



## **MINUTES OF THE CITY OF MIRAMAR REGULAR COMMISSION MEETING**

**FEBRUARY 20, 2019**

**7:00 P.M.**

The regular meeting of the Miramar City Commission was called to order by Mayor Messam at 7:00 p.m. in the Commission Chambers, Miramar City Hall, 2300 Civic Center Place, Miramar, Florida.

Upon call of the roll, the following members of the City Commission were present:

Mayor Wayne M. Messam  
Vice Mayor Yvette Colbourne  
Commissioner Winston F. Barnes  
Commissioner Maxwell B. Chambers  
Commissioner Darline B. Riggs

The following members of staff were present:

City Manager Vernon Hargray  
City Attorney Jaime Cole  
City Attorney Alison Smith  
City Clerk Denise A. Gibbs

MAYOR MESSAM: Good evening. The meeting of the Miramar City Commission is now called to order. Please call the roll.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Here.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Here.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Here.

CITY CLERK GIBBS: Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Here.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Here.

CITY CLERK GIBBS: City Manager Hargray.

CITY MANAGER HARGRAY: Here.

CITY CLERK GIBBS: City Attorney Cole.

CITY ATTORNEY COLE: Here.

CITY CLERK GIBBS: City Attorney Smith.

MR. COLE: Here.

MAYOR MESSAM: Let us all rise for the Pledge of Allegiance.

## **PLEDGE OF ALLEGIANCE**

## **A MOMENT OF SILENCE**

MAYOR MESSAM: At this time, let us observe a moment of silence for any condolences we may be reflecting on in the community. Thank you.

## **PRESENTATIONS & PROCLAMATIONS**

Proclamation: Eating Disorders Awareness Week (Mayor Wayne M. Messam)

MAYOR MESSAM: At this time, we have one proclamation, and I would like to ask Ms. Lisa Murano from Development -- the development coordinator of the Alliance for Eating Disorders Awareness. This proclamation is in recognition of Eating Disorders Awareness Week, February 25<sup>th</sup> through March 3<sup>rd</sup>, 2019:

Whereas, eating disorders affect 30 million individuals in the United States during their -- their lifetimes, with more than 600,000 individuals in the State alone; and, Whereas, eating disorders, including the specific disorders of anorexia nervosa, bulimia nervosa,

binge eating disorder, avoidant restrictive food intake disorder, and other specific feeding or eating disorders are complex, biologically-based illnesses; and, Whereas, eating disorders are associated with serious physical health consequences, including irregular heartbeats, heart disease, and heart failure, kidney failure, osteoporosis, gastric rupture, tooth decay, obesity, gall bladder disease, diabetes, and even death; and, Whereas, at least once every 62 minutes, someone dies due to their struggle with an eating disorder, and anorexia nervosa has the highest mortality rate of any mental illness; and, Whereas, eating disorders know no boundaries with respect to genders, age, race, ethnicity, body shape and weight, sexual orientations, and socioeconomic statuses; and, Whereas, eating disorders have a high prevalence among active military service members and veterans; and, Whereas, with early detection and intervention, full recovery from an eating disorder is possible; and, Whereas, the Alliance for Eating Disorders Awareness, a 501(c)(3), nonprofit organization is a premier eating disorder organization in the State of Florida dedicated to providing programs and activities aimed at outreach, education, and early intervention for all disorders. Now, therefore, I, Wayne Messam, Mayor of the City of Miramar, and on behalf of the City Commission, do hereby proclaim February 25<sup>th</sup> through March 3<sup>rd</sup>, 2019, in the City of Miramar as Eating Disorders Awareness Week.

MAYOR MESSAM: Thank you. Thanks for coming.

## **CONSENT AGENDA**

MAYOR MESSAM: Okay. Now we're onto Consent Agenda. Items listed on the Consent Agenda are viewed to be routine, and the recommendation will be enacted by one motion in the form listed below. If discussion is desired, the items will be removed from the Consent Agenda and will be considered separately. Anyone wishing to comment on any item on the Consent Agenda should approach the podium now. Good evening.

MS. SCIALABBA: Debra Scialabba, 6490 SW 26 Street. I hear I was missed the February 6 meeting. Thank you. It's nice to be missed once in a while. Item four is what I have questions about. Why are we waiving the competitive bidding requirements, Sensus USA, formerly known as Sensus Metering -- Metering Systems, also formerly known as Invensys Metering System? What's up with that? It should be opened up to competitive bidding process. Isn't the Business Inclusion Diversity Program business pledge the City of Miramar never exclude any person from participation, deny any person the benefits, or otherwise discriminate against anyone or any business in connection with the award and performance of any contract? Aren't you denying the companies -- other companies the opportunity to have a chance in participating in the bid process. Thank you. Please explain.

MAYOR MESSAM: Thank you. For the benefit of the public, I'll pull this item, so there can be a presentation, so, perhaps, it will answer the questions that were raised. Are

there any other members from the public that wish to speak on any items under the Consent Agenda? Good evening, ma'am.

MS. ACOSTA: Good evening. Hello to everybody, good evening. My name is Isabel Acosta, and I live in 3900 SW 139<sup>th</sup> Avenue in Miramar, and I have a few questions. Please don't interrupt me while I'm trying -- I'm trying to get -- not be too long, and then later --

MAYOR MESSAM: What number? On which consent agenda item?

MS. ACOSTA: I'm just -- about the water. About the \$300,000.00 for the survey of the water. Is that -- am I at the right time?

MAYOR MESSAM: What -- can you tell me the number, the agenda item number?

MS. ACOSTA: Well, I didn't have enough time, but I believe it's number nine --

MAYOR MESSAM: Okay. That --

MS. ACOSTA: -- eight -- eight or nine.

MAYOR MESSAM: That's -- that's item number nine, which is under the regular agenda, and you will have an opportunity --

MS. ACOSTA: Okay.

MAYOR MESSAM: -- to speak at that moment.

MS. ACOSTA: So this is not the time. Thank you.

MAYOR MESSAM: All right. Thank you. Are there any other members from the public that wish to comment on this item? Seeing none, back to the dais. Are there any items to be pulled, if not, I'll pull number four. Commissioner Chambers, --

COMMISSIONER CHAMBERS: Two and four.

MAYOR MESSAM: -- item two. If there are no other items being pulled on the Consent Agenda, I'll accept a motion to approve the balance of the Consent Agenda.

VICE MAYOR COLBOURNE: Motion to approve.

COMMISSIONER CHAMBERS: Second.

MAYOR MESSAM: All right. Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Colbourne, seconded by Commissioner Chambers, to approve Consent Agenda Items 1, 3, 5, 6 and 7, the Commission voted:

Commissioner Barnes	Yes
Commissioner Chambers	Yes
Vice Mayor Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**1a.** Minutes from the Special Commission Meeting of February 6, 2019

**Approved**

**1b.** Minutes from the Special Commission Meeting of February 6, 2019.

**Approved**

**1c.** Minutes from the Special Commission Meeting of February 6, 2019.

**Approved**

MAYOR MESSAM: Item number two, please.

**2.** Temp. Reso. #R6909 authorizing the lease purchase of seventy-three **self-contained breathing apparatuses** from Interspiro, Inc. utilizing Houston Galveston Area Council Contract No. EE8-17; awarding Request for Proposals No. 19-12-10 to U.S. Bancorp Government Leasing and Finance, Inc. for the financing of the lease purchase of amount not-to-exceed \$773,653.00. (*Fire-Rescue Chief Robert Palmer and Procurement Department Alicia Ayum*)

CITY ATTORNEY COLE: Item two is a resolution of the City Commission of the City of Miramar, Florida, authorizing the lease purchase of seventy-three self-contained breathing apparatuses from Interspiro, Inc., utilizing Houston Galveston Area Council Contract No. EE8-17; awarding Request for Proposals No. 19-12-10 to U.S. Bancorp Government Leasing and Finance, Inc. for the financing of the lease purchase of amount not-to-exceed \$773,653.00, authorizing the City Manager to execute all necessary documents in connection with the lease purchase and related financing, and providing for an effective date.

MAYOR MESSAM: Commissioner, do you have a question?

COMMISSIONER CHAMBERS: I'm not asking for a full presentation. I know we're spending taxpayer money, and this is a very vital equipment that we're purchasing for our fire department. For the listening public, and for those of who's here and watching at home, can we just explain how -- the importance of these equipment for our fire fighter -- rescue department.

FIRE RESCUE CHIEF PALMER: Yeah, good evening, Mayor, Vice Mayor, Commissioners, City staff. With the -- obviously, with the purchase of the breathing apparatuses, the one that we currently have come to end of life, so they have to be replaced. What these actually -- we actually spend a lot of time in actually picking out the ones we needed to pick -- these actually give a 15-year warranty. So, in other words, this purchase today will actually -- they'll be good for next 15 years. That's one of the positive things that came from it. And, obviously, this is a very vital thing, or else we can't fight fires without that, that breathing apparatus on our backs, but that is the importance. And also, too, it's got a lot of safety features for all the -- it's kind of hard with the -- with -- for -- for buddy -- there's a lot of different advances inside the pack, the digital stuff. It actually has pack finder, that if you get lost, we can actually find you. It has a lot of very high tech stuff into it that we were able to take advantage of purchasing this one particular brand that we did, so that's the big advantage of it. We can actually, we can -- now we actually have true accountability for our members, besides them being safe with a breathing apparatus.

COMMISSIONER CHAMBERS: And we're not just protecting our men and women, we also protecting their family, because, obviously, we have a family that --

FIRE RESCUE CHIEF PALMER: Right. And, really, with this -- that comes in as your cancer, all this stuff that you're bringing in, the carcinogens, that's where that -- those apparatuses help -- help our folks, obviously, is -- is from that cancer, and breathing it in. Because it's obviously it's been one of those things throughout the nation that they've actually been looking into, and how to prevent that, which has been one of a -- a big thing that's been happening in the fire service the last like five or six years, that they've been really noticing. But this is very -- this is -- will protect that.

