

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

Meeting Date: June 4, 2025

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

Prepared By: Dr. Sophia Bryan, Senior Management Administrator

Temp. Reso. Number: 8429

Item Description: Temp. Reso. #R8429, APPROVING THE PROCUREMENT OF ADDITIONAL LEGAL AND ENVIRONMENTAL SERVICES FROM THE GOLDSTEIN ENVIRONMENTAL LAW FIRM TO OPPOSE MIAMI-DADE COUNTY'S SITING, PERMITTING, CONSTRUCTION, AND OPERATION OF A WASTE-TO-ENERGY CAMPUS AT THE OPA-LOCKA WEST AIRPORT SITE ADJACENT TO THE CITY OF MIRAMAR'S BORDER; AUTHORIZING THE CITY MANAGER TO SPEND THE \$100,000 CONTRIBUTED BY THE CITY OF PEMBROKE PINES COMMISSION AND \$30,000 CONTRIBUTED BY THE TOWN OF SOUTHWEST RANCHES COUNCIL, TO ASSIST THE CITY WITH ITS EFFORTS, FOR AN ADDITIONAL TOTAL OF \$130,000 FOR FY2025. (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 \$130,000 will be available in GL Account No. 002-05-050-574-000-689002-09000 titled "Incinerator Campaign." A total of \$100,000 that was contributed by City of Pembroke Pines and \$30,000 that was contributed by the Town of Southwest Ranches which was deposited in the "Incinerator Campaign" GL Account.


Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Resolution TR8429**
- **Attachment(s)**
 - **Attachment 1: The Goldstein Environmental Law Firm Waiver of Competition for Professional Services and Engagement Letter**



**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: May 29, 2025

RE: Temp. Reso. No. 8429 approval to spend funds contributed by the City of Pembroke Pines and the Town of Southwest Ranches

RECOMMENDATION: The City Manager recommends approval of Temp Reso. No. R8429 to procure additional legal and environmental services from The Goldstein Environmental Law Firm to oppose Miami-Dade County's siting, permitting, construction and operation of a solid waste-to-energy campus at the Opa-Locka West Airport Site adjacent to the City of Miramar's border; authorizing the City Manager to spend the \$100,000 contributed by the City of Pembroke Pines and the \$30,000 contributed by the Town of Southwest Ranches, to support the advocacy campaign, for an additional total of \$130,000 for FY2025.

ISSUE: The City desires to continue the services provided by The Goldstein Environmental Law Firm and to spend the \$130,000 contributed by the City of Pembroke Pines and the Town of Southwest Ranches to assist with its legislative efforts to prevent the construction of an incinerator near the City's border. Per City Code, Section 2-412 (a)(1) Commission approval is required for expenditures exceeding \$75,000.

BACKGROUND: In 2023, Miami Dade County's Resource Recovery Facility had a major fire, rendering it inoperable to mass incinerate solid waste. The Miami-Dade County Commission directed the County Mayor to analyze and recommend sites for a new Waste to Energy facility. One of the sites being considered is the Opa-Locka West Airport ("OLWA") located adjacent to the City of Miramar's border.

In response to the recommendation of the OLWA site for the new Waste to Energy ("WTE") Facility, the Miramar City Commission adopted Resolution 23-186 on September 7, 2023, to express the City of Miramar's opposition to the permitting, construction and

the overall operations of a WTE facility at the OLWA site. To assist in the opposition campaign, the City engaged The Goldstein Law Firm P.A., ("the Law Firm") to perform research and provide environmental and legal guidance.

The City Commission sought funding from other government agencies that could be affected by the construction of the WTE facility to help offset the cost of the opposition campaign. Funding was requested from the City of Pembroke Pines and the Town of Southwest Ranches. On October 8, 2024, the City of Pembroke Pines Commission unanimously approved a contribution of \$100,000. On January 23, 2025, the Town of Southwest Ranches Council voted unanimously to contribute \$30,000 to assist with the campaign against the construction of a WTE Facility.

DISCUSSION: To date, the Miami-Dade County Commission has not made a final decision on the location for replacing the WTE Facility; therefore, the City must continue its efforts to oppose any consideration of building a WTE facility at the OLWA.

