



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

**OCTOBER 28, 2020**

**7:00 P.M.**

A virtual, regular meeting of the Miramar City Commission was called to order by Mayor Messam at 7:05 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 Maxwell B. Chambers  
Commissioner Winston F. Barnes (Remotely)  
Commissioner Yvette Colbourne  
Commissioner Alexandra P. Davis

The following members of staff were present:

City Manager Vernon Hargray  
City Attorney Burnadette Norris-Weeks  
City Clerk Denise A. Gibbs

MAYOR MESSAM: Good evening. The meeting of the Miramar City Commission is now called to order. Pursuant to Executive Order #20-69, and further extended by Executive Order 20-179, and further extended by Executive Order 20-246 issued by the Office of Governor Ron DeSantis on March 20<sup>th</sup>, July 29<sup>th</sup>, and September 30<sup>th</sup>, 2020, respectively, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or in any specific location, and utilizing communications technology, such as telephonic or video conferencing, as provided by section 120.54, subpar -- subparagraph 5b(2), Florida Statutes. The member of the City Commission appearing remotely for this meeting is Barnes. An opportunity was given to the public to register to participate or email the City Clerk 24 hours prior to the Commission meeting with any questions, comments, concerns on items we will hear on this evening's agenda. And any person may be heard by the City Commission through the Chair and, upon registering pursuant to the published notice, for not more three minutes on any proposition before the City Commission unless modified by the Chair. This meeting is being streamed live at [miramarfl.gov/commissionmeeting](http://miramarfl.gov/commissionmeeting), and televised on Comcast channel 78 for the

City of Miramar subscribers. As of October 28<sup>th</sup> at 3:30 p.m., 14 members from the public have registered to view and listen only to this meeting. If, however, a registered participant would like to speak, they can raise their hand and, at the appropriate time -- and our IT staff will unmute their mic to allow them to speak. Please be sure to mention your name and address for the record prior to addressing the Commission. Since this is a virtual meeting, as authorized by the Governor of the State of Florida, members of the public wishing to address the Commission may do so. All comments submitted will be included as part of the record for this virtual meeting and will be considered by the City Commission prior to any action being taken. All interested parties are required to abide by all State, County and local emergency orders and are urged to remain at home and practice social distancing. Madam Clerk, at this time, please -- please call the roll.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Here.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Here.

CITY CLERK GIBBS: Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Here.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Here.

CITY CLERK GIBBS: Commissioner Davis.

COMMISSIONER DAVIS: Here.

CITY CLERK GIBBS: City Manager Hargray.

CITY MANAGER HARGRAY: Here.

CITY CLERK GIBBS: City Attorney Norris-Weeks.

CITY ATTORNEY NORRIS-WEEKS: Here.

## **PLEDGE OF ALLEGIANCE**

MAYOR MESSAM: Now, at this time, let us all rise for the pledge of allegiance.

The Pledge of Allegiance was recited.

## **A MOMENT OF SILENCE**

MAYOR MESSAM: Now, at this time, let us all observe a moment of silence for any condolences we may be experiencing in the community. Thank you.

## **PRESENTATIONS:**

A Proclamation: Extra Mile Day. (Mayor Wayne M. Messam)

MAYOR MESSAM: We have one proclamation that will be read into the record, and it is the Extra Mile Day proclamation

Whereas, Miramar Florida is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens, collectively, go the extra mile in personal effort, volunteerism and service; and, Whereas, Miramar, Florida, is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly, and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and, Whereas, Miramar, Florida, is a community which chooses to shine a light on, and celebrate individuals and organizations within its community who go the extra mile in order to make a difference, and lift up fellow members of their community; and, Whereas, Miramar, Florida, acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support Extra Mile Day November 2020. And, therefore, I, Wayne Messam, Mayor of the City of Miramar, and on behalf of the City Commission do hereby proclaim Sunday, November 1<sup>st</sup>, 2020, Extra Mile Day in the City of Miramar.

A Presentation: COVID-19 and Emergency Management Update. (Fire Rescue Emergency Management Planner Josh Green)

MAYOR MESSAM: And now we will have a COVID-19 and Emergency Management update, and I'd like to bring forward Fire Rescue Emergency Management Planner Josh Green to the podium. Good evening sir.

MR. GREEN: Good evening. Good evening, Mayor, Vice Mayor, Commissioners, City Manager. My name is Josh Green, Emergency Management Planner, the Fire Rescue Department. Next slide, please. The trends and numbers of cases, hospitalizations, and positivity rate have been fluctuating since the State entered Phase III. Between September 6<sup>th</sup> and October 17<sup>th</sup>, only nine cases reported across all Miramar schools; the