COMMISSIONER CHAMBERS: Thank you so much, Chief.

MAYOR MESSAM: Are there any other questions on this item? All right. We'll entertain a motion.

VICE MAYOR COLBOURNE: Motion to approve.

COMMISSIONER CHAMBERS: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Colbourne, seconded by Commissioner Chambers, to approve Resolution #R6909, the Commission voted:

Commissioner Barnes	Yes
Commissioner Chambers	Yes
Vice Mayor Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Resolution No. 19-75**

3. Temp. Reso. #R6903 approving the third optional one-year renewal agreement between the City and Tang How Brothers, Inc., and Condo Electric Motor Repair Corporation for "**Annual Fabrication and Repair Services**", on an as-needed-

basis, in an annual amount not-to-exceed \$500,000.00 commencing February 17, 2019 in accordance with City Code Section 2-412(a.2.c.). (*Utilities Interim Director Roy Virgin and Procurement Director Alicia Ayum*)

**Resolution No. 19-76**

MAYOR MESSAM: Item number four, please.

4. Temp. Reso. #R6905 approving the purchase of **water meters and associated meter parts** from Sensus USA, in an amount not-to-exceed \$250,000.00; waiving the competitive bidding requirements in accordance with City Code Section 2-413(3). (*Utilities Interim Director Roy Virgin and Procurement Director Alicia Ayum*)

CITY ATTORNEY COLE: Item four is a resolution of the City Commission of the City of Miramar, Florida, approving the purchase of water meters and associated meter parts from Sensus USA, in an amount not-to-exceed \$250,000.00; waiving the competitive bidding requirements in accordance with City Code Section 2-413(3), and providing for an effective date.

MAYOR MESSAM: Yes. I'll take a presentation on this item.

MR. VIRGIN: Mr. Mayor, Madam Vice Mayor, Commissioners, Roy Virgin, Interim Director of Utilities. This item is the purchase of water meters and replacement for parts from Sensus USA. The City of Miramar Commission is required for purchases that exceed \$75,000.00, per our City code. The City Commission approval is required for waivers of competitive bidding requirement in accordance to the section 2-413 of the City code. A little bit of the background. The Utilities Department Water Accountability Program is responsible for installing, maintaining, and reading water meters to ensure accurate revenue collection. The City maintains approximately 34,075 active water accounts, metered accounts. Sensus Metering System is specified as city standard in accordance with the City of Miramar engineering standards for public works and utilities system as of September 2007. The system -- the City has been using Sensus Metering System for over 20 years as its sole source manufacturer and distributor of these products. So in 1999, the Water Meter Exchange Program was initiated to convert all manual read meters to radio read technology citywide, and was successfully completed in 2006. Today, most of the original installations have been reached -- have reached the end of their normal service life, and need replacement. Out of warranty meters have no guarantee for accuracy. The primary benefits of the Meter Replacement Program are: 1) ensuring accurate data collection of water consumption; 2) improve operational efficiencies; and, 3) maintaining high level of customer services. And this slide showed you what the data -- the data transfer technology is, that's on your left, and what is called the VGB unit that's in the vehicle, so it's -- when -- when the -- the vehicle drive by they can -- it's transmitted, and they can pick up the reading through this technology. Replacement of meter -- meters broken or out of warranty, greater than 15 years, that's the purpose of the expenditure



and, two, replacement of registered -- registered for malfunctioning units, and three, miscellaneous parts. This table shows the part type, the quantity of the unit, and the -- and the ex-anticipated amount or the expected amount for the replacement cost. Approval is recommended.

MAYOR MESSAM: Thank you. Are there any members from the public that wish to speak on this item?

MS. SCIALABBA: Debra Scialabba, 6490 SW 26 Street. It still doesn't answer my question, why we're waiving the competitive bidding, and we're using this company. Thank you.

MAYOR MESSAM: Thank you. Can we have staff or, perhaps, purchasing as well, discuss our procurement process for this item.

MS. AYUM: Good evening, Mayor, Vice Mayor, Commissioners, Alicia Ayum, Procurement Director. So we have a procurement vehicle, called a product standard, also a source authorization form, that we typically review with the departments when they make the request. So, in this case, when we have a product standard, it's because the City has been using Sensus products for over 20 years. They come and we have a product standards committee that we sit with the department, we have our independent person, and we have a whole discussion about why there should be a product standard. This, obviously, happened a while back. So, annually, which we make this purchase annually, where we do -- we have an allotted amount annually budgeted, correct? Yeah. And they make replacement of the ones that are failing, the ones that are malfunctioning. So just to explain, the sole source now, which is Sensus is the only manufacturing distributor of the Sensus products, so we buy directly from them and, over the years, quite honestly, their pricing has been consistent.

MAYOR MESSAM: So they're the only manufacturer that produces our standard for this water-reading product?

MS. AYUM: Yes.

MAYOR MESSAM: So that is why --

MS. AYUM: Waiving the bidding procedures, yes.

MAYOR MESSAM: Okay. If it was a bidding proceeding, would there be another manufacturer that would respond?

MS. AYUM: I mean I can't answer that question, because something could come up, meaning that there could be another manufacturer of the readers, but it would not be cost effective. It would actually cost prohibitive to go and replace all those units.

MAYOR MESSAM: All the units.

MS. AYUM: Yes.

MAYOR MESSAM: Okay. All right. So, with this item, it's 34,000 accounts? That means how many units -- I mean meters? Are the accounts one for one with the meters?

MR. GORDON: That's correct, sir.

MAYOR MESSAM: Okay, so 30 -- so to go out to bid to get another product standard would -- we would have to replace all of the meters, as opposed to replacing the ones that are out of warranty -- in terms -- in this case, 2,000?

MR. GORDON: That's correct. Whittingham Gordon, Assistant City Manager. Also, sir, take into consideration there is a proprietary reading device also that read these meters, so we would have to have two or three different manufacturing device reading to get, you know, -- the cost prohibit.

MAYOR MESSAM: Yeah. Okay. So it was a fair question from the public, in terms of why this instance there was no competitive process, and because of the technical requirements of these meters, as well as with the auxiliary components to be able to read all the meters, and the scale to replace all of our meters to go into another manufacturer. It was in the best interest of the City to waive our procurement process. So thank you for the clarification. Are there any questions from the Commission on this item? Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: Mr. Gordon, step to the podium, sir. We had a discussion in regards to some of our resident was complaining of irregularity with the meter, thinking that the meter might be overcharging them, and you explained to me yesterday as to how the meter works. So for the listening public here and on TV, could you elaborate a little bit more as to our discussion in regard to the meter.

MR. GORDON: As Dr. Virgin explained earlier, that we're replacing meters 15 years or older. And, typical, a meter, just like odometer, when the motor runs, it's actually the readings get less. So the more the meter runs, the accuracy goes down, not goes up, so you will not find a meter 15 or 20 years old that going to give you a higher reading. Typical meter getting out of warranty is going to read less, so that's why the City have the replacement program to go ahead and replace these meters, so we can get the right, accurate reading for the consumption. So it's not meter getting older and we're changing them because it's getting higher; no, it's getting lower, so we have to change those meters out.

COMMISSIONER CHAMBERS: So, in your estimation and your experience with -- over a period of time dealing with the meter, it's very unlikely that the new meter -- a meter going to read higher? It tends to normally slow down?

MR. GORDON: Absolutely, yes.

COMMISSIONER CHAMBERS: All right. Thank you.

MAYOR MESSAM: Are there any other questions or comments on this item? If not, I'll entertain a motion.

VICE MAYOR COLBOURNE: Motion to approve.

COMMISSIONER CHAMBERS: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Colbourne, seconded by Commissioner Chambers, to approve Resolution #R6905, the Commission voted:

Commissioner Barnes	Yes
Commissioner Chambers	Yes
Vice Mayor Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Resolution No. 19-77**

5. Temp. Reso. #R6898 accepting a **public transit bus shelter Easement** from EIP at Miramar LLC, a Florida limited liability company, for a bus shelter serving the public bus stop located along the north right-of-way of Miramar Parkway and east of SW 172nd Avenue. *(Assistant City Engineer Salvador Zuniga)*

**Resolution No. 19-78**

6. Temp. Reso. #R6736 approving the **amended and restated joint use** agreement between the City of Miramar and Broward County providing for cooperative radio communications tower and site located at 14200 Southwest 55th Street, Miramar, Florida 33027, also known as “**The Blue Grass Tower**”. *(Public Works Director Bernard Buxton-Tetteh)*

**Resolution No. 19-79**

7. Temp. Reso. #R6896 authorizing the **purchase** of a **2019 Elgin Crosswind1 Street Sweeper** for the Public Works Department from Environmental Products of Florida, Corp., the authorized dealer for Federal Signal Corp within the State of Florida, in the amount of \$259,242.20 utilizing Sourcewell Contract No. 122017-FSC, formerly National Joint Powers Alliance, during **Fiscal Year 2019**. *(Public Works Director Bernard Buxton-Tetteh and Procurement Director Alicia Ayum)*

**Resolution No. 19-80**

***End of Consent Agenda***

## **RESOLUTIONS**

MAYOR MESSAM: Onto Resolutions. Item number eight, please.

8. Temp. Reso. #R6892 approving an agreement with M & M Asphalt Maintenance, Inc., D/B/A All County Paving, for **roadway resurfacing of various roadways** throughout the City, in the amount of \$594,602.00; utilizing the City of Fort Lauderdale Invitation for Bid (“IFB”) No. 673-11822, entitled “Asphalt Resurfacing”. *(Public Works Director Bernard Buxton-Tetteh and Procurement Director Alicia Ayum)*

CITY ATTORNEY COLE: Item number eight is a resolution of the City Commission of the City of Miramar, Florida, approving an agreement with M & M Asphalt Maintenance, Inc., d/b/a All County Paving, for roadway resurfacing of various roadways throughout the City, in the amount of \$594,602.00; utilizing the City of Fort Lauderdale Invitation for Bid (“IFB”) No. 673-11822, entitled “Asphalt Resurfacing”, authorizing the City Manager to execute an appropriate agreement with M & M Asphalt Maintenance, Inc., d/b/a All County Paving, and providing for an effective date.