The City of Miramar's Commission requested funding from municipalities in Broward County to assist with advocacy efforts to oppose the siting, permitting, construction, and operation of a WTE facility near its borders. To date, the City has received funding from the City of Pembroke Pines and the Town of Southwest Ranches, totaling \$130,000, to support its advocacy efforts.

The Goldstein Law Firm was engaged in September 2023 and has provided fundamental support to the opposition campaign. The City must continue to engage the Law Firm to provide legal and environmental services to support and guide the City in the campaign. These services include reviewing and analyzing House Bills; teleconferencing with elected officials; lobbying efforts in Tallahassee; researching and reviewing agendas for Senate Committee meetings; preparing materials for community updates; reviewing Miami-Dade County Board of County Commissioners meetings; researching the Comprehensive Everglades Restoration plan; revising House and Senate Bills, etc.; The services of the law firm were procured in accordance with Procurement Authority Exemption 2-413(2) of the City Code, *Professional Services*.

ANALYSIS: A total of \$498,633.50 was spent for services from FY 22-24. A total of \$479,990 was encumbered for FY25 of which \$383,077.15 has already been paid to the vendor with a balance remaining of \$96,912.85. The additional \$130,000 will increase the spend in FY25 to \$609,990.

The additional \$130,000 will be funded from funds donated by the City of Pembroke Pines (\$100,000) and the Town of Southwest Ranches (\$30,000). Funding in the amount of \$130,000 will be available in GL Account Number 002-05-050-574-000-689002-09000, titled "Incinerator Campaign."

Temp. Reso. No. 8429

4/16/25

5/29/25

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, APPROVING THE PROCUREMENT OF ADDITIONAL LEGAL AND ENVIRONMENTAL SERVICES FROM THE GOLDSTEIN ENVIRONMENTAL LAW FIRM TO OPPOSE MIAMI-DADE COUNTY'S SITING, PERMITTING, CONSTRUCTION, AND OPERATION OF A WASTE-TO-ENERGY CAMPUS AT THE OPA-LOCKA WEST AIRPORT SITE ADJACENT TO THE CITY OF MIRAMAR'S BORDER; AUTHORIZING THE CITY MANAGER TO SPEND THE \$100,000 CONTRIBUTED BY THE CITY OF PEMBROKE PINES COMMISSION AND \$30,000 CONTRIBUTED BY THE TOWN OF SOUTHWEST RANCHES COUNCIL, TO ASSIST THE CITY WITH ITS EFFORTS, FOR AN ADDITIONAL TOTAL OF \$130,000 FOR FY2025; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in its efforts to continue to oppose the development of a Waste-to-Energy Facility near the Broward County Border, the City Commission requested funding from the City of Pembroke Pines and the Town of Southwest Ranches to assist with the legislative efforts; and

WHEREAS, on October 8, 2024, the City of Pembroke Pines Commission unanimously approved to contribute up to \$100,000 to assist Miramar with its efforts to oppose the siting, permitting, and construction of a Waste-to-Energy Facility near its borders; and

WHEREAS, on January 23, 2025, the Town of Southwest Ranches Council voted unanimously to contribute \$30,000 to assist with the advocacy campaign against the construction of a Waste-to-Energy Facility with the passing of State of Florida legislation; and;

Reso. No. _____

WHEREAS, to continue the advocacy efforts, The Goldstein Environmental Law Firm, P.A., will continue its engagement to provide legal and environmental services to the City such as reviewing and analyzing House Bills; teleconference with elected officials; lobbying efforts in Tallahassee; research and review agendas for Senate Committee meetings; prepare materials for community updates; review Miami-Dade County Board of County Commission meetings; research Comprehensive Everglades Restoration plan; revise House and Senate Bills, etc.; and

WHEREAS, the City Manager recommends approval to spend the \$100,000 contributed by the City of Pembroke Pines and the \$30,000 contributed by the Town of Southwest Ranches Council for an additional total of \$130,000 in FY 2025, with the Goldstein Environmental Law Firm for legal and environmental services, to continue to oppose Miami-Dade County's siting, permitting, construction, and operation of a solid waste-to-energy campus at the Opa-Locka West Airport site adjacent to the City of Miramar's border; and

WHEREAS, the City Commission deems it to be in the best interest of the Citizens and residents of the City of Miramar to approve spending the \$100,000 contributed by the City of Pembroke Pines Commission and the \$30,000 contributed by the Town of Southwest Ranches Council for an additional total of \$130,000 in FY 2025, with the Goldstein Environmental Law Firm, for legal and environmental services, to continue to oppose Miami-Dade County's siting, permitting, construction, and operation of a solid waste-to-energy campus at the Opa-Locka West Airport site adjacent to the City of Miramar's border.