report includes -- the report includes students, teachers, and staff. We haven't heard or seen any outbreak in any Miramar schools. Next slide, please. Since Tuesday, May 19<sup>th</sup>, the City has been hosting a COVID-19 walkup testing site at the Vernon E. Hargray Youth Enrichment Center. Since Monday, October 5<sup>th</sup>, the City has been hosting a COVID-19 test -- testing site at Miramar Regional Park. Positivity rates are shown -- are based on Broward County and Florida State numbers for testing, which include all positive and negative testing results. Next slide. New cases positive rates are based on Florida residents testing positive for the first time, and exclude those who previously tested positive (unintelligible 7:21) subject to change after the fact as additional results received. Positive rates shown below or positive rates shown are based on Broward County and State of Florida numbers, positivity rates, including all positive and negative testing results. New cases positivity rates are shown based on Broward County residents testing positive for the first time, exclude those who previously were tested positive. Zip code data presented is an aggregate of Miramar and surrounding cities, which is the furthest the data can be drilled won due to limitations at both the postal service level, and the Department of Health level. As you can see, Miramar is still fourth highest in Broward County with a total of 5,372. As we have seen in -- as we have seen the instances of COVID-19 fluctuate we note the instance of visits, as it relates to patients with flu-like symptoms as well. Since the last meeting, we have continued to have re-approached this topic on our social media page -- pages addressing the different types -- difference -- difference -- difference in symptoms between COVID-19 and the flu, seasonal allergies, and as well as the common cold. As we encourage individuals to get the flu vaccine, it has been a addressed marketing -- by the marketing team and weekly newsletters to the residents, as well -- as well as adding this message to all our mobile messaging boards through -- throughout the community. The chart reflects the total hospitalizations within Broward County. The chart reflects the availability of hospital beds in Broward County. And the map charts the total number of warning and citations issued. And that concludes my presentation. Any questions?

MAYOR MESSAM: Thank you. At this time, are there any questions for staff regarding the report?

COMMISSIONER DAVIS: Yeah, --

MAYOR MESSAM: Commissioner Davis, you're recognized.

COMMISSIONER DAVIS: Thank you for that update. I did notice that the positivity rate has gone up and is going up, and it is going up around the country. I wanted to find out, are we still having those meetings with the County? What is going on in terms of communication with Broward County?

MR. GREEN: There are still meetings that are going on with Broward County. I will have to get back to you on a real definitive way of -- there's some way of an an -- analy -- I mean a good analysis of why it's increasing, so that way I can be -- be accurate.

COMMISSIONER DAVIS: And since the last executive order, there has been no amendments?

MR. GREEN: I'm sorry?

COMMISSIONER DAVIS: The executive order from the County? Since we were last here, has there been any other amendment?

MR. GREEN: I believe the -- I believe there has. I don't have it in my notes, but I can --

COMMISSIONER DAVIS: Who's keeping track of that in -- in the -- in the City?

FIRE CHIEF PALMER: Good evening, Mayor, Vice Mayor, Commissioners. Yeah. There hasn't been any new updates from the County yet. And the meeting he's referring to, they have a weekly meeting with the County that they continually give updates, and the Department of Health is on -- a lot of different agencies are plugged into that -- that -- that meeting, that provided -- you know, just more information.

COMMISSIONER DAVIS: So so far we have no new information as regards to the uptick from four percent, four -- four and a half, five positivity rate; now it's up to seven, and the projection is it will go higher before it goes lower. I just wanted to know if there has been any outreach by the County or if we are, also, in touch with them as to any next steps, or there has been no next steps by the County.

FIRE CHIEF PALMER: Okay. Like I said, for us, we continue to -- with our outreach for that to continue to -- to put that message out. You know, a lot of it -- the school started, it's a lot -- there's a lot of the colleges started. There's a lot of things that did get started again that are creating these -- the influx within with spikes, so a lot more congregating is occurring again.

COMMISSIONER DAVIS: Right.

FIRE CHIEF PALMER: From that, the results are -- are -- are, obviously, evident.

COMMISSIONER DAVIS: Have you seen any increases in calls for COVID-related fire service, fire -- paramedics?

FIRE CHIEF PALMER: For us, we're still in that ten to 12 calls is what our average is per day. We haven't spiked. And that's a good thing.

COMMISSIONER DAVIS: Right.

FIRE CHIEF PALMER: We're still going pretty steady throughout -- throughout the last -- the last month -- month or two months.

COMMISSIONER DAVIS: Okay. Perfect, thank you. So my next question is for the police department.

POLICE CHIEF WILLIAMS: Good evening Commission; Mayor, Vice Mayor, Commission.

COMMISSIONER DAVIS: Hi. I know the last time we were here, there was some new things that has come about, in terms of the -- I believe it was the emergency order that you could now have the -- the ballrooms open. And I wanted to see how -- if you visited them at that time -- nobody had visited some of these clubs, and the ballrooms, and so on. Could I get an update on how that's going, and if you visited them, and --

POLICE CHIEF WILLIAMS: Yes. Yes. We'll have our code manager give the most detailed update.

MR. COLLINS: Good afternoon. Since the last Commission meeting, yes, we have started back on our -- our nightly task force. We go out Thursday nights, Friday nights, and Saturday nights. Once we leave the field at midnight, PD takes over. We enter the clubs. The ballrooms are entered if they're operational. If they're not, the code team goes in during that 9:00 to midnight period. We span the entire length of the City. We do have some hotspots that we must visit. For example, we have situations of a person that might be cooking on the weekend at home, and there was a huge congregation; that kind of thing. We try to disperse that immediately. We educate, as best we can. In terms of masks and residences, there's a limit of four. Once you have more than four visitors, it's required that everybody wears a mask; if you have less, it's not. The -- the regular offenders, we're still going through the difficult processes with them. We're still adhering. Today we had Chili's restaurant at a hearing right where you are sitting right now. So offenders are still being brought up to speed and brought before the special magistrate.

COMMISSIONER DAVIS: Okay. So one of the things that I recall, in terms of the bars, is that there should be plexiglass. Have you found that there's plexiglass? Because I've been out; I haven't seen plexiglass at the bars.