MAYOR MESSAM: Good evening, sir.

MR. BUXTON-TETTEH: Good evening, Mayor, Vice Mayor, Commissioners, City Manager, Bernard Buxton-Tetteh, Public Works Director. The item before you tonight is the request for approval of a contract for resurfacing of City streets in the amount of \$594,000,00. Next one. For background, the City Public Works maintain approximately 166 center miles of roadway. We prioritize the roads that restored or resurface based on a Pavement Management System that was set up in 2016. We're looking to update that in this fiscal year. Just to give you how the system works out. All the roads in the City that are city maintained were evaluated, and there's a rating scale from zero to 100. Between 86 and 100, it's colored in green, those are identified as -- as in good condition, and then we go down the list, you know, depending on the conditions. The ones that are fair or poor are the ones that we prioritize when it comes to resurfacing. This is just showing you a snapshot of the list that is generated, so, basically, we break every road segment into smaller street segments, and each area is identified. On the right, you can see the -- the rating that is given for each of those segments; that's trying to show you as a sample from 62 all the way to 38. For an update, in fiscal year '18, last year, we -- we came forward and the Commission approved an amount of \$1.47 million for resurfacing. Most of that work has been completed. We ended up resurfacing and milling seven center miles of roadway in various areas of the City. This map is showing you where -- in the green are the areas of the streets that were resurfaced. Just to point out that most of these areas, we did the work on the -- in Historic Miramar. For fiscal year '19, we have an amount of 594,602. We're anticipating to complete about three centerline of roadways. These are some of the conditions of the existing roadways. This is the map of the area that we've identified for time around. In the first instance, we had to be scattered a little bit, because that's where the -- that the roadways were spread out. What we're trying to do this time is to focus the money into complete neighborhoods, so that, you know, when we get in, we can get out and have a -- work done completely, so we're picking the Knolls area, and then the other areas on the next slide, that will be the Sherman Circle area. So between these two areas, it's going to be about \$600,000.00 for the work to be done. For the procurement process, utilizing a Fort Lauderdale contract, which we used the last time, it was a two-year contract that has been renewed through 2020. We also reviewed other contracts that were available on the market from other vendors, and we identified that this particular contract was the beneficial for the City. And approval is recommended.

MAYOR MESSAM: Thank you. Are there any members from the public that wish to comment on this item? Any members from the public? Seeing none, back to the dais. If there aren't any comments -- Commissioner Chambers.

COMMISSIONER CHAMBERS: Thank you, Mayor. Just for the public, I'm very happy that we're moving forward with this project. So many streets, especially in Historic Miramar, that need to resurface, so -- we're not going to be able to get everybody in one shot, but slowly, but surely. And looking forward to next budget cycle to add more money to our resurfacing. Thank you.

MAYOR MESSAM: Also for the public, the City, we have done surveys throughout the City, assessing our streets citywide, and have actually graded each street, in terms of priority levels to have resurfacing. So as we are making the appropriations, as they become available, we are addressing the most -- the most needed communities and areas with streets for them to be done, and these are just two examples of this moving forward. So I'd like to thank staff for this, and I commend the Commission in supporting the initial budget for this year's current fiscal year to fund these projects. Yes, Commissioner -- I mean Vice Mayor Colbourne, you're recognized.

VICE MAYOR COLBOURNE: Yeah. I just want to agree with both of you. I have -- I have driven the Knolls with staff, and this was a couple years ago, and I realized how bad it was over there. So I personally witnessed it myself, so I really know that this is an area where the residents will be really, really pleased, because it's a necessity. So I thank staff.

MAYOR MESSAM: Thank you.

COMMISSIONER CHAMBERS: Mr. Mayor, if I may. I'm just asking for patience from our resident, all those resident in Historic Miramar that have been impacted by -- and resurface road or construction that's going on out there. I get a lot of complain, but please be patient. We're going to get through this together, and it's soon going to be real nice when we get done, so thank you for your patience.

MAYOR MESSAM: May I have a motion.

VICE MAYOR COLBOURNE: Motion to approve.

COMMISSIONER CHAMBERS: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Colbourne, seconded by Commissioner Chambers, to approve Resolution #R6892, the Commission voted:

Commissioner Barnes	Yes
Commissioner Chambers	Yes
Vice Mayor Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Resolution No. 19-81**

MAYOR MESSAM: Item number nine, please.

CITY ATTORNEY COLE: Actually, I believe it's 7:30, even though that clock says 7:27.

MAYOR MESSAM: Well, we'll just pause on err of caution. It still has a couple minutes for 7:30, but we'll pause now for Public Participation.

**PUBLIC PARTICIPATION (7:30 P.M.– 8:00 P.M.)**

MAYOR MESSAM: We have two individuals who have signed to speak. Are those items on items you've already spoke on, Ms. Scialabba? Okay, you're recognized. And Ms. Acosta, is that still for item -- the same item? Okay. So you would just wait for that item to be called, which is coming up next. All right. Thank you. Okay. You don't have to sign up for the item, you can just speak up when I call. Okay. Thanks. Although I may not. You have a Hurricane jacket on. I'm just kidding. Ms. Scialabba, you're recognized.

MS. SCIALABBA: Good evening. Debra Scialabba, 6490 SW 26 Street. January 22nd, there was a community meeting at the Methodist Church. It was said by the chair of the Historic Miramar Advisory Board that we didn't need a police substation over here. I stand before you this evening to set the record straight. The Miramar City Manager's Budget and Audit Task Force was formed by former City Manager Bobby Payton. I'm going through all my old stuff, all my history, and everything else I've collected, and I happened to find a May 2011, May 25<sup>th</sup>, 2011, minutes. Residents, myself included, were on this task force -- task force for approximately two years. Mr. Hargray, you may remember this task force. I happen to be going through my files. There was a discussion regarding the future police headquarters and dispatch with Mel Stanley. At that time, he was public

safety director. That was in 2011. However, from 1999, early 2000, residents of Historic Miramar recognized the need for a police substation, when the old police station was operational on Miramar Parkway and Douglas. We had multiple discussions with Mel Stanley. In closing, I have provided each of you with the City of Miramar Economic Development newsletter 2006, Brick & Mortar. This preserves a little bit of history, and growth and development of our city. Miramar is the center -- and it says in there, Miramar -- we were the center of everything, being equal distance from downtown Miami and Fort Lauderdale, each one having airport and seaport. This might -- this -- Miramar is -- I'm shaky today, I don't know why -- hearing airport and seaport. This Miramar is strategically positioned to benefit from the robust economic activity attracted to these metropolitan areas. Miramar Right Here is a catchy phrase. However, a movie theater is not right here in Miramar. We have been asking for a movie theater since '88. City Beat, as far as information of our growth and what -- what has been happening is deficient, to say the least. Honestly, it isn't helpful or useful in any way. It's really just marketing. I received it in the mail maybe one time. I would like to see something like Brick & Mortar for residents who want to know what's going on with the growth of our city who are not computer savvy for our website, which is another story. Brick & Mortar can also be on our website as well. Going through these issues, you may remember Lucent Technology. It maybe memory lane for me.

MAYOR MESSAM: Thank you, Ms. Scialabba. In terms of point of information, the -- the City does have a publication, in terms of economic development and business activities for the City. It's not called Brick & Mortar, it's under another name. Is it Business Pulse? Business Pulse. It's a digital delivery that can also -- I think that's available as well online. It's the same concept, but it provides business facts, information, we feature actual entrepreneurs, and small, large businesses. It really gives excellent profiles, in terms of the economic activity that's taking place in the City of Miramar, and I think you would be pleased, in terms of the contents that's included in the Business Pulse. And if there are any deficiencies, or information or data that you would like to see in there, I'm sure our Economic & Development Department would welcome any comments and feedback, in terms of information that would be beneficial for -- for the community. So -- so we'll take that into consideration, and see how we could, perhaps, publish, perhaps some print copies of some of these, and -- and kind of assess the feasibility of that. So that the information that is available to our email distribution list, as well as our website, so that those individuals who don't have access to a website, or don't traditionally use email can also be able to access the information. Thank you so much. All right. That concludes our public participation. We're now onto item number nine, please.

## **RESOLUTIONS cont'd.**

9. Temp. Reso. #R6907 approving and authorizing an agreement with Chen-Moore & Associates, Inc. and related expenditure in an amount not-to-exceed \$300,000.00 for the provision of **engineering design services** for the **Country**



**Club Ranches Water Distribution System Improvement Project.** *(Utilities Interim Director Roy Virgin and Procurement Director Alicia Ayum)*

CITY ATTORNEY COLE: Item number nine is a resolution of the City Commission of the City of Miramar, Florida, approving and authorizing an agreement with Chen-Moore & Associates, Inc., and related expenditure in an amount not-to-exceed \$300,000.00 for the provision of engineering design services for the Country Club Ranches Water Distribution System Improvement Project; authorizing the City Manager to execute the proposed amendment, and providing an effective date.

MAYOR MESSAM: Welcome back, sir.

