see a \$163.00 decrease. Mr. Rodriguez mentioned Waste Management did not propose any increases; and the remaining are decreases.

Chairman Anderson stated the Waste Pro option would allow those businesses that utilize compactors to see a savings between \$839 and \$935 a month; and he inquired if that is correct. Mr. Rodriguez responded affirmatively; and he stated it is for the scheduled compactors contrary to on-call compactors. Chairman Anderson stated no matter who is chosen, it looks

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like most businesses for the most part would not see an increase in costs to their bottom line; however, if going with the cart option of Waste Pro, the businesses would see a substantial decrease per month; and he inquired if that is correct. Mr. Rodriguez responded affirmatively.

Commissioner Fisher stated it seems the culture in Brevard County is always about price; he has a hard time with that because he it is not just about the price; he cares more about quality and of service; and what one gets for the value. He went on to say it is important to understand that this is the largest contract this Commission will ever grant in its tenure; and he cares about the company values, integrity, mutual trust, financial strength, and ability to handle things when things arise. He stated he has expectations if a \$90 million contract is awarded that company is going to give back to the community; it is something the Board should demand; and any corporation should not be allowed to get-off-the-hook for taking \$90 million worth of taxpayer dollars out of the County. He added, he researched what other municipalities are paying; he stated Satellite Beach is paying \$15.14; Melbourne Beach is paying \$15.17; Indialantic is paying \$16.00; Town of Grant/Valkaria is paying \$19.00; and he is having a hard time thinking if one is paying \$12.00 now for trash, when it had been \$10.48 for the last five years, and no increases, is a good bargain. He mentioned gas and every other type of bill has been increased; he stated the increase is a COLA of the last couple of years; and what is important to him, is he wants to see staff try to negotiate a deal in the next 60 days, with Waste Management, and come up with an agreement. He advised he does not want to extend this out; the Contract is up in October; and he wants the contract re-done, or allow for it to go to the next vendor, if negotiations cannot be made. He added, he wants the yard waste to be clarified in the contract because previously he understood it to be voluntarily done and was not part of the contract; the recovery facility needs to be part of the contract done in a timely manner; pricing needs to be negotiated more; and a commitment to becoming a community partner. He stated he has a great amount of respect for Waste Management and their financial strength, and is wanting to give a better services by 11 percent, adding rear loaders and more manpower hours; and he is more worried about them doing a better job, versus them doing a lesser job. He reiterated he is more interested in quality of service and value than he is with the price it is going to be.

Chairman Anderson inquired if Commissioner Fisher's suggestion is to negotiate on the service currently the County receives without the carts. Commissioner Fisher responded affirmatively. Chairman Anderson stated he would like to add to that to look at the commercial charges if the Board is going to do that, because there is a big difference between the two companies; it does not need to be the exact thing the Board has in front of it, but there has to be something between the two bids because they are so far apart; and if the Board is going to choose Waste Management, they can work on those numbers.

Commissioner Fisher stated if they have 60 days to work on that, it is important; he does not want to get into the October time frame and they are sitting there saying they need more time; they need to get it done within the next 60 days; and that is his motion.

Chairman Anderson stated he would like to get the other suggestions before a motion.

Howard Tipton, County Manager, suggested because of the time frame being looked at, that 60 days may be too long, and maybe 30 days should be looked at to try to bring this back to the Board; and if a change is going to be made in providers, they need time to get the equipment and everything else to be ready by October 1.

Chairman Anderson stated he believes staff understands what Commissioner Fisher's suggestion is, the Board will hold on that, especially on the compactor schedule where the two companies are so far apart.

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Commissioner Infantini stated she thought the County went out to bid and set parameters, and then both people came back and responded to those parameters; inquired if only those parameters were what they were being evaluated on; and if one of the parameters companies were evaluated on was how much they contributed back to the community. Mr. Rodriguez advised it was not part of the RFP. She inquired if the companies were supposed to build in an additional profit so they could contribute back to the community; and should that have been factored in.

Scott Knox, County Attorney, advised the Board he would like to take issue with what Mr. Rodriguez said; it is part of the RFP; it is in the qualifications and it comes under the activities portion of their qualifications; all three companies did, in fact, list community service as part of their qualifications; and he reiterated it is in the RFP.

Commissioner Infantini inquired if they already got credit in the RFP for their contributions and qualifications. Commissioner Fisher stated he does not think Attorney Knox is saying exactly that; and inquired if Attorney Knox is saying the companies got credit or they could make a suggestion as part of the RFP. Attorney Knox advised that was actually ranked as part of their qualifications; and that included consideration of what he would consider to be community service under the heading of activities. Chairman Anderson stated he remembers there was a discussion at the workshop; and the Board all agreed to that at that time.

Commissioner Infantini inquired what is it that Commissioner Fisher is asking for Waste Management to go back and do now; and are they going to submit a new bid. Chairman Anderson stated the Board is just giving authority from this meeting to select a company for the staff to negotiate with. Commissioner Infantini inquired if the Board is asking staff to negotiate with just one company.

Chairman Anderson inquired if Commissioner Fisher is open to letting both companies go back to negotiate because the Board might get a better deal. Commissioner Fisher advised what is important to him is not price; if the Board is making the decision on price, it is not the number one criteria of who he wants to choose to pick up his trash; it is the quality of service, the company and their financial strength; and what service he will get value for dollar. He stated for him an example is the apples and oranges on the yard waste side of it, and Waste Management's presentation; they are going from 14 people to 17 people; that is a difference in the level of services versus eight people; if he has 17 rear loaders versus eight, he believes that is a different level of service; and that is why price gets thrown out for him.