MR. COLLINS: No. And we did visit one recently, where the police went in, I believe, at about 1:00 a.m. He had his flashlight -- we have the footage, and we are addressing it, because you cannot congregate at the bar, like you said, without that partition. The tables and the seating is -- is a separate matter, but where you're referring to at the bar counters, it's not permitted. There needs to be a separation, such as the plexiglass. We're educating them. I could call a few names, but yes, we are educating them and taking the next steps. The -- the ordinance is -- is a avenue we have to use to address the violations of health, safety; 1026 is the avenue we are using to try and address the breaches of the emergency order, specifically the last one, 20-28.

COMMISSIONER DAVIS: Okay. I know you sent me a list of the restaurants and bars and nightclubs and so on, but what the list didn't break down was those restaurants that

have liquor licenses, and have bars inside the restaurant. So if we could break that out as to, not just a McDonalds, you know, but the restaurants that have a bar area, I'd like to be able to know how many those are, so that, you know, we are aware of what's happening at the restaurant. Because, like I said, it -- I -- I don't see that happening. And until people -- in some states, in some places around the country, they've totally locked off bars again. They've totally shut down indoor dining. We don't want to get there, but unless we have compliance, we might see that happening here. And so it's very, very important that we are diligent in that area. So I -- I thank you for that update, and that we are still looking at how we can educate, but at some point we have to start enforcing the rules, so that everybody can get out and about. And -- and masks inside, I don't see that happening very regularly either. And maybe they need to be educated on that. At what point do you not have your mask on, at what point do you have to have your mask on; and I find people in restaurants. Of course, as soon as they get inside that, okay, it's off. So, again, our numbers are ticking up. I see 45, and we've had it as low as five. And you understand our community; a lot of black and brown people, who are more susceptible to the disease, so we have to really do our part. I know you had mentioned that Broward County is also doing enforcement outside of -- like in this jurisdiction, and we still have the number to call when we see violations. You're still getting reports on those?

MR. COLLINS: 311, yes, ma'am.

COMMISSIONER DAVIS: Okay. All right. Thank you. If I have any other questions, I'll get back to that. But if I could get Parks on -- on the parking -- parks issue.

MS. VALERA: Good evening, Mayor, Vice Mayor, Commissioners, City Manager, City Attorney. Liz Valera, Parks & Rec Director.

COMMISSIONER DAVIS: So, yes, just an update on the parks.

MS. VALERA: An update? Sure. So, at the current time, all our parks are open. We are asking everyone to comply with the masks and, of course, to continue the social distancing. Our field use and our fitness centers are open. Aquatics is also operational. We're using a reservation system for that. The synchronized swimming program is back. We're waiting on classes, just to see what the use is in the pools. We're also welcoming back our organized leagues, both optimists and PAL have resumed playing, so we're -- we're happy to see them. They've been very diligent in preparing for us a plan that was approved, reviewed by us, and we accepted it, and they've also given us waivers from all the players, so they're -- they're really working with us to make sure that we're following the protocol. The remaining amenities, we're waiting to -- until we pivot to Phase III, and that would include the playgrounds, the outdoor fitness circuits, the outdoor fitness clusters, the basketball courts, restrooms, and the water fountains. The -- the items that we're a little more cautious on is the use of the pavilions and the rentals of the multipurpose rooms, because, of course, that would mean congregation in groups larger than ten, most probably. So that's one of the items that we're still contemplating on how and what phases we would open that up in.

COMMISSIONER DAVIS: The pavilions, as you know -- outdoors is clearly better than indoors. And so the pavilions, with restrictions on the number of people, and mask wearing and outdoors, I think that would be easier to implement than the indoor banquet hall situation. And that's something that you can look at, in terms of safety, revenue, and so on and so forth, and, again, it depends on the numbers. But we really are encouraging outdoor activity, as opposed to indoor activity. And the same way we have in group outdoor activity, in terms of PAL, and so on and so forth, we do need to look and see how we balance that out with other outdoor activities the same way. You know, waivers, and -- and that sort of thing. But that would be up to staff to consider. But, again, the outdoors, that I don't have so much of a problem with. You know, you have names, you have people who are going to be in attendance. You know, there's things you can do to make that safe, in terms of an outdoor pavilion situation. But I -- I thank you for the update. I certainly appreciate that, what you're doing, and keep up the work that you do out there. Thank you.

MS. VALERA: Thank you.

COMMISSIONER DAVIS: And then, finally, it would be -- and I know I spoke to Mr. Kelvin, who is our assistant city manager, regards to the request to look at our businesses to see how restaurants can utilize the outdoors more. And I believe you said you would have something for me the next meeting? And, in terms of if there's any types of code issues that we could look at to try to make it possible, rather than just saying: Oh, this area is too small, this area is -- you know. How can we accommodate it? And if it -- if it means some code changes or regulations to allow for that, I'd like to have that as well when you -- when you do return. Because, like again -- I do see -- foresee us having to resort more to outdoor dining, because we do have that propensity to -- for indoor dining to be more susceptible to -- to COVID. And I think that's what I have. Later on I do want to speak to the police department on -- on some other matter, and I think I'll reserve that for our reports. Okay. Thank you.

MAYOR MESSAM: Are there any more questions for staff regarding the report? Vice Mayor Chambers, you're recognized.

VICE MAYOR CHAMBERS: Fire department, please. Good evening, Chief.

FIRE CHIEF PALMER: Good evening.

VICE MAYOR CHAMBERS: I just want to ask in regards to COVID-19 testing site. Over the last week or two, the numbers of positive tests at both site, do we have a number to differentiate what amount from each site?