MR. VIRGIN: Thank you, sir. Mr. Mayor, Madam Vice Mayor, Commissioners, Mr. City Manager, Roy Virgin, Interim Director of Utilities Department. The temporary -- temporary resolution number is 6907 for the Country Club Ranches water main. Approval is required for any purchases that exceeds \$75,000.00, as per City code. So a little bit of the background. It's a 1.15 square mile area with approximately -- or 349 lots; 15 lots have been connected to the main water system already, and there are 29 vacant lots. And it's primarily residential areas with one City facility in the location. The area is bounded by Miramar Parkway to the north, Flamingo Road to the east, Florida's Turnpike with the Homestead Extension, and SW 48<sup>th</sup> Court to the south, and SW 148<sup>th</sup> Avenue to the west. Water services currently is provided via private wells in this area. This map shows the area that will be serviced, providing that the design will cover not -- not a -- the general area at once, but will be in phases, but this is general area that it will be -- it will cover. This map shows a more defined area where it will be -- in Phase I, which is the public right of way. That's the phase -- first phase, and where there is marks for future phases, that will be done later on, but the -- the intent of this is really to do with Phase I, which is the public right of way area. So there are three critical benefits of this program. One is to improve public health, which, I think, is the most important one, and two is enhance fire protection, and also to continuous and reliable water service. A little bit of the procurement history. So on November the 7, 2018, request for -- for qualifications was advertised via DemandStar, and December 5<sup>th</sup>, 2018, a total of five responses were received. And December 20<sup>th</sup>, the consultants were evaluated, and Chen-Moore & Associates, Inc., was the highest ranked and most qualified consultant. Professional service will be provided to include engineering design for the water distribution system and construction and inspection. So the City of Miramar would like to utilize the highest ranked and most qualified consultant, which is Chen-Moore & Associates to provide the professional engineering designs services for the water main system of the Country Club Ranches community, not to exceed \$300,000.00 for fiscal year 2019. What is also important is that staff has applied for several grants and will continue to apply for additional grants for the construction portion of this project. Approval is recommended.

MAYOR MESSAM: Thank you. Are there any members from the public that wish to comment on this item? Ms. Acosta. Thank you for patiently waiting for item number nine. Good evening.

MS. ACOSTA: Good evening, again. I'm sorry, I just don't know how this all works. I'm very concerned, so I'm going to be here as a concerned citizen. I am interested in knowing how it has come to be that the City is going to try to spend up to \$300,000.00 of our tax money for an engineering design, which the people in the country of the -- when you polled the Country Club Ranches residents, only 30 percent answered your survey, and that was around November of 2017. Based on that, 70 percent of the people never voted whether to go forward or not to go forward with this that I know of. I have not received another survey, and I live in the Country Club Ranches. I'm in 3900 SW 139<sup>th</sup> Avenue. And so my question to you is how is it that all of a sudden it's in our face and, again, it's coming at us fast. At that time, it -- I have the old -- thank God I kept it -- in here, it was about \$28,000.00 per estimated cost without the impact fees, which the City would take a hold of, and that was another \$18,000.00 or something, and I have it right here, so I just was looking at it from the PowerPoint that you had. So when I am faced - - I am retired, both my husband and I are retired, and I'm sure there's a lot of them. I keep thinking I'm going to be faced out of my own -- you know, my own community, because I won't be able to pay 50, \$60,000.00 when it comes down to it. The -- we -- there was discussion at that time that we would try to get grants and all that, and now I see -- okay, we -- I don't know who's going to pay that \$300,000.00, but if we don't -- after the \$300,000.00, there will know more what it's going to cost us. If we say -- do we have -- are going to have a good voting, where the people are really going to know how much it's going to really them? And then say yes -- or really -- or no, and say, really get a no, and then everybody stops? Who pays that 300,000? Where does that come from? And is it going to be added to all of the other expenses of putting on the -- the -- the water. And, then again, we have another adding -- after you put the water in, and we have to hook up -- each individual one has to hook up, so we're talking about what, question mark, 2,000, 5,000, 7,000. We're talking thousands of dollars, and I am alarmed, because I'm looking at an expenditure I did not expect during my retirement years. So I ask -- at that meeting, I asked for another voting, so we could have a better view of what is our consensus as a community, and I never received that; at least I did not receive another vote. So then -- let me see, because I have -- let me see what else I had in here. What happens to that grant money? Do we have grant money? Or if it doesn't get -- come in, you know, all that is up in the air. Everything is a lot of up in the air. And, yes, we have maybe the -- the more people are going to come in, and they're the most -- are they bidding on this? Is there a bid for this? Or is this going to be just the highest and the most expensive, because, to me, the higher the design, and the most expensive people --

MAYOR MESSAM: Thank you, ma'am.

MS. ACOSTA: -- are the most expensive.

MAYOR MESSAM: We've jotted your questions, and we'll have staff make responses, but your time has expired. And thank you so much for sharing your concerns.

MS. ACOSTA: Thank you very much.

MS. BROWN-ALFARO: Dorothy Brown-Alfaro, 14699 SW 47 Street, Country Club Ranches. We were aware that this item was going to be on the agenda today, and to echo what Mrs. Acosta has been saying, the homeowners understand that you're hiring this engineer to do the conceptual design and Phase I. My question is is it going to be just for Phase I, or are you hiring him to do the entire design for the complete Country Club Ranches, or just that phase?

MAYOR MESSAM: We'll have that answer -- I want to get all of your questions --

MS. BROWN-ALFARO: Okay.

MAYOR MESSAM: Do you have another question?

MS. BROWN-ALFARO: Another thing is, as she echoed, there are many homeowners that have retired in our area. We have a high population of seniors, and they're on a fixed income, and to echo what she was saying, the concern is what is the cost going to be. The numbers that were thrown out earlier, I don't -- I think the City said that those were hypothetical until this design is done with conceptual and finalized, then we won't know what that cost is. But some of the homeowners feel that that cost should zero dollars, because they feel that the City is going to be making money with the water. And the other concern is a hookup after its done, what is that cost going to be. And then other concern is how long is it going to be. And some homeowners are stating that they did not get the handout. I got two, and on my block, we got two, so I do know that we voted, and some people are saying that they did not get it, but I can attest that there were like two handouts, but not all people are confirming that they got it. The point being is -- also that was brought up, what she said too, grant money to try and defray the cost, because no one can afford 10,000, \$30,000.00 to hook up to the water. There are some of us who want it, and there are some of us who do not want it. So, as the conceptual design goes on, I think that we should be included in the loop to determine what the cost is going to be, and what's the impact. And if it's going to be an astronomical cost, then you're going to have many homeowners that are going to be against it, because we were told that once it's approved, then all of the homeowners, regardless of whether they want to or not, they would be required to connect, and if they don't, they will get a fee. So that is the major concern, and communication is very important. Dorothy Brown-Alfaro, thank you for your -- allowing me to be here, and I would hope that you respond to all of our questions today.

MAYOR MESSAM: Thank you so much. And we will respond to as many of the questions that we can that we have the information for, despite the green and orange.

MS. SCIALABBA: Got to get that part in there.

MAYOR MESSAM: Yes, ma'am.

MS. SCIALABBA: Debra Scialabba, 6490 SW 26 Street. I'm not sure how this is going to work. Country Club Ranches is an equestrian and agricultural community with narrow streets and dedicated highways. 95127 -- closing SW 130<sup>th</sup> -- 136 Avenue, expressway trail to vehicle and pedestrian traffic from south of -- south of SW 141<sup>st</sup> Street, Blue Gill Road to the Homestead Extension to Florida's Turnpike, placement traffic control device on SW 136 Avenue, south of SW 141<sup>st</sup> Street still maintains SW 136 Avenue as dedicated right of way. Whereas, SW 136<sup>th</sup> Avenue, south of 141<sup>st</sup> Street is an unpaved right of way, and is not being used for access to abutting properties to the west of SW 136. Then they had closed and vacated 96185 Blue Gill road, vacated properties unpaved, and City has no plans to improve it, except for the drainage easement. The City renounces and thus claims all other rights to the City, except for the drainage easement. Blue Gill Road is owned by South Broward Drainage District. I was wondering if you went through the process, and if they gave clearance for all this. I'm just -- like I say, I have information here I want to submit to public record. I'm not sure how this project is going to move ahead with -- with the dedicated highway -- with the dedicated roads and such. Thank you.

MAYOR MESSAM: Thank you. Are there any other members from the public that wish to comment on this item? Any other members? Okay. All right. If we can have staff come and -- I think what would be most beneficial is -- our residents have come with some questions regarding information either that they received at the community forum or, perhaps, information left at their homes. So -- but there are some questions regarding on how the process would work. So if you could give just an overview of what this item means, and what is the overall process from a phasing standpoint, as well as from a funding standpoint, and what will be requirements of the -- of the residents, per the phasing of this process from design engineering to construction to hookup to property.

MR. BAKER: Good evening, Mr. Mayor, and Vice Mayor and Commissioners, City Manager, City Attorney, City Clerk, Kelvin Baker, your COO. This -- this project is a very complex project in nature, because it has public as well as private right of ways. The concept here is to break it up in very small pieces that is fundable, so that the impact on the community would be to the -- to the bare minimum. What we have before us here is simply a design of Phase I. And after we complete the design of Phase I, then we will go into construction of Phase I. We have submitted legislative appropriations with the State as well as the federal government in an effort to obtain additional funding. The desire is that the impact, financial impact on the community will be at the bare minimum. Obviously, the more funding we're able to get in and bring into the project will assist us greatly, and minimizing and -- and getting it down to -- to little to no impact. The conversion from the -- the actual well water system to a potable water system would be consistent with what we have done in all the other communities where the impact was at a bare minimum, and so we plan to be consistent with the community. I do understand that there have been in the past some preliminary meetings, and various meetings that have taken place, but now -- we're at a point now where we are -- I think we are able to make a commitment to ensure that the impact to the community at the -- at it's -- at it's -- at it's bare -- bare minimum. Again, there is no -- there is no impact fees associated --

associated with this -- that this effort. The goal is to break it up into very small phases, so that we can fund as we go utilizing water funds to fund it, as well as grant funds to fund it and keep the overall min -- overall impact at the bare minimum. We -- as we are in the -- in this design portion, we will have an opportunity to have some additional meetings with the community, so they gain additional understanding as to how this particular phase of the project will work.

MAYOR MESSAM: So, is it fair to characterize the intent of the City is to provide water to this community at the most cost effective and least impactful way? That's the spirit of what the effort is, correct?

MR. BAKER: Absolutely, sir.

MAYOR MESSAM: And is it also accurate to state that, basically, we need this design, so that we can be able to have a concrete plan to follow to have real dollars based on real engineering designs, so that we can be able to present facts and information to the community?

MR. BAKER: That is absolutely correct.