Commissioner Infantini inquired why the Board asked these people to bid on price if it is doing level of service; they could claim they will put 25 trucks out there; Waste Management has delivered an excellent product; when she interviewed other companies she indicated she was not unhappy with Waste Management; and it was all about bidding and getting the best value to the customer. She stated she has seen Waste Management and Waste Pro at events she has attended; they both show up, which is wonderful; but what she is trying to do is deliver trash pickup twice a week and do it whatever it takes; she does not understand going through the arbitrary bidding process when it does not matter what price they come in at; and inquired why people keep bidding with Brevard County.

Chairman Anderson stated price is only a portion of the grading level; and inquired what weight the price has. Attorney Knox advised it is a 50 percent weight; it is not all price; there are three different components to look at, qualifications and experience, project approach, and the price; and each Commissioner may give more value to whatever component. He went on to say 50 percent is used to rank the firms and make a recommendation to who the Board may want to negotiate with is all that has happened so far.

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Commissioner Bolin Lewis stated it is the value and the service provided to her constituents that is more important to her; and she will be seconding Commissioner Fisher's motion.

Commissioner Nelson asked the County Attorney to clarify the difference between a bid and a RFP process. Attorney Knox advised the RFP requires the people who submit to meet a certain requirement to show how they qualify, what kind of approach they will use to provide the service, and what they would charge for it; a typical bid situation is when staff says they need the best price and low price wins or lowest and best wins, depending on what criteria is used; the difference is one is a proposal, which involves a negotiation after the Board receives it; and with a bid, it is awarded to lowest and best bid.

Commissioner Nelson stated the Board has talked about the cost of carts but not the benefits or impact to recycling, the amount of recycling that occurs, and with additional recycling that occurs, the longevity of the landfill goes up; and he inquired if staff has done analysis on if the County goes to carts, the recycling goes up, and the life of the landfill. Mr. Rodriguez replied no, there has not been an analysis. Commissioner Nelson inquired if it is legitimate to say that can be expected if the County recycles more it would fill the landfill less. Mr. Rodriguez responded affirmatively. He added, percentage wise it would be a very small number. Commissioner Nelson stated his understanding was recycling significantly increases the longevity of a landfill. Mr. Rodriguez advised it is a portion of recycling, not the total program; this is what is picked up at curbside; what is picked up at curbside is a small percentage; and it is an important portion.

Commissioner Nelson stated when the Board discussed carts earlier, different sizes of carts were talked about; and inquired if the carts are just one size fits all. Mr. Rodriguez stated they dropped out 96 gallon, and 64 gallon would be more than enough; there was some talk about the 32 gallon containers; and he was expecting that discussion to come up at the negotiations. Commissioner Nelson stated he is not ready to give up on the carts because it encourages recycling. Mr. Rodriguez advised every municipality that has gone to carts for recycling has increased the amount of recycling volume wise and tonnage wise as well.

Commissioner Nelson stated he agrees with Commissioner Fisher's approach to this; having done such a number of contracts over time, when there is such a divergence in pricing, it raises a red flag; if they are not able to perform, then it creates a nightmare; and to cancel a contract, raises all sorts of issues. He advised he has a concern of the proposed number of rear loaders and clam trucks between the two are so different; Waste Management is proposing 1,900 versus 1,250 man hours; that is a big difference; and for him, that raises a red flag. He went on to say one of his frustrations is there should be negotiations and it should have been clearer on how to get there than what was in the RFP; and he will support Commissioner Fisher's recommendations.

Chairman Anderson stated to clarify, Commissioner Fisher said no carts and Commissioner Nelson said he would like carts; he cannot support it since there is a \$7 million between the two companies; if there are negotiations, the carts need to be dropped in price considerably; and residents to pick any size cart they want.

Commissioner Fisher stated he does not have a hang up on the carts as much as he does with level of service; and he could be talked into carts if that is the joy of the Board. Commissioner Nelson stated he would like to see that as an option with whoever the Board negotiates with to bring back the base service and carts.

Chairman Anderson stated the Board wants to look at carts versus no carts options; commercial costs need to be tightened up; to negotiate with Waste Management; materials recovery facility

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commitment; and he is not willing to work on negotiations if there is a \$7 million charge for carts to the residents.

Commissioner Fisher restated the motion. He stated he would like to allow staff to start negotiations with Waste Management over the next 30 days, and hope it will be resolved in the next 30 days; if not, they can move on to the next vendor; part of the negotiation there is a clarification that the yard waste is part of the contract; the recovery facility be build and there is an understanding of the timeline; to go back and consider the price that Chairman Anderson and Commissioner Nelson had concerns with; to commit to be a good community partner; and as part of that negotiation, to consider carts versus no carts.

Chairman Anderson stated that Waste Management has a lot of convincing to do, especially on the differences of prices to the residents; and if he does not like it, he will be loud about it.

The Board directed staff, as follows: 1.) negotiate a contract within the next 30 days with Waste Management, and if it cannot be accomplished, move to the next vendor; 2.) Waste Management to commit to building a materials recovery facility and the timeline for completion; 3.) clarify yard waste as part of the contract; 4.) carts and commercial prices to be tightened up; 5.) look at carts versus no carts options; and 6.) Waste Management to commit to being a good community partner.

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| RESULT: | ADOPTED [4 TO 1] |
| MOVER: | Robin Fisher, Commissioner District 1 |
| SECONDER: | Mary Bolin Lewis, Vice Chairman/Commissioner District 4 |
| AYES: | Robin Fisher, Chuck Nelson, Mary Bolin Lewis, Andy Anderson |
| NAYS: | Trudie Infantini |

Upon consensus of the Board, the meeting adjourned at 12:44 p.m.

ATTEST:

ANDY ANDERSON, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

SCOTT ELLIS, CLERK