FIRE CHIEF PALMER: Yes. The numbers of what -- they were fluctuating?



VICE MAYOR CHAMBERS: The amount of tests, positive, on the east side versus the west side, positivity.

FIRE CHIEF PALMER: One second.

VICE MAYOR CHAMBERS: Like a two-week span.

FIRE CHIEF PALMER: I think we're still tracking higher on the --

MR. GREEN: The east -- the east site is still -- they're still tracking higher --

FIRE CHIEF PALMER: Yeah. The east site are still tracking higher. The west site is -- is -- is probably about -- looks like it's about half -- half the amount.

VICE MAYOR CHAMBERS: Half.

MR. GREEN: Plus there's more testing on the east side.

FIRE CHIEF PALMER: Yeah.

VICE MAYOR CHAMBERS: There's more testing on the east -- east side? I can't hear you.

FIRE CHIEF PALMER: Yes. I'm sorry. The east side is definitely testing more than the west side.

VICE MAYOR CHAMBERS: Okay.

FIRE CHIEF PALMER: I mean they'll have more residents attending that one.

VICE MAYOR CHAMBERS: Is the number of testing double the -- the west?

FIRE CHIEF PALMER: If the number is correct.

VICE MAYOR CHAMBERS: All right. Thank you.

FIRE CHIEF PALMER: Yeah. Thanks.

MAYOR MESSAM: Are there any other questions for staff?

VICE MAYOR CHAMBERS: That's it. Thank you so much.

MAYOR MESSAM: Okay. All right. Thank you all for the report. I think as we hear the numbers presented, in terms of positivity rates, it's actually not surprising. It's something that has been predicted as the country, the State, and Broward County continues to move

towards reopening, especially with the addition of school taking place, where more kids now are in -- are physically attending class, so we have to be vigilant, in terms of continuing to enforce the emergency orders that are in place. I think we must not let up, in terms of our enforcement. Obviously, our first step is to inform and to educate, but if we have habitual offenders, we have to begin to enforce these laws, because lives are at stake. So I commend our code enforcement and PD for your education efforts with the community, as it relates to conformance. We know we have to strike a balance between seeing how we can coexist personally, as well as from a commercial standpoint, but also keeping in mind the precautions and the measures we have in place to keep the public safe, as well as our fire rescue. And our staff that's going out there every day doing their part in this effort, so thank you so much for the report.

COMMISSIONER COLBOURNE: Quick question.

MAYOR MESSAM: You have a question?

COMMISSIONER COLBOURNE: Yes.

MAYOR MESSAM: All right. Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: Thank you. I'd like to know, are we using our television channel to get any of this information out?

MS. GAYLE: If it was on the television?

COMMISSIONER COLBOURNE: The COVID-19, what's open, what's closed, the restrictions, what should you do, what you shouldn't do. Do we have any of those on our TV channel.

MS. GAYLE: I think we're using the -- I think we're using social media more than anything else.

COMMISSIONER COLBOURNE: Can we use our TV channel for -- I guess what it would be like in just a regular update on what the business is, what -- what it is that the residents need to know, you know, pretty much the latest information as it pertains to our city. All of the questions that I hear asking here is, you know: When do I take off my mask? When -- when is it okay, you know? We know there's -- you know, the -- the Governor passed whatever laws, and it comes -- we hear it on a television that it applies to everyone, and then there is something for Broward, and there's something for Dade. I think it would be nice for us to have some sort of a regular reporting on -- on where we are, similar to what's given here, but, you know, just broken down more in terms of answering the questions that -- that residents -- that residents have.

MS. GAYLE: We'll work with Marketing to get a -- a caption on Miramar TV.

COMMISSIONER COLBOURNE: And while you're there, specifically for restaurants, can you just go ahead and, you know, for everyone's information, what is it that -- that -- what laws are they under -- operating under now?

MS. GAYLE: So the restaurants are operating under the last executive order that came out from Broward County, which I think is 20-28, and I'd have to refresh my memory on what -- exactly what that is. I can get that information sent out, but that's the executive order that we're going off of right now.

COMMISSIONER COLBOURNE: And that allows them to do what or -- or what is it that they cannot do?

MS. GAYLE: I'm sorry?

COMMISSIONER COLBOURNE: What does that allow them to do? What is it that they cannot do?

MS. GAYLE: So -- so I think that -- that order allows them to go, I think, up to 50 percent of their capacity; they're able to go up to 100 percent if they can use indoor and outdoor spaces. Those -- I think that's what that order allows restaurants to do now.

COMMISSIONER COLBOURNE: I think that's the kind of stuff that I would like to see. That's -- I shouldn't say I think. That's exactly the kind of stuff that I would like to see shown on channel 78, so that folks can tune in and know that they can get specific information that pertains to them here in the City of Miramar, since that is -- that is our channel here.

MS. GAYLE: And -- and just so you know, we have sent -- we have the *Business Pulse* that goes out to our businesses in the City of Miramar, --

COMMISSIONER COLBOURNE: Right.

MS. GAYLE: -- and that information -- whenever we have executive orders, and we sent reports breaking down what can be done now, marketing takes that information from the nightly report, places it into the *Business Pulse* information, and sends it out to the businesses. So that's how we've been doing that. But we'll package something for the -  
- for the TV.