MAYOR MESSAM: Is it also correct that without this design, it would not be possible to apply for any federal funding, any State funding, any outside source funding, because we would not have any actual cost -- we would not have any design standards, any design documents to be able to base a grant on, correct?

MR. BAKER: That's correct.

MAYOR MESSAM: All right. So -- so, basically, the item that is before us tonight does not put the community in peril in terms of a mortgage on a house, or something that would threaten, perhaps, fixed incomes, as was expressed, rightly so, by -- by residents?

MR. BAKER: That's correct.

MAYOR MESSAM: Okay. And, finally, once we have the design, once we have budgets, once we understand how now we can fund this and what available funding, we will come back to the public with the facts, with the information, with the phasing, and what the ultimate impact would be.

MR. BAKER: Yes, sir.

MAYOR MESSAM: And one correction to the final. Can we -- do we have historical cost in terms of when we did Phase I and II, in terms of taking those residents off of septic to connect to the City's system? What was the average cost to connect from the house to the water main -- to the water main, and what resources were available for those residents who may not have had those resources to pay for that connection?

MR. GORDON: Whittingham Gordon, Assistant City Manager. In the past, we have done a few projects in Miramar where we have convert back from septic -- not from septic, from water --

MAYOR MESSAM: Well water.

MR. GORDON: -- well water to the water main system. This -- these are large lots. These are not typical lots, so the price is going to be higher than the typical lots, obviously. We looked at Historic Miramar, Tropical Valley area, \$1,000.00 for a resident to connect from the home to the system, an average number. That's probably you going to see in that area.

MAYOR MESSAM: So there was a cost, but it's not the 30,000, 25,000, like what was communicated in the community meetings. And -- and if -- for those residents that did not have those funding, were there payment options --

MR. GORDON: Yes.

MAYOR MESSAM: -- or funding solutions to assist those residents, perhaps seniors who may be on fixed income or those who just may not have -- have had all the money to pay for the connection?

MR. GORDON: That is correct, sir. We do have loan programs, where they're actually zero interest, I believe it is, and also we do have grants also that we give to seniors and low-income users also.

MAYOR MESSAM: So, to our public, the reason why I raise all of these issues is to -- to let you know that this isn't the City's first rodeo in terms of providing -- or undertaking this type of infrastructure upgrade, as -- in -- into providing water service to a community. We appreciate, and we are sensitive to the fact that there are concerns in terms of what it means to you, to your bottom line, in terms of what it's going to cost you to connect to our -- to this new water system. And do know that the -- that the City will provide all this information before hand, before construction starts, and we'll have solutions in terms of whatever that amount is, whether it's \$1,000.00 or \$2,000.00, whatever the cost is, that it would be. That there would be some funding solutions. We're not at the liberty to go into details to discuss hypotheticals that don't exist right now, that's why we're doing the design, so that we can have the facts. But do know that the spirit of the City, this Commission is to ensure that we provide clean, pure water to the community at the most cost effective way that we can, taking into account the concerns of the community. Are there any comments or questions? I'll take Commissioner Chambers, then Commissioner Barnes.

COMMISSIONER CHAMBERS: To our resident of Country Club Ranch, this community have a long history with clean drinking water issue in regards to the City of Miramar, and

the well system. So I understand the history. I spoke with a number of resident there years ago, and I understand their frustration, and what they were dealing with. Having experienced it myself, I have first-hand knowledge as to dealing with the well water and so forth. So since I initiate this agenda item, and just to back up a little bit, what I requested in our 2018/2019 budget was \$300,000.00, at a minimum, to start the design phase of implementing drinking water in your community. So this is the first phase of doing the right of way that the -- the public right of way first, and then we're going to come back and try to do those neighborhoods that are private. Now I had a discussion with staff following our budget, and my instruction was for us to try to find any kind of funding that we can find to help with this situation here. That's the discussion we have with Mr. Gordon, Mr. Baker, and Mr. Virgin. So they are working. We -- we -- we -- we had some idea. They gave me some idea, some areas where we going to look, and they have -- they are promising. So we're going to see this through. And I remember I had a meeting with Ms. Dorothy, and I assure you that this process, we're going to make it as much less painful as possible, because I understand the dynamic and the different kind of makeup of our resident in Miramar, Country Club Ranch. Some people don't have any income, some people on fixed income, some people have a high income, but we're going to see this through. This is my project, and I'm going to do everything in my power to make sure that we're going to get through this, as very little pain as possible. So just let us work. We're going to keep you abreast as to the process. Of course, one of the cost that we're not going to be able to get away from is to connect from your home to the main. And one of the discussion that I have and I suggest when we get there is to work together with our neighbors, and to make sure we use one contractor to do the whole street, so we can get a better price for each neighbor to do the connect. But in terms of on the City side, we're going to do as much as we can to make sure we can find grants and funding to cover that, so we're working -- this is the first phase, and we're going to get through this together. So I want to thank you for working with us, and thank you for your patience.

MAYOR MESSAM: Excuse me, ma'am, we cannot --

COMMISSIONER CHAMBERS: Come to the mike, please.

MAYOR MESSAM: We cannot have -- no, we cannot have conversations. We have a protocol and decorum. I know you're learning the rules, but we can't -- we can't talk -- we will provide information to the community when it's available. Right now, we don't have it available, but do know that we hear your concerns, we are taking them very seriously, and our staff knows that we will not approve anything that does not, at least, provide information to the community in a way that gives you the answers, so that you understand what the impact is going to be, and that we're providing resources and solutions to help you transition to this new system. All right. Thank you. Commissioner Barnes, you're recognized.

COMMISSIONER BARNES: Just to say that what is obvious here is we're operating both sides, I think, but mostly our residents in this particular area. We're operating with a deficiency of information. And one of the undertakings I would like to give as a member

of this Commission is that we will provide you with all the relevant information that you need to make a judgment going forward. And just to contextualize this development, I think we need to remember, for example, that this discussion came out of the post-Irma situation, where the residents of this particular area dealt with a number of challenges. And, has been said before, it is fairly complicated, because some residents just not interested in -- in -- in linking with the system. But I think what we have to promise you as a part of our responsibility is to give you as much information as possible in a timely fashion. And, if nothing else, a number of doubts have been removed; for example, talk about the kind of costs we're looking at to -- to -- to connect to the system. 30,000 is a little outside of the ballpark. But I'm making the commitment, on behalf of fellow Commissioners, that we'll provide you with information going forward, as much as is possible, and as soon as it is available. In addition staff is here -- if you need to, you may speak to staff after this item has been dealt with, and they can give you, maybe, contact numbers and so on, so you can be in direct contact with them as well.

MAYOR MESSAM: Thank you, Commissioner. Vice Mayor Barnes -- I mean Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Thank you. Actually, Commissioner Barnes addressed, pretty much, what I really wanted to say. I think it's great that Commissioner Maxwell has -- has taken a lead on this. What I like about it is that the City is making an effort to mitigate whatever cost, so I do want to -- to track that myself. I want to be able to see what's going on with that, and to ensure that that is the case, because I'm hearing two things from residents: the cost and communication. So we're addressing the cost, and the communication will come, but even if we don't have a public meeting, or if we haven't mailed anything to -- to the residents, I do want the residents to know that they can contact us or they can contact staff, and staff can provide that information. If you don't get the results that you want from that, I would -- you know, you're welcome to contact any one of us as well. But we do want to make sure that that communication is there for them. Thank you.

MAYOR MESSAM: Before we move this item, I would think that this project -- you know, as Commissioner Barnes stated, you know, this -- this project is important to all of us, stemming from -- especially what happened after Irma. I think this warrants us having a dedicated information program in regards to how we communicate the information. It's not like we're doing improvements to a block. You know, we're talking an entire area of the community, so I think that -- that it's in the process, in terms of once this design is done, and staff comes up with all the recommendations, and we see what the impacts are, we just communicate it to the community in the form of, perhaps, maybe a page on the website. It could be one for informational meetings that we can have, just like we did when we cleaned up the spill. And -- and so that everyone has ample opportunities to get the information in more than one form. So I think all of us are -- you know, are watching this, and it's important to us all, and I do commend the efforts of -- of our Commissioners who have met with staff to ensure that this -- that this project is successfully completed.



COMMISSIONER CHAMBERS: Mr. Mayor.

MAYOR MESSAM: Yes, sir. Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: I'm just a bit disappointed from the dais that this \$300,000.00 in design phase for the main street cannot be properly communicate to this -- to these resident, as to the fact that there's no cost to them at this point. It -- this is just a simple agenda item, and I'm not sure where things got lost, that it takes so long to move this item along. That's -- it's -- it's not impacting our residents at this time. Thank you.

MAYOR MESSAM: I think that's what was communicated in the presentation, that there's no cost impact to the residents for this item. That was communicated to the public. And, in all candor, staff cannot communicate to the public, unless we have engineering documents. Staff cannot apply for grants, staff cannot get additional funding unless they have the design. So I commend staff for setting up the procurement for these design -- for this item to come forward, so that we can get the information that we need, so that we can provide the information that our community is -- is looking for. So I think the -- the presentation was clear. Our residents can leave home -- can leave this chambers tonight, knowing that this item will not be a fiscal impact to you, in terms of direct cost. And you - - and before -- before a backhoe touches the surface, you will have information, in terms of what the process is going to be, and what is going to be the -- the cost impact, and what resources will be available to the public. All right. Can I have a motion on this item.

COMMISSIONER CHAMBERS: I think staff -- I think staff has done their job, and they're doing a good job. They have doing what they were told. I'm talking about from the dais, where we sit right here. Staff, I commend you for doing what you guys are doing. Motion to approve.

COMMISSIONER RIGGS: Second.

MAYOR MESSAM: Record the votes, please.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Chambers, seconded by Commissioner Riggs, to approve Resolution #R6907, the Commission voted:

Commissioner Barnes	Yes
Commissioner Chambers	Yes
Vice Mayor Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Resolution No. 19-82**

**PUBLIC HEARINGS**

MAYOR MESSAM: On to public hearings. Item number ten, please.