**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 spending of the \$100,000 contributed from the City of Pembroke Pines and the \$30,000 contributed from the Town of Southwest Ranches Council, for an additional total of \$130,000 in FY 2025, with the Goldstein Environmental Law Firm, to continue to oppose Miami-Dade County's siting, permitting, construction, and operation of a solid waste-to-energy campus at the Opa-Locka West Airport adjacent to the City of Miramar's border.

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.

Temp. Reso. No. 8429

4/16/25

5/29/25

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

Requested by Administration

Commissioner Maxwell B. Chambers

Commissioner Avril Cherasard

Vice Mayor Yvette Colbourne

Commissioner Carson Edwards

Mayor Wayne M. Messam

Voted

City of Miramar
Waiver of Competition For Professional Services

Requisition No.:	Department: Office of the City Manager
Recommended Vendor(s), if any: The Goldstein Environmental Law Firm, P.A.	Date: October 21, 2024
	Estimated Cost: \$400,000
Estimated Hours for Consulting Engagement:	Contact Person: Kelvin L. Baker, Sr
<input type="checkbox"/> Ongoing Purchase / Replacement	<input checked="" type="checkbox"/> New Purchase
If an Ongoing/Replacement Purchase what was the prior year expenditure \$ __NA__	
Does this purchase request represent an increase or a decrease in utilization or price? (Please explain in detail) NA	

SECTION I

Completion and approval of this form is required in advance of all Waiver of Competition of Professional Services purchases in excess of \$7,500 from Local/Miramar Businesses or \$5000 from all other vendors. (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 required professional service and the purpose or function. (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 continue providing legal environmental council to the City to challenge the waste-to-energy (WTE) facility, at the Opa-Locka West Airport ("OLWA") location by Miami- Dade County.

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 regards to uniqueness of the provider. Describe what steps have been undertaken to make this decision. (Minimum 4 sentences required.)

The Goldstein Environmental 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 liability risk issues associated with properties directly or indirectly impacted by discharges of hazardous substances and landfilling of solid waste. Over the years the team has received several recognitions for his distinguished contribution to advocate environmental justice and public health. The Goldstein Environmental Law Firm, P.A., provide services for Phase I Tasks and garnered the knowledge and background of the current request for services and is in a unique position to continue to provide services for the continuity of Phase II Tasks.

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)

City staff does not have the expertise to provide the response, so the City would proceed with conducting a search for another available law firm. It is possible that finding another law firm that has this level of expertise and combined years of experience in environmental law matters specifically in Florida may be challenging. It is unique that all members of the Goldstein Environmental Law Firm P.A. specialize and possess a number of years in this unique 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.)

A waiver of competitive bidding will provide the City with the availability of this very experienced and unique law firm to provide a prompt response on behalf of the City. The Goldstein Environmental Law Firm P.A. was retained in FY23 to begin the initial response on behalf of the City. To date the Goldstein Environmental Law Firm P.A., has made all the required contacts with Miami Dade Commission on behalf of the City, drafted letters, conducted several meetings, provided reports, and represented the City. In FY24, City commission approved Reso No. 24-77 to retain The Goldstein Environmental Law Firm P.A., to provide continuous environmental services and responses on the City's behalf. Similar services are needed in FY25.

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.)

Market Survey was not conducted. The Goldstein Environmental Law Firm P.A. was procured to provide services for Phase I Tasks. The City found that the representation provided by The Goldstein Environmental Law Firm P.A. was prompt outstanding, and professional. City staff is recommending to continue with the services from The Goldstein Environmental Law Firm P.A. for Phase II Tasks

6. Will this purchase obligate the City to a particular provider for future purchases? No

The City will not be signing an exclusive agreement with The Goldstein Environmental Law Firm P.A. The City can procure the services of another environmental law firm if necessary.

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

The hourly rate of the team is consistent with the rates of other firms across the industry.

**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.

Staff requested rates that were consistent with the industry as well as for consideration for providing services to the City to work on this second special project.