COMMISSIONER COLBOURNE: And -- and -- and I think that's -- that's a good thing. It's -- it's just a different medium. Everybody is not on Facebook. Everybody, you know --

MS. GAYLE: Yeah.

COMMISSIONER COLBOURNE: -- on social medial. Everybody is not, you know, receiving those.

MS. GAYLE: Yeah.

COMMISSIONER COLBOURNE: So just to cover, you know, a wide spectrum of -- of anyone who wants to know, I think that would be good.

MS. GAYLE: Absolutely.

COMMISSIONER COLBOURNE: Thank you.

MS. GAYLE: All right. You're welcome.

VICE MAYOR CHAMBERS: And, if I may chime in here. Thanks, Commissioner Colbourne, it's a great idea. I think this is a great opportunity to get our resident -- our residents involved more in our TV channel, and that's some of the stuff that keep rerunning in -- does not have all that much informational stuff, so I think this is a good idea, and I'm looking forward to -- thank you.

MAYOR MESSAM: All right. Thank you. And for the public's edification, the last executive order also extended the open times for restaurants. Prior, they had to close at 11:00, now they're allowed to close at 12:00 p.m. And in terms of governing yourselves when you're inside restaurants, you must wear a mask even inside a restaurant, especially when you're moving around going to the restroom. You are allowed to take off your mask only when you're seated at your table for dining. That's the only time you're permitted to lower your -- your mask. All right. So moving the --

MS. GAYLE: I just wanted to -- to -- to make one correction. That the COVID flyers are looping on the TV, because they're evergreen. The information doesn't change. But we'll -- we'll package something for the executive orders itself, but the COVID flyers that have been developed do loop.

COMMISSIONER COLBOURNE: I'm sorry. I didn't get that. Say that again.

MS. GAYLE: The COVID flyers that we have, those are on the TV, because those are evergreen; I mean the information doesn't change, so they loop on a regular basis. But for the executive orders, that's what we don't have, so we'll -- we'll make that package.

COMMISSIONER COLBOURNE: And -- and I understand that. And I'm really looking for a little bit more than -- than just a flyer, just -- just posting a flyer; more of a -- of a conversation, a discussion, a -- a report that's given. Understood that it's going to change, you know, from -- from -- whether it's a weekly report, or whether or not you do the report every time there's an executive order, or -- or something else that prompts it. And it will be something that can remain on -- on the television for a while.

MS. GAYLE: Yeah.

COMMISSIONER COLBOURNE: But more than just -- just -- just a flyer.

MS. GAYLE: Right. Okay.

COMMISSIONER COLBOURNE: Just -- just kind of break it down for residents. I mean I've -- I've had to call and say, "Hey, you know, can you have a gathering at your house? And, if so, you know, what are the restrictions?" You know. Because we get --

MS. GAYLE: Yeah.

COMMISSIONER COLBOURNE: -- these questions all the time, and -- and residents wants to know, businesses want to know, you know. They need to know that the numbers are going up, because many of them are asking, you know, when we can we go, you know, back to how we operated before.

MS. GAYLE: Understand.

COMMISSIONER COLBOURNE: You know. Many of these businesses are really hurting as well. I -- I should say all these businesses are hurting. So -- so they want to -- to have some idea. They -- they -- you know, there are decisions that they have to make, and they -- they really need this information. And I just think that if we did more of an outreach in that form, that maybe we can -- you know, we'll be able to get more information out.

MS. GAYLE: Understood. Understood.

COMMISSIONER COLBOURNE: Thank you.

MAYOR MESSAM: All right. That'll be our last comment on this report.

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

MAYOR MESSAM: So moving the agenda, do we have any members from the public that have signed up for public participation? If IT can just send me a note. Okay. We have no hands raised for public participation. Thanks so much, IT.

### **CONSENT AGENDA**

MAYOR MESSAM: Moving the agenda. We're going on to Consent Agenda. Items listed under Consent Agenda are viewed to be routine, and recommendation will be enacted by one motion in the form listed below. If discussion is desired, the items will be removed

from Consent Agenda, and will be considered separately. The Clerk received no requests to speak from the public on the Consent Agenda. Are there any items that are -- wish to be re -- removed from Consent Agenda? Please notify at this time.

VICE MAYOR CHAMBERS: Yes.

MAYOR MESSAM: Yes.

VICE MAYOR CHAMBERS: Seven, six, five, and four.

COMMISSIONER COLBOURNE: And number three.

MAYOR MESSAM: What was that, Commissioner Colbourne?

COMMISSIONER COLBOURNE: Number three.

MAYOR MESSAM: I'd like to pull item number five as well. May I have a motion on the balance of the Consent Agenda?

COMMISSIONER COLBOURNE: Motion to approve.

VICE MAYOR CHAMBERS: Second.

MAYOR MESSAM: Madam Clerk, record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Davis.

COMMISSIONER DAVIS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Colbourne, seconded by Vice Mayor Chambers, to approve Consent Agenda Items 1 and 2, the Commission voted:

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

1. Minutes from the Regular Commission Meeting of October 7, 2020.

**Approved**

2. Temp. Reso. #R7279 approving the renewal of the **Audit Services Agreement** between the City of Miramar and Caballero Fierman Llerena + Garcia, LLP; authorizing the first one-year renewal term, in an amount not to exceed \$99,000.00 for the renewal term. (*Financial Services Director Kevin E. Adderley*)

**Resolution No. 21-10**

MAYOR MESSAM: Item number three, please.