10. **SECOND READING** of Temp. Ord. #O1720 amending the City of Miramar Code of Ordinances by amending Chapter 2 “Administration,” Article VI “Finance and Miscellaneous Fees,” Division 4 “Economic Development,” creating Section 2-262 “**Property Acquisition Program**”, for the purpose of acquiring real property in the City of Miramar in order to implement the goals of the Miramar Economic Development Fund/Initiative; amending Section 2-413 “Procurement Authority Exemptions” to provide for exemption for the procurement of professional services in connection with the Property Acquisition Program; providing for conflict; providing for severability; and providing for an effective date. ***(Passed 1st Reading on 01/16/19) (Chief Financial Officer Susan A. Gooding-Liburd)***

CITY ATTORNEY COLE: Item number ten is an ordinance of the City Commission of the City of Miramar, Florida, amending the City of Miramar Code of Ordinances by amending Chapter 2 “Administration,” Article VI “Finance and Miscellaneous Fees,” Division 4 “Economic Development,” creating Section 2-262 “Property Acquisition Program”, for the purpose of acquiring real property in the City of Miramar in order to implement the goals of the Miramar Economic Development Fund/Initiative; amending Section 2-413 “Procurement Authority Exemptions” to provide for exemption for the procurement of professional services in connection with the Property Acquisition Program; providing for conflict, severability; and providing for an effective date.

MAYOR MESSAM: Thank you. This item passed first reading on January 16<sup>th</sup>. Madam CFO, you're recognized.

MS. GOODING-LIBURD: Good evening -- good evening, Mayor, Vice Mayor, Commissioners, City Manager, City Attorney. Susan Gooding-Liburd, Chief Financial Officer. There have been no change to this item since it was first passed. We're just here if **(inaudible 1:05:07)** questions.

MAYOR MESSAM: Thank you. Are there any members from the public that wish to comment on this item? Any members from the public? Seeing none, back to the dais. Are there any --

COMMISSIONER BARNES: Just -- just --

MAYOR MESSAM: Commissioner Barnes, you're recognized.

COMMISSIONER BARNES: -- for information, why don't we just give an overview of what this really is all about?

MAYOR MESSAM: Okay. All right. If we can just give an overview for the -- for the record, to -- to just for the public to see what the overview of what -- what is this item. You don't have to necessarily do a full presentation, but just give an overview of what --

MS. GOODING-LIBURD: No, I'm just going to give a -- just highlight. So the Miramar Property Acquisition Program is the -- is for the purpose of acquiring commercial and residential properties within the City for future redevelopment and revitalization. So, you know, we -- we -- the City doesn't own too many pieces of land, so we're looking to make sure that any future redevelopment, or any future revitalization. That if there's opportunity there, that we, the City, can acquire these property, and make sure that the property we acquire are contiguous, so that we can make sure that the development, especially in the historic Miramar district will be beneficial to the neighborhood.

MAYOR MESSAM: Thank you. I'll take a motion if there aren't any other comments.

VICE MAYOR COLBOURNE: Motion to approve.

COMMISSIONER BARNES: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Colbourne, seconded by Commissioner Barnes, to approve Ordinance #O1720, the Commission voted:

Commissioner Barnes	Yes
Commissioner Chambers	Yes
Vice Mayor Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Ordinance No. 19-12**

MAYOR MESSAM: Item number 11, please.

- 11. SECOND READING** of Temp. Ord. #O1713 **amending** the City Code Chapter 15, Pensions, Article IV, **“Police Officers' Retirement Plan and Trust Fund,”** amending Section 15-166 of the City Code to revise the definition of “Tier Two;” amending Section 15-173 of the Miramar City Code regarding military service buyback; amending Section 15-174 of the Miramar City Code to permit the purchase of permissive service credit; amending Section 15-211 of the Miramar City Code to provide for normal retirement with twenty years of service; amending Section 15-212 of the Miramar City Code to increase the benefit formula to provide for a seventy-five percent multiplier after twenty years of service; amending Section 15-223 of the Miramar City Code to create a DROP Loan Program; providing for inclusion in the Code; providing for severability; providing for a repealer; and providing for an effective date. **(Passed 1<sup>st</sup> Reading on 02/06/19)**  
*(Human Resources Director Randy Cross)*

CITY ATTORNEY COLE: Item 11 is an ordinance of the City Commission of the City of Miramar, Florida, amending the City Code Chapter 15, Pensions, Article IV, “Police Officers' Retirement Plan and Trust Fund,” amending Section 15-166 of the City Code to

revise the definition of "Tier Two;" amending Section 15-173 of the Miramar City Code regarding military service buyback; amending Section 15-174 of the Miramar City Code to permit the purchase of permissive service credit; amending Section 15-211 of the Miramar City Code to provide for normal retirement with twenty years of service; amending Section 15-212 of the Miramar City Code to increase the benefit formula to provide for a seventy-five percent multiplier after twenty years of service; amending Section 15-223 of the Miramar City Code to develop -- to create a DROP Loan Program; providing for inclusion in the Code; providing for severability; providing for a repealer; and providing for an effective date.

MAYOR MESSAM: Thank you. Mr. Cross.

MR. CROSS: Good evening, Mr. Mayor, Madam Vice Mayor, members of the Commissioner, Randy Cross, Human Resources Director. There are no changes from first reading.

MAYOR MESSAM: Are there any members from the public that wish to comment on this item? Any members from the public? Seeing none, back to the dais. Any comments, or I'll take a motion?

VICE MAYOR COLBOURNE: Motion to approve.

COMMISSIONER RIGGS: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Colbourne, seconded by Commissioner Riggs, to approve Ordinance #O1713, the Commission voted:

Commissioner Barnes	Yes
Commissioner Chambers	Yes
Vice Mayor Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Ordinance No. 19-13**

MAYOR MESSAM: Item number 12, please.

12. **SECOND READING** of Temp. Ord. #O1721 relating to **signs**; making findings; revising Section 403.4 Civic and Recreational District Tables and Section 403.5 Activity Center and Workplace District Tables and Commercial and Industrial Use Tables to permit off-premises **signage/billboards** subject to specific conditions; creating Section 405.6A providing for distance separation between cemeteries/mausoleum and off-premises signage or billboards; creating Section 405.15A providing for distance separation between parks, reservations, playgrounds, and state or national forests from off-premises signage or billboards; amending 405.13 providing for distance separation between cemeteries/mausoleum and off-premises signage or billboards; creating Section 405.13 relating to off-premises signage and distance separation from specific uses; amending 405.19 providing for distance separation between Places of Worship and off-premises signage or billboards; amending Section 405.24(k) providing for distance separation between schools and off-premises signage or billboards; amending Section 1002 relating to Sign Code definitions; repealing Section 1003(c)(4) relating to the prohibition of off-premises signs; amending Section 1009 relating to prohibited signs; creating Section 1014 providing for off-premises signage and billboards; providing that off-premises signage and billboards may only be digital in nature; setting time, place and manner standards; providing for severability and interpretation; providing for inclusion in the Code; providing that officials are authorized to take action; and providing for an effective date. **(Passed 1st Reading on 02/06/19)** *(Community & Economic Development Director Eric B. Silva)*

CITY ATTORNEY COLE: Item number 12 is an ordinance of the City Commission of the City of Miramar, Florida, relating to signs; making findings; revising Section 403.4 Civic and Recreational District Tables and Section 403.5 Activity Center and Workplace District Tables and Commercial and Industrial Use Tables to permit off-premises signage/billboards subject to specific conditions; creating Section 405.6A providing for distance separation between cemeteries/mausoleum and off-premises signage or billboards; creating Section 405.15A providing for distance separation between parks,

reservations, playgrounds, and state or national forests from off-premises signage or billboards; amending 405.13 providing for distance separation between cemeteries/mausoleum and off-premises signage or billboards; creating Section 405.13 relating to off-premises signage and distance separation from specific uses; amending 405.19 providing for distance separation between Places of Worship and off-premises signage or billboards; amending Section 405.24(k) providing for distance separation between schools and off-premises signage or billboards; amending Section 1002 relating to Sign Code definitions; repealing Section 1003(c)(4) relating to the prohibition of off-premises signs; amending Section 1009 relating to prohibited signs; creating Section 1014 providing for off-premises signage and billboards; providing for that off-premises signage and billboards may only be digital in nature; setting time, place and manner standards; providing for severability and interpretation; providing for inclusion in the Code; providing that officials are authorized to take action; and providing for an effective date.

MAYOR MESSAM: Good evening, sir.

MR. SILVA: Good evening, Mr. Mayor, Madam Vice Mayor, Commissioners. Eric Silva, Community & Economic Development. This is the second reading, and there have been a few changes, so I have three slides to go through. The Clerk has passed out some revised copies of this ordinance, and the first set of changes are, basically, clarifications. You'll see on page 24, we added a definition for major expressways, and edited all references to major expressways throughout the ordinance. On page 29, we clarified the distance measurement from billboard to billboard will apply on the same side of the expressway, and across the expressway. On page 30, under sign height, we deleted the phrase "from normal or average grade" to "top of sign", and this was done to be consistent with the other section of the code, which is the definition section, 1006.2, which has a -- a formula for measuring sign height. So you'll have consistency with that section of the code in definitions. And then the Planning & Zoning Board heard this item last week, and they recommended approval with a requirement for City Commission site plan approval, and the discussion was mostly about having a community meeting. So the typical process for City Commission site plan approval is a community meeting and Planning & Zoning Board recommendation, and there's mailed notice that would go out a 1,000 feet to residents. And they also requested what's called a line of sight study, so the applicant would have to do an engineering study to show what it would look like from residence that were within 1,000 feet within the area of the billboard. That will be part of the site plan application, and that's what the Planning & Zoning Board recommended. So after that meeting, staff went back and looked at several other cities to see how they approached digital billboards, and all the ones that we looked at just had a permit process. So we thought a compromise might be to have what's called an administrative site plan approval, which you already have in the code in the transit oriented corridor, and it's an administrative process that is approved by the Development Review Committee (DRC). So it allows for a site plan to be submitted, we would still have that line of sight study, and staff review at the DRC, either approve or deny. But just like the transit oriented corridor section of the code, the site would have to be posted with the sign that said on the -- on this date, the DRC approved or denied, and residents will get mailed notice, so they have

the option to appeal it to the City Commission, if they didn't agree with that decision. So we thought that would be the appropriate process for digital billboards, and that's the recommendation and the ordinance you have in front of you tonight. And it's approval recommended with that administrative site plan process.

