

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

Meeting Date: November 17, 2025

Presenter's Name and Title: Kelvin L. Baker, Sr., ICMA-CM, Deputy City Manager

Prepared By: Elizabeth Valera, Chief C.I.P. Officer

Temp. Reso. Number: R8553

Item Description: Temp. Reso. #R8553 APPROVING THE PROCUREMENT OF LEGAL AND ENVIRONMENTAL SERVICES FROM THE GOLDSTEIN ENVIRONMENTAL LAW FIRM TO REPRESENT THE CITY OF MIRAMAR AT LOCAL AND STATE LEVELS AGAINST THE DEVELOPMENT OF A WASTE TO ENERGY FACILITY OR THE DEVELOPMENT OF ANY OTHER PROJECT THAT CAN ENDANGER THE CITY AND ITS RESIDENTS, IN AN AMOUNT OF \$240,000. (Sponsored by Mayor Wayne M. Messam) (Kelvin L. Baker, Sr., ICMA-CM, Deputy City Manager)

Consent Resolution Ordinance Quasi-Judicial Public Hearing

Instructions for the Office of the City Clerk: Sign on the dais

Public Notice – As required by the Sec. ____ of the City Code and/or Sec. ____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within ____ feet of the property on _____
(fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____, Florida Statutes, approval of this item requires a _____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes No

REMARKS: Funding in the amount of \$240,000 will be available in GL Account No. 001-90-000-519-000-604968 titled "Advocacy".


Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Resolution TR8553**
- **Attachment(s)**
 - **Attachment 1: The Goldstein Environmental Law Firm, P.A. Engagement Letter**
 - **Attachment 2: Waiver of Competition for Professional Services**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Dr. Roy L. Virgin, City Manager 

BY: Kelvin L. Baker, Sr., ICMA-CM, Deputy City Manager

DATE: November 12, 2025

RE: Temp. Reso. No. R8553, approving the procurement of additional legal and environmental services from the Goldstein Environmental Law Firm, P.A.

RECOMMENDATION: The City Manager recommends approval of Temp Reso. No. R8553 to procure additional legal and environmental services from The Goldstein Environmental Law Firm, P.A. (“GELF”), to represent the City of Miramar at the local and state levels to continue the City’s opposition to the permitting, construction, and operation of a Waste to Energy (“WTE”) incinerator at the Opa-locka Airport West (“OLWA”) site or any other location that may endanger the City and its residents. The requested amount for GELF’s representation for fiscal year (“FY”) 2026 is \$240,000, inclusive of the cost of engaging a lobbyist to assist with enacting state legislation.

ISSUE: The City desires to continue the services provided by GELF. Per City Code, Section 2-412 (a)(1) Commission approval is required for expenditures exceeding \$75,000.

BACKGROUND: In 2023, Miami-Dade County’s (“MDC”) Resource Recovery Facility suffered a major fire, rendering it inoperable to mass incinerate solid waste. The MDC Commission directed the County Mayor to analyze and recommend sites for a new WTE incinerator and solid waste management campus (the “WTE Facility”). One of the sites that has historically been considered is the OLWA, which is located adjacent to the City of Miramar’s border at its southwestern boundary. In response to the recommendation of the OLWA site for the new WTE Facility, the Miramar City Commission adopted Resolution 23-186 on September 7, 2023, to express the City of Miramar’s opposition to the use of OLWA for the WTE Facility. To assist in the opposition campaign, the City engaged GELF to perform legal research, provide environmental and legal guidance, and engage and direct consultants and lobbyists.

Since being engaged, GELF has represented the City directly and through lobbyists locally, regionally, and in Tallahassee to advocate against the selection of OLWA as an appropriate location for construction and operation of the WTE Facility. This representation culminated in a successful outcome on July 16, 2025, when the MDC Commission passed a Resolution prohibiting OLWA, among several other sites, from being considered further as a candidate site for the WTE Facility.

DISCUSSION: Despite the result of the MDC Commission vote to disqualify OLWA from being considered as a location for the replacement of the WTE Facility, the City must continue its efforts to enact legislation at the state level opposing the permitting of a WTE incinerator at OLWA or other location that would adversely impact the health, safety, and welfare of the City and its residents.