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

The department will seek other firms that has similar experience and level of expertise in the field of environmental law.

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: DR. SOPHIA BRYAN

Position: ADMINISTRATIVE MANAGER

Department: OFFICE OF THE CITY MANAGER

Date: 10-24-2024

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


Department Director Signature

10-31-2024
Date

For Procurement Department Use Only

This approval is effective for 9-30-25 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


Chief Procurement Officer

10-31-24
Date

Proposal For Legal Services

Good morning, Dr. Bryan. This is still a work in progress – I will complete it by today - but here is a preliminary budget. This is very conservative and may not all be necessary.

Fiscal Year 2025 Legal Budget for Opposition to Miami-Dade County Incinerator

I. Local Advocacy

- Scope
 - Miami-Dade Board of County Commissioners
 - Miami-Dade County Office of Mayor & Administrative Departments (DERM & Solid Waste)
 - Municipalities
 - Aligned Environmental Parties
 - Media
- Budget
 - Legal - \$350,000.00
 - Lobbyists - \$100,000.00
 - Experts, Consultants, and Studies - \$150,000.00

II. State Advocacy

- Scope
 - Office of the Governor
 - Florida Department of Environmental Protection
 - Florida Department of Health
 - South Florida Water Management District
 - Florida House
 - Florida Senate
- Budget
 - Legal - \$250,000.00
 - Lobbyists - \$ 150,000.00

III. Litigation

- Scope
 - State Courts
 - State Administrative Proceedings
 - Federal Courts
 - Federal Administrative Proceedings
- Budget
 - Legal - \$500,000.00
 - Experts - \$150,000.00



Richmond National Insurance Company
3951 Westlark Parkway, Suite 200
Richmond, VA 23233

DECLARATIONS
PROFESSIONAL LIABILITY ERRORS AND OMISSIONS COVERAGE
THIS IS A CLAIMS MADE AND REPORTED POLICY

THIS IS A CLAIMS MADE AND REPORTED POLICY. COVERAGE IS LIMITED TO LIABILITY FOR ONLY THOSE CLAIMS THAT ARE FIRST MADE AGAINST THE INSURED DURING THE POLICY PERIOD AND THEN REPORTED TO THE COMPANY IN WRITING DURING THE POLICY PERIOD, BUT NO LATER THAN THIRTY (30) DAYS AFTER EXPIRATION OR TERMINATION OF THIS POLICY, OR DURING THE EXTENDED REPORTING PERIOD IF APPLICABLE FOR A WRONGFUL ACT COMMITTED ON OR AFTER THE RETROACTIVE DATE AND BEFORE THE END OF THE POLICY PERIOD. PLEASE READ THE POLICY CAREFULLY.

In consideration of the payment of the Premium, and in reliance on all the statements made and the information contained in the Application(s) and all materials submitted in support of the Application(s) and subject to all the terms and conditions of this Policy, Richmond National Insurance Company agrees with the First Named Insured to provide the insurance as stated in this Policy.

Policy Number: RN-7-0327569

New Business

Item 1

First Named Insured and Address: The Goldstein Environmental Law Firm

2100 Ponce de Leon Blvd #710

Coral Gables, FL 33134

Item 2

Policy Period

1/19/2024 - 1/19/2025

1201 A.M. standard time at the address of the First Named Insured as shown above

Item 3

Description of Professional Services

Solely in the performance of professional services as a licensed lawyer for others for a fee.

Item 4

Retroactive Date:

1/20/2012

Item 5

Limits of Insurance:

\$2,000,000

Each Claim

\$2,000,000

Annual Aggregate

Item 6

\$10,000

Per Claim

Deductible

\$30,000

Annual Aggregate

Item 7

\$10,081

Total Annual Premium

Annual Premium

\$250

Company Fee

Item 8

Producer Name

Socius Insurance Services, Inc.

Item 9

Forms and Endorsements:

Forms and Endorsements applying to this coverage are made a part of the policy at time of issue. See

RNIL 1034 0223 Schedule of Forms and Endorsements

This Declarations Page, together with the completed and signed Application(s) including all materials, attachments and exhibits thereto, and the Policy and any endorsements shall constitute the contract between the First Named Insured and Richmond National Insurance Company.

1/11/2024

Date

By:


AUTHORIZED REPRESENTATIVE