MAYOR MESSAM: Okay. Are there any members from the public that wish to comment on this item? Any members from the public? Seeing none, back to the dais. Are there any questions for comments? Otherwise, I'll entertain a motion.

COMMISSIONER BARNES: Motion to approve.

VICE MAYOR COLBOURNE: Second.

CITY ATTORNEY COLE: Mayor, you're going to need two motions. One will be -- need a motion to amend to make all the changes that were from first reading, and then you'll need a motion to approve the item.

COMMISSIONER BARNES: Motion to approve amendments made to this item.

MAYOR MESSAM: May I have a second.

VICE MAYOR COLBOURNE: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.



On a motion by Commissioner Barnes, seconded by Vice Mayor Colbourne, to amend Ordinance #O1721, the Commission voted:

Commissioner Barnes	Yes
Commissioner Chambers	Yes
Vice Mayor Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Approved**

MAYOR MESSAM: And the second vote will be to accept the recommendations?

CITY ATTORNEY COLE: To -- to approve the item with the amendments.

MAYOR MESSAM: Okay. So now I have a motion to accept the item with the amendments.

COMMISSIONER BARNES: Motion to accept the item with amendments.

VICE MAYOR COLBOURNE: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: No.

CITY CLERK GIBBS: Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Barnes, seconded by Vice Mayor Colbourne, to approve Ordinance #O1721 as amended, the Commission voted:

Commissioner Barnes	Yes
Commissioner Chambers	No
Vice Mayor Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Ordinance No. 19-14**

MAYOR MESSAM: Item number 13, please.

**QUASI-JUDICIAL PUBLIC HEARING**

CITY ATTORNEY COLE: Mayor, item 13 is a quasi-judicial item, so Florida Courts have determined that there are certain types of matters, including the following application, that are to be treated differently than other issues considered by the Commission. Most decisions of the Commission are legislative in nature, which means that the Commission is acting as a policymaking body. In contrast, in quasi-judicial matters, the Commission is applying existing rules and policies to a factual situation and is, therefore, acting like a judge or a jury in a courtroom. In such cases, courts have decided that due process and fundamental fairness require that more formal procedures be followed. The City of Miramar's procedures for quasi-judicial hearings are as follows: anyone who wishes to speak on any of the items will be collectively sworn in by the City Clerk. The hearings will be conducted in an informal manner. I will read the title of the item to be considered. Staff will present a brief synopsis of the application and make a recommendation. Next will be a presentation by the applicant. The Commission will then hear from participants in favor of and in opposition to the application. All witnesses are subject to cross examination by City staff, City Commission, and the applicant, and a participant may request that the Commission ask questions of a witness. The applicant and staff will make concluding remarks. No further presentation or testimony shall be permitted, and the public hearing will then be closed. All decisions of the Commission must be based upon competent, substantial evidence presented to it at the hearing. All backup materials provided to the City Commission as part of the agenda will automatically be made a part of the record at the hearing. All approvals will be subject to the staff recommended conditions, unless otherwise stated in the motion for approval. At this time, the City Clerk should swear in all witnesses.

CITY CLERK GIBBS: All of those wishing to provide testimony on the -- on the following quasi-judicial item please stand and raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth? Please remain standing to receive a colored dot.

13. Temp. Reso. #R6919 considering and approving modification of several conditions of approval for Resolutions No.16-138 and No.16-142 to **amend restrictions** related to the issuance of a building permit and/or to the issuance of a Certificate Of Occupancy, for **Boardwalk 280**, a multifamily residential community, located west of Flamingo Road and north of Somerset Boulevard. *(Community & Economic Development Director Eric Silva)*

CITY ATTORNEY COLE: Item 13 is a resolution of the City Commission of the City of Miramar, Florida, considering and approving modification of several conditions of approval for Resolutions No.16-138 and No.16-142 to amend restrictions related to the issuance of a building permit and/or to the issuance of a Certificate Of Occupancy, for Boardwalk 280, a multifamily residential community, located west of Flamingo Road and north of Somerset Boulevard, and providing for an effective date.

MAYOR MESSAM: Yes, sir.

MR. SILVA: Good evening again, Mr. Mayor, Madam Vice Mayor, Commissioners, Eric Silva, Community & Economic Development. This is for the Boardwalk 280 apartments. The location of the pro -- the location of the project, it's west of Flamingo Road and north of Somerset Boulevard. Just to give you a little history on the background of the project. This site is adjacent to Somerset Academy charter school, which was approved by the Commission on June 2<sup>nd</sup>, 2004, and the original Boardwalk Village rezoning site plan, parking variance Community Appearance Board applications, and 189 multifamily residential units, 77,340 square feet of neighborhood commercial was approved by the Commission on November 16<sup>th</sup>, 2005. So far, 72 units have been built, and those were built before the economic downturn. Just a couple years ago, the rezoning was changed, the site plan was changed, variance application, Community Appearance Board application for the Boardwalk 280 project, which was for an additional 280 multifamily units, and that was in June, the approval of 2015 -- 2016. So the issue before you tonight is an amendment to that approval from 2016; as the applicant has been going through the construction permitting process and the financing process, a couple of things that have come up. And this is related to some requirements to get signed off with FPL for the use of the land on the easement, so they need some -- a little more time that, that's the first change. And then the adoption -- the older resolution had requirement that all the condo owners had to sign off on it, so we're going to change that, so it's just the association and the applicant that have to sign off on it. Because to have the applicant go back to all the mortgagees that are in those condos is a very onerous task, so that's one of the changes. And also to modify the timing for some improvement sand amenities and the gates. And then a deletion of a condition related to the -- the fence and landscaping maintenance, and that's because the fence and landscaping is actually on the property of Boardwalk, not Somerset, that's why we're making that change. And all those previous resolutions and conditions would still be in effect. Recommendation is for approval to make those modifications. The applicant is here tonight for any questions also.

MAYOR MESSAM: Does the -- would the applicant like to speak or -- you don't have to, but we want to provide that opportunity. Okay. Any questions for the day -- dais for the applicant? All right, seeing none. Are there any members from the public that wish to comment on this item? All right, back to the dais. May I have a motion?

COMMISSIONER BARNES: Just a -- a question for staff.

MAYOR MESSAM: Okay.

COMMISSIONER BARNES: The matter regarding FPL, explain that for us.

MR. SILVA: The site plan has a dog park and some parking in the FPL easement there, and the way condition -- the condition was written, it said that the applicant had a get an agreement signed prior to us issuing a permit. So we're going to remove that condition, but there's another condition in there that says those amenities in the easement have to be in place before a certificate of occupancy, so we still have something to hold them to it.

COMMISSIONER BARNES: Okay. Okay.

MAYOR MESSAM: All right? That concludes **(unclear 1:19:04)** from the dais? May I have a motion.

COMMISSIONER BARNES: Motion to approve.

VICE MAYOR COLBOURNE: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Barnes, seconded by Vice Mayor Colbourne, to approve Resolution #R6919, the Commission voted:

Commissioner Barnes	Yes
Commissioner Chambers	Yes
Vice Mayor Colbourne	Yes
Commissioner Riggs	Yes
Mayor Messam	Yes

**Resolution No. 19-83**

**OTHER BUSINESS**

**19. Reports and Comments:**

**Commissioner Reports:**

MAYOR MESSAM: Okay. Now on to reports, starting -- start from the end with Commissioner Riggs.

COMMISSIONER RIGGS: Thank you. Just a couple of reminders and thank yous. I want to remind everyone I've had so many requests for the NCLEX review, so I'm having a free NCLEX review on March 2<sup>nd</sup> right here from 10:00 to 2:00. And I just have a very special thank you -- I've had the ability to start something that's very important to me. I have a food bank that started at Miramar Elementary, because there's a need. As I think about the -- there are 110 kids who are part of the free lunch program, and from what we found out, they are in need of food during the weekend, so we started a food bank at Miramar Elementary where we give a grocery bag full of food and water, cereal, milk, everything every Friday to those families. And I want to say a very special thank you to Miramar Elementary, Walmart, Rayfill Farm Family and Colgate and Farm Share for their partnership and starting this initiative, so thank you very much for that support. And I want to say a very special thank you to FAU for honoring me with the 2019 Outstanding Young Owls Award for the Christine E. Lynn College of Nursing. I'm very honored to be receiving that, and I thank you for -- for choosing me. And that's all I have, thank you.

MAYOR MESSAM: Thank you, Commissioner. Commissioner Barnes.

COMMISSIONER BARNES: Just some request of staff, a note -- it doesn't have to be answered now. I'll take the answer elsewhere and at another time. True or not, do we now have internal auditors? Why do we have them? Are the functions of the external

auditors being eclipsed? Will this make staff somewhere in the future redundant? What does this say about job security for these now, newly named internal auditors? A report I'll take in writing or in a meeting at a date to be decided. But I -- I need some clarifications on that development. That's it.

MAYOR MESSAM: Can you repeat the question, -- oh, you're done? Okay. I thought it was a question. I was in a -- I had a -- I was -- while you're -- I had a comment from the Manager. I just -- didn't know if it was a question or not.

COMMISSIONER BARNES: No, I -- I'm asking that ex -- detailed explanation be given to me, but not necessarily here and now.

MAYOR MESSAM: Okay. So the Manager will follow up with you?

COMMISSIONER BARNES: Yeah.

MAYOR MESSAM: Okay, good. Commissioner Chambers.