GELF was first engaged in September 2023 for this purpose and has provided critical support for the City's campaign. It is imperative that the City continue to engage GELF to provide legal and environmental services to the City, such as drafting legislation for the 2026 Session, working with potential sponsors, lobbying elected officials and staff in both the House and Senate, meeting with interested parties, stakeholders, and opponents to generate support for the City's legislation, appearing in support of the City's legislation in House and Senate committee and subcommittee meetings, preparing briefing materials for the City Commission; preparing community updates; and responding to questions and concerns from the Commission and the public. These such services were procured in accordance with the Procurement Authority Exemption Section 2-413(2) of Professional Services of the City Code.

ANALYSIS: During the FY 2026 budget cycle, \$300,000 was approved and budgeted for Advocacy. This item serves to approve a total of \$240,000 from GL Account No. 001-90-000-519-000-604968, titled "Advocacy" for services from The Goldstein Environmental Law Firm.

Temp. Reso. No. R8553

10/21/25

11/10/25

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, APPROVING THE PROCUREMENT OF LEGAL AND ENVIRONMENTAL SERVICES FROM THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A. TO REPRESENT THE CITY OF MIRAMAR AT LOCAL AND STATE LEVELS AGAINST THE DEVELOPMENT OF A WASTE TO ENERGY FACILITY OR THE DEVELOPMENT OF ANY OTHER PROJECT THAT CAN ENDANGER THE CITY AND ITS RESIDENTS, IN AN AMOUNT OF \$240,000; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2023, Miami Dade County’s (“MDC”) Resource Recovery Facility suffered a major fire, rendering it inoperable to mass incinerate solid waste. The MDC Commission directed the County Mayor to analyze and recommend sites for a new Waste To Energy incinerator and solid waste management campus (the “WTE Facility”); and

WHEREAS, one of the sites that has historically been considered is the Opa-locka Airport West (“OLWA”) site, which is located adjacent to the City of Miramar’s border at its southwestern boundary. In response to the recommendation of the OLWA site, Miramar City Commission adopted Resolution 23-186 on September 7, 2023, to express the City of Miramar’s opposition to the use of OLWA for the WTE Facility; and

WHEREAS, to assist in the opposition campaign, the City engaged The Goldstein Environmental Law Firm (“GELF”) to perform legal research, provide environmental and legal guidance, and engage and direct consultants and lobbyists; and

Reso. No. _____

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WHEREAS, GELF has represented the City directly and through lobbyists locally, regionally, and in Tallahassee to advocate against the selection of OLWA as an appropriate location for construction and operation of the WTE Facility; and

WHEREAS, this representation culminated in a successful outcome on July 16, 2025, when the MDC Commission passed a Resolution prohibiting OLWA, among several other sites, from being considered further as a candidate site for the WTE Facility; and

WHEREAS, Despite the result of the MDC Commission vote to disqualify OLWA from being considered as a location for the replacement of the WTE Facility, the City must continue its efforts to enact legislation at the state level opposing the permitting of a WTE incinerator at OLWA or other location that would adversely impact the health, safety, and welfare of the City and its residents; and

WHEREAS, it is imperative that the City continue to engage GELF to provide legal and environmental services to the City, such as drafting legislation for the 2026 Session, working with potential sponsors, lobbying elected officials and staff in both the House and Senate, meeting with interested parties, stakeholders, and opponents to generate support for the City's legislation, appearing in support of the City's legislation in House and Senate committee and subcommittee meetings, preparing briefing materials for the City Commission; preparing community updates; and responding to questions and concerns from the Commission and the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: The foregoing "**WHEREAS**" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2: The City Commission approves the request to procure additional legal and environmental services from The Goldstein Environmental Law Firm, P.A. (“GELF”), to represent the City of Miramar at the local and state levels to continue the City’s opposition to the permitting, construction, and operation of a Waste to Energy (“WTE”) incinerator at the Opa-locka Airport West (“OLWA”) site or any other location that may endanger the City and its residents. The requested amount for GELF’s representation for FYI 2026 is \$240,000, inclusive of the cost of engaging a lobbyist to assist with enacting state legislation.