3. Temp. Reso. #R7280 supporting applications for funding from the **Broward Metropolitan Organization (MPO) Complete Streets and Localized Initiatives Program, Cycle 5** for projects along Miramar Parkway. (*Assistant City Engineer Salvador Zuniga*)

CITY ATTORNEY NORRIS-WEEKS: A resolution of the City Commission of the City of Miramar, Florida, supporting applications for funding from the Broward Metropolitan Organization Complete Streets and Localized Initiatives Program, Cycle 5 for projects along Miramar Parkway, and providing for an effective date.

MAYOR MESSAM: Commissioner Colbourne, you wish a presentation or have comments or questions?

COMMISSIONER COLBOURNE: Yes, I would like a presentation, so that the community would know what's happening.

MR. ZUNIGA: All right. Good evening, Mayor, Vice Mayor, Commissioners, Manager, City Attorney and Clerk. Sal Zuniga, Assistant City Engineer, Engineering Services. So this item is to support applications for funding from the Broward County MPO Complete Streets Localized Initiatives Program, Cycle 5. A little overview about the applications. City seeks to submit application for funding for this program for two projects. One of them is the Miramar Complete Street Improvements, Phase I, from Flamingo to Red Road; it includes road resurfacing and striping to accommodate buffer -- buffered bike lanes. The

other project is Miramar Complete Street Improvements, Phase II from Red Road to Commerce Parkway, the same scope: road resurfacing and striping to accommodate buffered bike lanes. So the way these projects will be delivered and funded is the -- the projects will be administered under the FDOT local agency program. Under this program, the MPO provides all funding for construction anticipated in fiscal year '26, and the City will be responsible to fund the design, the inspection services, and any contingency during construction, and also conduct project management, and funding for this project is anticipated around fiscal year '24. This gives a quick overview of the projects. This is the first project, this is a location map. As you can see, it's on Miramar Parkway between Flamingo and Red Road. This is the segment between the two residential projects that are under construction now: Altman Development and Miramar Station; these are mixed use developments that will benefit a lot from bike facilities that will connect to each other. Go to the next slide. So the -- this shows a conceptual of the scope; essentially, on the top you can see the existing Miramar Parkway cross section, which is -- consist of three 12-foot travel lanes with like a little four-foot shoulder. So the scope here will be to resurface the road, mill and resurface the entire road, restripe it by reducing the travel lanes to 11 feet, and accommodating a wider bike lane that will be seven foot wide. The second project will essentially continue where the other left off, and will continue east of Red Road to Commerce Parkway. Go to the next slide please. So it is the same scope, mill and resurface the existing -- the existing asphalt, restripe it with 11-foot travel lanes, and accommodate the seven-foot bike lanes. In order to submit the applications, the City must adopt a resolution of support for this project, and commit to fund the design and inspection services for the project anticipated in fiscal year '24. City Manager recommends approval.

MAYOR MESSAM: Thank you. As mentioned before, no members from the public have requested to speak on this item. Back to the dais; Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes. Thank you very much. Yeah. I just wanted the public to know that this is something that we are applying for. At our last meeting, we talked extensively on some of the projects that we had already received award for, some of them that were completed, and -- and some of these Complete Street projects that -- that they've been awarded already. They just haven't reached implementation yet. And this is -- the next one that we are putting in the loop; hopefully, it will be awarded. Thank you so much for the work that you're doing on this, Sal.

MR. ZUNIGA: Thank you.

MAYOR MESSAM: Thank you. If only we could just reduce the -- the funding period from the '26 and bump it up to the '20 -- '20 -- year 2021.

MR. ZUNIGA: Yeah.

MAYOR MESSAM: All right. Oh, I'm sorry.



MR. ZUNIGA: Yeah. That program works on a five-year program, so --

MAYOR MESSAM: Yeah.

MR. ZUNIGA: -- funding is available five years from then.

MAYOR MESSAM: Yeah. Vice Mayor Chambers, you're recognized.

COMMISSIONER COLBOURNE: I'm sorry, I missed that comment. What was that? I missed your comment.

MAYOR MESSAM: No. I'm saying because it's a five-year funding cycle, that cycle is for fiscal year '26 is when the project will be funded.

COMMISSIONER COLBOURNE: Right.

MAYOR MESSAM: So I said if we only could -- if only we could move it up to '21 -- 2021, but -- but we are unable to do it at this time, so I was just making light of the --

COMMISSIONER COLBOURNE: Oh, okay.

MAYOR MESSAM: -- the funding --

COMMISSIONER COLBOURNE: Yeah, it's --

MAYOR MESSAM: -- the funding cycle.

COMMISSIONER COLBOURNE: These projects --

MAYOR MESSAM: Yeah.

COMMISSIONER COLBOURNE: This is why it's so important that we plan ahead --

MAYOR MESSAM: Yeah.

COMMISSIONER COLBOURNE: -- on these projects, and -- you know, I've been -- I've been working with staff, and I think we are actually doing a -- a good job to address these -- a lot of different areas, you know, kind of touch different communities, and at least get it in the loop. Because, before we know it, you know, it will be time for the design of it and so forth. And, finally, implementation.

MAYOR MESSAM: Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Thank you, Mayor. A question. In terms of the -- if they could put the chart back up, the bike lane.

MR. ZUNIGA: The location map? This? This one?

VICE MAYOR CHAMBERS: No. The -- the striping.

MR. ZUNIGA: The next one.

COMMISSIONER COLBOURNE: The striping.

MR. ZUNIGA: The next one. This one?