COMMISSIONER CHAMBERS: I just want to say our Senior Night of Honor went very well. A large group of seniors come out. It was very pleasant to have the Miramar senior High School children help and give assistance. It was a great mix for the children to be with the elders. And, moving on, I know coming up March 15 will be Game Night, and it's for the whole family. It's going to be a lot of fun. We're going to have music right here on the plaza, 2300 Civic Center Place. There's going to be lots of dancing, domino tournament, freestyle domino, card game, retro videogame, board games. For this year, we're adding a skating rink, so for those of you who have children want to come out and skate, make sure they bring their skating shoes. And one popular game Fortnite. So it's going to be a lot of fun. And, right after that, we're going to move onto March 23<sup>rd</sup> when we're doing to have Puppy Palooza, and that will be from 10:00 a.m. to 1:00 p.m. So I'm looking forward to seeing everyone out here on March 15<sup>th</sup> from 7:00 p.m. to 11:00 p.m. And, also, I know coming up soon we're going to have our Sip and Taste, I believe that's March 9<sup>th</sup> right here in the plaza. This is going to be by the Miramar/Pembroke Pines Chamber of Commerce, our annual Sip and Taste. Thank you.

MAYOR MESSAM: Thank you, Commissioner. Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: No reports today.

MAYOR MESSAM: Okay. All right. Okay. Just couple of event updates. This Sat -- this past Saturday, the City of Miramar was the host of the Mayor's Chess Challenge. It's very active in the City of Sunrise, and cities across Broward, every month, host a chess challenge. We had about -- about 25 chess players from all walks of life and ages, and it was really great to see the kids playing. So I'm a very novice chess player, so I lost every match, but it was really fun to -- to -- to -- to hang out with the kids and their -- and their parents. And the adults that came out to partake in the event. Yesterday, had the

opportunity to participate in the Everglades oil drilling press conference that, basically, was a coalition of elected officials from Broward County, our neighbors, Pembroke Pines, as well as several environmental advocacy organizations to continue the -- the publicity and -- and -- and to inform the community about the continuing process regarding the Kanter Real Estate application. And, at this time, I will pause and ask our attorney, Jaime Cole, to give us an update, in terms of where we are in this process.

CITY ATTORNEY COLE: Thank you, Mayor. Today was the deadline to file a post-appellate ruling motion in the -- in the case. So at around 5:00 this afternoon, we filed a joint motion with Broward County, asking the First District Court of Appeals to reconsider their ruling. As you may recall, this -- initially, the DEP denied the permit, and an administrative law judge reversed that. The DEP then reversed that, and went back to denying the permit. The First District Court of Appeals, however, reversed that. So, as we stand right now, the First District Court of Appeals has ordered the DEP to issue a permit. So we -- the motion we filed with Broward County today asks the court, the three-judge panel that heard the appeal to change their mind. Alternatively, it asks the entire First District Court of Appeals, there's about ten judges on the -- on the entire court to hear it as a whole, since it's such an important issue. And, alternatively, if they're not willing to do that, we ask the court -- the First District Court to ask the Florida Supreme Court to hear the issue, because of its great public importance. The DEP also filed a motion shortly after we did, asking the entire court to hear the -- hear the appeal, or send it to the Supreme Court. So similar issues that we raised. So we're hoping that the First District Court will revisit the issue, or send it up to the appellate -- to the Supreme Court to hear the issue. Of course, this is just one aspect to this ongoing battle. It still needs approvals for rezoning at the County, and land use changes, and various other things. So this is just one step. I did want to make sure you all knew about this -- this important stuff that did happen today.

MAYOR MESSAM: Thank you so much for the -- for the -- for the update. Moving on, on next Saturday, March 2<sup>nd</sup> will be the annual Mayor's Health and Fitness Fair. This year we're adding the 5K. You still have a -- actually, the event -- the 3K Walk/Run, the Health Fair, the screenings, the event, it's totally free. For those avid runners that want to participate in the 5K, which is being introduced this year, it's a nominal cost of \$15.00, and the -- you can get registration information at active.com, just search Miramar 5K, and it'll take you to the registration. Proceeds will benefit March of Dimes, Broward March for Babies, and My Brother's Keeper's program. And, as you can see, you can expect to have yoga, cooking demonstration. We're announcing the -- our celebrity chef this year will Chef Bea, who will be our chef that will give us some nice tasty, delicious, yet healthy cuisines, and show you how to make it. Yes, that combination does exist. You can get tasty and healthy food together, as well as the fitness demonstrations. So come out, it's a family event, and be ready to come out and flex your muscles. Where your shorts or sweat pants, you T sneakers, just get ready to break a sweat in your own way. So we're looking forward to a great -- another great event. And, finally, we'd just like to thank the community, as well as the City staff for coming out last Thanks -- last -- last Valentine's Day. As we stood out in the front Town Center to remember the 17 lives that were lost in

Parkland, the -- the community continues to -- to survive that tragedy, and that it was -- the City of Parkland send their -- their thanks and their regards of just our small gesture to pause, as a community, to remember them. Thank you.

### **City Attorney Reports:**

MAYOR MESSAM: Mr. Attorney, you have a -- more reports?

CITY ATTORNEY COLE: Yes. Thank you, Mayor. Two things. I'd like to announce some executive sessions. Pursuant to Section 2860118A gov -- Florida Statutes governing public meetings, I, as the attorney for the City of Miramar, wish to advise the City during this public meeting that I desire advice concerning two lawsuits. The first lawsuit is Loremes (sp) Pierre and Michel Pierre vs. the City of Miramar, Case No. CACE13-02760614, and the second is Barbara Calderbank (sp) vs. the City of Miramar, Florida, which is Cases No. 15-014832 -- 15-01533, and 15-011096, all in front of the Worker's Compensation Court. I ask that we hold these executive sessions at -- beginning at 5:30 on April 3<sup>rd</sup>. Attending the Pierre session will be the Mayor and Commissioners, the City Manager, myself, Alison Smith, Dan Abbott, and Matt Ramenda, and attending the Calderbank session will be the Mayor and Commissioners, the City Manager, myself, Alison Smith and Eric Stettin. I would also like to give the Commission just a very, very brief update on our firearms lawsuit. As you know, the City of Miramar and several of the elected officials on the dais are plaintiffs in a lawsuit, along with numerous other cities and counties throughout the state challenging the preemption penalties. Those penalties, basically, say that if you, as elected officials, do any local regulation of -- of firearms in your community, you will be thrown out of office, you'll be fined \$5,000.00 individually, and the City can face lawsuits up to \$100,000.00 in damages for each one. This lawsuit was filed -- we -- we -- working with several other law firms, have filed this lawsuit. There's three lawsuits actually, that have now been consolidated. The total is now about 30 cities, three counties, and about 80 something elected officials are all plaintiff's in this lawsuit. Tomorrow we'll be filing a joint motion for summary judgment. And what that means is we're asking the judge to make a decision in the case, as a matter of law. And basically, what we're asking them to do is invalidate these penalties, because we claimed that they violate legislative immunity, which is basically your ability to make decisions as legislators without having to be worried about being sued individually, or being thrown out of office because of your decisions. We also are claiming that they violate governmental immunity, which is basically the ability of government to act in the best interest of its residents without fearing being sued for doing so. We're also claiming that our -- the cities' and the residents' speech rights are being interfered with as a result of these penalties, as well as various other legal theories. We're hoping to have a hearing sometime in the next two or three months, and I will keep you advised. In the same vein, with the firearm preemptions, the City of Fort Lauderdale, in a case that I'm representing that city in, had been sued by a gun show operator, and the gun show operator was no longer allowed to -- to do its gun show at War Memorial Auditorium. A long hearing was held, a full-day hearing, and the magistrate judge has recommended against the gun show operator, supporting the City's ability to stop gun shows. And I just



wanted to mention that, because I think it is an important issue that relates to the other lawsuit as well. So I will keep you advised as there's more developments, so tomorrow we'll be filing the motion.

MAYOR MESSAM: Question for you, Mr. Cole. A couple of weeks ago, there was a gun show held here in the City of Miramar, but it was on -- I don't know if that's State property or that's federal property; I think it's federal property, but I think it's where the -- the Readiness Center is, just -- just south of here. Because it's -- could you explain to the public, in terms of the City's ability to prohibit activities on that site, and the separation between city and state and federal property?

CITY ATTORNEY COLE: Well, there's various issues to that, various levels of analysis that would be needed to look at. If the question is whether the City can stop a gun show being held in the City not on City property, it would be very difficult. The preemption of the State law that preempts the cities from regulating firearms would most likely stop you from doing that. That's not to say that there's not zoning issues and, depending on the zoning of the property, which I have not looked at, because I don't know where this property was held, there may be issues regarding zoning. But, because it's also may be State or federally owned, there is another level of -- of barriers that would, possibly, interfere with the City doing anything about that. The Fort Lauderdale issue is in a city-owned facility, so the argument is that the city is only -- is acting in its proprietary capacity, not its regulatory capacity, and that's why the argument is that the preemption doesn't apply. It's as if someone wanted to do a gun show in your community center. So it's a little bit difference of a situation, and it's certainly much more difficult for the City to get involved. That's not to say you don't have any zoning authority, so we could look at that if the Commission would like.

MAYOR MESSAM: Thank you, because I did receive some inquiries regarding that Miramar gun show, that's how it was publicized, so. I wonder if it's the same show operators that have moved from there --

CITY ATTORNEY COLE: It's not the same. I did look into that.

**City Manager Reports:**

MAYOR MESSAM: Mr. Manager, do you have a report?

CITY MANAGER HARGRAY: No report.

MAYOR MESSAM: Okay. Good.

**FUTURE WORKSHOP**

<b>Date</b>	<b>Time</b>	<b>Subject</b>	<b>Location</b>
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03/20/19	5:30 p.m.	Comprehensive Annual Financial Report (CAFR)	Commission Chambers
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**ADJOURNMENT**

MAYOR MESSAM: On that note, good meeting, the meeting is adjourned.

The meeting was adjourned at 8:40 p.m.

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Denise A. Gibbs, CMC  
City Clerk  
DG/cp