Section 3: That the appropriate City Officials are authorized to do all things necessary and expedient to carry out the aims of the Resolution.

Section 4: That the appropriate City officials are authorized to do all things necessary and expedient in order to carry out the aims of this Resolution.

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11/10/25

PASSED AND ADOPTED this _____ day of _____, _____.

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this RESOLUTION as to form:

City Attorney
Austin Pamies Norris Weeks Powell, PLLC

<u>Requested by Administration</u>	<u>Voted</u>
Commissioner Maxwell B. Chambers	_____
Commissioner Avril Cherasard	_____
Vice Mayor Yvette Colbourne	_____
Commissioner Carson Edwards	_____
Mayor Wayne M. Messam	_____

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.
Brownfields, Transactions, Due Diligence, Development, Permitting, Cleanups & Compliance

2100 Ponce de Leon Boulevard, Suite 710
Coral Gables, Florida 33134
Telephone: (305) 777-1680
www.goldsteinenvlaw.com

Michael R. Goldstein, Esq.
Direct Dial: (305) 777-1682
Email: mgoldstein@goldsteinenvlaw.com

October 21, 2025

Via Email Only

Dr. Roy Virgin, City Manager
City of Miramar
2300 Civic Center Place
Miramar, Florida 33025

Re: Engagement Letter for Environmental Legal Services

Dear Dr. Virgin:

Thank you for the continuing opportunity to represent the City of Miramar (the “City”). We write to confirm our understanding of the ongoing scope of work that you would like The Goldstein Environmental Law Firm, P.A. (the “Firm”), to perform on behalf of the City, and the City’s allied municipals partners, as well as the terms of our engagement. If this summary meets with your expectations, we ask that you bind the City to its terms by executing the acknowledgment below.

II. Scope of Work

The tasks described in this section constitute the services covered by this letter of engagement (the “Scope of Work”).

- Meetings with the City, City staff, and elected officials to discuss political, legal, regulatory, and technical strategies to oppose the siting, permitting, construction, and operation of a new Miami-Dade County Solid Waste Campus and Waste-to-Energy (“WTE”) facility at the Opa-locka Airport West (“OLWA”) location, Folio Nos. 30-2903-000-0010 and 30-2902-000-0010, and any other location identified by the City.

- Appear with City staff and elected officials as the City's special environmental counsel at any and all public proceedings – local, regional, state, and federal – where the a WTE facility is being discussed or is subject to government action or consideration for government action for purposes of (i) monitoring and reporting to the City on the substance of the proceedings and the nature and outcome of any proposed or actual government action; (ii) registering an appearance as the City's representative; and/or (iii) providing public testimony and or objection(s), all as may be applicable and appropriate.
- Support City's efforts to oppose selection of OLWA location and any other location identified by the City, to site, permit, construct, and operation a new WTE facility, including by lobbying Miami-Dade County Commission.
- Support City's efforts to enact Florida law that would prohibit approval of local or state permits to construct and/or operate a new WTE facility at the OLWA location and any other location identified by the City, including by lobbying of Florida Legislative and Executive branches.
- Analyze and present the City with briefings, strategies, and recommendations regarding challenges that may be brought or joined in local, state, and federal administrative and judicial venues to oppose siting, permitting, construction, and operation of the Solid Waste Campus, inclusive of the new WTE facility, at the OLWA location and any other location identified by the City.
- As authorized by the City, engage lobbyists to support City's legislative agenda opposing siting, permitting, construction, and operation of the Solid Waste Campus, inclusive of the new WTE facility, at the OLWA location and any other location identified by the City.
- As authorized Interview by the City, engage environmental, solid waste, engineering, and/or financial experts for purposes of opposing siting, permitting, construction, and operation of the Solid Waste Campus, inclusive of the new WTE facility, at the OLWA location and any other location identified by the City.