VICE MAYOR CHAMBERS: Yeah. Okay. The -- the bike lane. I just want to have an idea -- in terms of the width of the bike lane, how wide is it?

MAYOR MESSAM: Seven.

MR. ZUNIGA: Yes. The bike lane is --

VICE MAYOR CHAMBERS: The -- the width.

MR. ZUNIGA: It's seven feet, but it -- there is a three-foot buffer, which is a -- the stripe, chevron stripes, three foot, and then you have the four-foot bike lane next to it. So the three-foot stripe just creates a buffer between the -- the --

VICE MAYOR CHAMBERS: The -- the car lane and the bike --

MR. ZUNIGA: And the -- and the bicyclist.

VICE MAYOR CHAMBERS: The bicycle lane is actually three feet?

MR. ZUNIGA: Yes.

VICE MAYOR CHAMBERS: Okay. Perfect. Thank you. More safety for bikers.

MR. ZUNIGA: Yes.

VICE MAYOR CHAMBERS: Thank you.

MAYOR MESSAM: All right. May I have a motion on this item?

COMMISSIONER COLBOURNE: Motion to approve.

VICE MAYOR CHAMBERS: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Davis.

COMMISSIONER DAVIS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Colbourne, seconded by Vice Mayor Chambers, to continue Resolution #R7280, the Commission voted:

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

#### **Resolution No. 21-11**

MAYOR MESSAM: Item number four, please.

4. Temp. Reso. #R7281 approving the **annual purchase of chemicals** from various companies resulting from the award of contracts through the Southeast Florida Governmental Purchasing Cooperative Group, and the utilization of other government agencies' contracts or an approved sole source vendor for the **East and West Water Treatment Plants** and the **Wastewater Reclamation Facility**, in a total amount not-to-exceed \$1,155,140.00 for **Fiscal Year 2021**. (*Utilities Director Roy Virgin and Procurement Director Alicia Ayum*)

CITY ATTORNEY NORRIS-WEEKS: A resolution of the City Commission of the City of Miramar, Florida, approving the annual purchase of chemicals from various companies resulting from the award of contracts through the Southeast Florida Governmental

Purchasing Cooperative Group, and the utilization of other government agencies' contracts or an approved sole source vendor for the East and West Water Treatment Plants and the Wastewater Reclamation Facility, in a total amount not-to-exceed \$1,155,140.00 for Fiscal Year 2021, and providing for an effective date.

MR. VIRGIN: Good evening, Mr. Mayor, --

MAYOR MESSAM: Good evening.

MR. VIRGIN: -- Vice Mayor, and Commissioners.

MAYOR MESSAM: Vice Mayor, you have a question on this item?

VICE MAYOR CHAMBERS: I do have questions, but if you could just give a --

MAYOR MESSAM: A presentation or --

VICE MAYOR CHAMBERS: A brief presentation, Mr. Virgin, just a brief presentation.

MR. VIRGIN: The issues is that any expenditure that exceeds \$75,000.00 must be brought before the Commission for approve, per City code. A little background. Federal, State and local regulations require that treatment facilities utilize chemicals to treat underground water to drinking water standards, and wastewater discharge, and reuse standards. So this slide depicts the East Water Treatment Plant at the top, and the address, the West Water Treatment Plant, and the Wastewater Reclamation Facility. This table shows the chemical accounts for the East Water Treatment Plant for approximately \$294,000.00, the West Water Treatment Plant for \$598,000.00, and the Wastewater Reclamation Facility for \$262,000.00, for a grant total of \$1.5 -- \$1.1 million. This table shows the breakdown of the chemical purposes, what chemicals will be used in the contract. So you see we have the City of Margate, Operative Bid, and we have Martin County, the town of Jupiter, and we see the chemicals that we're using: sodium hydroxide, sodium hydrochlorite, and a corrosion inhibitor, and it shows the cost. And this is also a summary of the chemical purchases. So Allied Universal Corporation, and we spend a total of \$684,000.00, American Water Chemicals \$198,000.00, and Carus Corporation for \$275,000.00, again, for a total of \$1.1 million. City Manager recommends approval.

VICE MAYOR CHAMBERS: Thank you, okay.

MAYOR MESSAM: Thank you. There are no members from the public that wish to comment on this item. Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Thank you. Mr. Virgin, this purchase cover 12 months usage?

MR. VIRGIN: Yes, sir.

VICE MAYOR CHAMBERS: Okay.

MR. VIRGIN: The fiscal.

VICE MAYOR CHAMBERS: I -- I notice the -- the difference between the East Water Plant and the West Water Plant, which -- in -- in numbers. Is -- is it the same amount of chemical, or it's a different amount? What's the difference between the East -- the chemicals for the East Water Plant and for the West Water Plant?

MR. VIRGIN: That -- that's a good question, Vice Mayor Chambers. The East Water Treatment Plant have a capacity of 6mgd, million gallons per day, whereas the -- the West Water Treatment Plant have almost twice the capacity of that. So, therefore, it will take more chemical to treat more water.

VICE MAYOR CHAMBERS: Okay. And -- and question for you -- another question. The -- since we just switch from the old water plant on the east side to the new membrane system, it's -- it's a different chemical that we use to treat the water for the -- the new water plant versus the old --

MR. VIRGIN: Yes. Yeah -- yes, to some -- to some extent. There are really -- lime softening -- you had some chemicals that no longer is needed with the nanofiltration. But there are also some chemicals that were still used in the lime softening treatment process.