III. Fees & Costs

This Firm's billing rates for this engagement through December 31, 2026, for the tasks included in the Scope of Work are as follows:

Michael R. Goldstein, Esq. - \$695.00 per hour

Brian Dougherty, Ph.D. - \$650.00 per hour

Brett Brumund, Esq. - \$625.00 per hour

Victoria McCaffery, Esq. - \$525.00 per hour

Other Firm lawyers and professional staff who are directed by the undersigned to work on this matter in the future will be billed at standard Firm rates then in effect. The City agrees to be responsible for any fees and costs¹ incurred by the Firm on the City's behalf related to the matters provided for in the Scope of Work; provided, however, that the Firm's budget for the next twelve months (the "FY 2026 Approved Budget Amount") is as follows:

Advocacy

- Scope
 - Florida House
 - Florida Senate
 - Office of the Governor
 - Miami-Dade Board of County Commissioners
 - Municipalities
 - Interested Parties & Stakeholders
 - Media

- Budget
 - Legal - \$175,000.00
 - Lobbyists - \$65,000.00

The FY 2026 Approved Budget Amount will not be exceeded without the City's express, written authorization.

IV. Other Matters

The Firm issues invoices for fees and costs monthly; they must be paid within thirty (30) calendar days of receipt to avoid an interest charge of one and one-half percent (1.5%) per month. The prevailing party in any litigation that may arise out of this engagement shall be entitled to attorney's fees. If any term of this engagement letter is to any extent invalid, illegal, or incapable of being enforced, such term shall be excluded to the extent of such invalidity, illegality, or unenforceability; all other terms hereof shall remain in full force and effect. Venue shall be in any competent court of jurisdiction in Miami-Dade County, Florida. Upon completion of the matter to which this representation applies, the attorney-client relationship will end unless the City and the Firm have expressly agreed to a continuation with respect to other matters.

¹ Any third-party costs or studies paid for by the Firm on the City's behalf will be marked up by fifteen percent (15%) to cover carrying costs and administrative expenses.

Dr. Roy Virgin, City Manager

October 21, 2025

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V. Commencement of Work

To continue work on behalf of the City as set forth herein, we ask that you countersign and return a copy of this letter. Thank you for the continuing opportunity to be of service.

Very truly yours,

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.

Michael R. Goldstein

Michael R. Goldstein

/mrg

cc: Mr. Kelvin L. Baker, Sr., Deputy City Manager
Norman C. Powell, Esq., City Attorney

Acknowledgment and Agreement

On behalf of **City of Miramar**, I hereby acknowledge that I have read and understand the terms of the Firm's engagement, including the Scope of Work to be performed and the corresponding fees and costs, and authorize the Firm to proceed on such terms.

By: _____

Name: _____

Date: _____

Title: _____

**City of Miramar
Waiver of Competition For Professional Services**

Requisition No.:	Department: Office of the City Manager
Recommended Vendor(s), if any:	Date: October 2025
The Goldstein Environmental Law Firm, P.A.	Estimated Cost: \$240,000
Estimated Hours for Consulting Engagement: TBD	Contact Person: Kelvin L. Bakers, Sr.
<input type="checkbox"/> Ongoing Purchase / Replacement	<input checked="" type="checkbox"/> New Purchase
If an Ongoing/Replacement Purchase what was the prior year expenditure \$ N/A	
Does this purchase request represent an increase or a decrease in utilization or price? (Please explain in detail)	

SECTION I

Completion and approval of this form is required in advance of all Waiver of Competition of Professional Services purchases in excess of \$5,000. (City Code Section 2-413, Procurement Authority exemptions, Item 2)

Check one of the following that best describes the proposed Request for Waiver of Competition:

- The proposed professional service provider exhibits a particular skill, ability, experience or expertise, which are in their nature unique.
- Expert Witness on behalf of the City in litigation or potential litigation
- Other reason deemed to be in the best interests of the City (Commission Approval Required)

1. In 'layman's terms', describe the purpose or function of the required professional service. (Minimum 3 sentences required.)

The City requires the services of a Law Firm that specializes in environmental legal matters. The purpose of obtaining these services is to advocate on behalf of the City of Miramar opposing any development of a Waste to Energy Facility or anything similar that would impact the City and its residents.

2. Explain why the proposed professional service provider exhibits a particular skill, ability, experience or expertise, which are in their nature unique and the only one that can satisfy your requirements and explain why any alternatives are unacceptable. Be specific with regard to uniqueness of the provider. Describe what steps have been undertaken to make this decision. (Minimum 4 sentences required.)

The Goldstein Law Firm, P.A. has extensive number of years of experience in environmental law, environmental development and real estate. Mr. Goldstein focuses on assisting clients to navigate the environmental regulatory and third party risk issues associated with properties that directly or indirectly discharge hazardous substances and landfilling of solid waste.

**City of Miramar
Waiver of Competition For Professional Services**

3. If the particular professional service provider was not available or could not be procured, how would the department proceed with its work? (Minimum 3 sentences required)

Neither the City Attorney or anyone on staff have the experience and knowledge needed to defend the City against issues that negatively affect our City. Having the combination of experience in environmental law matters, knowing the federal regulations and permitting requirements, specifically within Florida is quite unique. This law firm specializes in this particular field of law.

4. Explain why a waiver of competitive bidding is in the best interest of the City. Be specific. (Minimum 3 sentences required.)

The service provided by this vendor is unique in as much as because of the skill set and experience as well as the familiarity with the Federal, State and Local regulations and permitting to develop any project that could harm the environment or the residents within that environment.

5. Provide a description of the market survey, research and reference checks conducted and the results, or a statement of the reasons a market survey or research was not conducted. (Minimum 4 sentences required.)

The City procured the services of the Goldstein Environmental Law Firm, PA in FY23 to provide similar services and found their expertise and knowledge to be above satisfactory. Since this date they have represented the City and have garnered the knowledge of all the related events and issues related to the City's opposition since the contract is 2023.

6. Will this purchase obligate the City to a particular provider for future purchases?

This purchase will not obligate the City for any future purchases.

7. Explain why the price for this product or service is considered to be fair and reasonable.

The hourly rate charged by the different levels of attorney services is found to be fair and consistent with other firms providing the same level of representation and consultation.

**City of Miramar
Waiver of Competition For Professional Services**

8. Describe the negotiations efforts, if any that have been made with the vendor/provider to obtain the best possible price.

Negotiations were had and the City expressed its need that the cost be fair and equitable for both parties.

9. Describe the actions the department will take, if feasible, to overcome the present barriers to competition prior to any future procurement of this service.

This is a very specialized field and the Goldstein firm has represented the City for more than two years. This is a very technical and complicated matter that cannot simply be taken over by another unrelated firm and be successful.

DEFINITIONS

EXPERT WITNESS- A person examined as witness in a cause, who testifies in regard to some professional or technical matter arising in the case, and who is permitted to give their opinion(s) as to such matter on account of their special training, skill, or familiarity with it. An expert is a person who possesses peculiar skill and knowledge upon the subject matter that he is required to give an opinion upon.

PROFESSIONAL SERVICE PROVIDER EXHIBITING A PARTICULAR SKILL, ABILITY, EXPERIENCE OR EXPERTISE, WHICH ARE IN THEIR NATURE UNIQUE- A person that has risen to the highest levels of their profession and has earned the highest level of certification or licensing by their professional accreditation body. The person has received recognition and acclaim for their professional association or has a significant record of publication in professional journals or books of academic recognition. The person may also have specific knowledge of a local or of a specific specialized area of study that would exceed others in the profession.

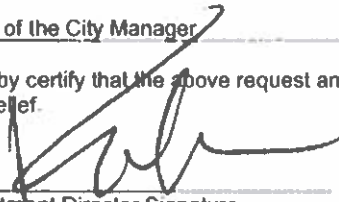
PLEASE ALSO ATTACH ADDITIONAL SHEETS OR INFORMATION AS NEEDED

Name of the person who prepared this request and justification:

Name: Kelvin L. Baker, Sr. Position: Deputy City Manager

Office of the City Manager Date: 10/21/25

I hereby certify that the above request and Justification is accurate and complete to the best of my knowledge and belief.

 10/21/25

Department Director Signature Date


For Procurement Department Use Only

This approval is effective for 930.26 days

A good faith review of available sources has been conducted by:

User Department Procurement Department Standards Committee

I concur that this contract is not suitable for competitive bids or proposals

 10-22-25

Chief Procurement Officer Date