VICE MAYOR CHAMBERS: Okay.

MR. VIRGIN: But, yes, there are additional -- so, for example, we didn't have corrosion inhibitor in the lime treatment process, but we would have it here, so -- those are some of the changes.

VICE MAYOR CHAMBERS: And also the West Water Plant is now going on 15 to 20 years in -- in usage, right? Are we at -- at 20 years yet?

MR. VIRGIN: That -- that's correct, or a little older than that, yes.

VICE MAYOR CHAMBERS: More than 20 years?

MR. VIRGIN: Yeah. Yeah.

VICE MAYOR CHAMBERS: Okay. Okay. So do you notice that the older the plant get, does it more -- becomes more difficult to treat the water, or it's pretty much the same?

MR. VIRGIN: Doesn't become more difficult to treat the water. It's that -- like all operating equipment, there are things that will break down over time, and you have to restore them

and bring them up to par. But, in terms of the -- the quality of water that you get from it, once you keep your maintenance, it is pretty much the same.

VICE MAYOR CHAMBERS: And -- and -- and you would say that for those resident that living over there, at Country Club Ranch, that do not have water from the drinking water plant, even though it's right there in their neighborhood, it's a -- a task for them to treat their well water to -- to -- to a real potable water?

MR. VIRGIN: Absolutely. The raw water that comes from our aquifers, be it the Biscayne Aquifer or the Floridan Aquifer, comes at a certain quality, and there are certain standards set forth by the Florida Department of Environmental Protection -- previously it was the Florida Department of Health, and these guidelines are sometimes very -- very stringent and -- and hard to -- to get to. One of the things that we have always remind our residents is that environmental laws are a lot more -- are a lot more regulation that -- that encompasses environmental regulation, as opposed to, maybe, food itself, such as the FDA.

VICE MAYOR CHAMBERS: And the resident there that treating their own water, there's no way of -- for them to have the same quality as what coming out of our facility?

MR. VIRGIN: I'm not going to say that, but what they would have to do is to get their water tested to -- and -- and to -- and to -- and to have that -- those water be -- try and meet the standards set forth by the Environmental Protection Agency. But they would -- they would have to know what are the -- the -- the -- the reporting parameters that are -- that are expected from the -- the -- the -- the EPA -- the EPA, and then try to meet those standards, which we have to do either at a monthly, weekly, quarterly, annually basis; we have to meet those regulatory requirements.

VICE MAYOR CHAMBERS: And if it's not -- if their water is not meeting that requirement, they can have some adverse effect on the families that are utilizing the water?

MR. VIRGIN: Absolutely. Water borne diseases is one of the -- the biggest cause of certain health conditions, so that is why the -- the -- it is -- it is imperative that the water meet those -- those standards set forth by -- by -- by the regulators.

VICE MAYOR CHAMBERS: You said that the plant has been in operation in excess of 20 years.

MR. VIRGIN: That's correct.

VICE MAYOR CHAMBERS: Now if the City had went ahead and put in the pipeline to supply these resident with water over 20 years, is it safe to say that it would have paid for itself by now?

MR. VIRGIN: Oh, yes. It -- it -- it -- in my estimation, it -- it would have, yes.

VICE MAYOR CHAMBERS: Thank you. And so resident really looking forward to the -- the progress that we are making now to give them potable water.

MR. VIRGIN: Pardon me? I didn't hear that.

VICE MAYOR CHAMBERS: I said the resident should be excited about the progress that we have made over the last year and a half trying to give them potable water.

MR. VIRGIN: If -- if I was a resident living in that area, yes, I would be, --

VICE MAYOR CHAMBERS: All right.

MR. VIRGIN: -- given the quality of water that we produce.

VICE MAYOR CHAMBERS: Okay. Mr. Virgin, I want to thank you so much for your service to the City of Miramar. You have been really steady and trying to guide us to support our resident with quality water over the years that you've been here. Thank you, sir.

MR. VIRGIN: Thank you.

MAYOR MESSAM: Seeing no hands raised, may I have a motion on this item, please?

VICE MAYOR CHAMBERS: Motion to approve.

COMMISSIONER BARNES: And, Mr. Mayor, if you look, my hand has been raised.

MAYOR MESSAM: Oh, I don't see it on the system. Commissioner Barnes, you're recognized.

COMMISSIONER BARNES: Just a question for Dr. Virgin. From time to time, residents will talk about the -- what appears to be a white fine substance on some of the tap happen from time to time?

MR. VIRGIN: You broke up pretty badly there, Commissioner Barnes. Could you repeat, please?

COMMISSIONER BARNES: Yeah. There are times the residents will turn on the tap in their homes, and their water seems whiter than usual; sometimes it's frothy. Talk to our residents and explain why that will happen from time to time, especially vis-à-vis, the treatment of the water.

MR. VIRGIN: Okay. So one of the parameters that is tested for in -- in water is what is called color, and there's a guideline that it shouldn't exceed 14 and -- and the unit of

measurement. So sometimes what you get there is what is called a little turbidity in the process, meaning that as the water moves through the -- the pipe, and say let's -- let's say, for example, we're doing some flushing of some hydrants there, there can be a little disturbance in the line, and it may cause some discoloration. So that is what residents will see happen from time to time. But I want to -- to clearly state that in the context of it, color is really a aesthetic quality of water. What you see will you not affect the quality, per say, but, yes, it -- it's concerning, because if you see a little discoloration, we need it to get back to what the color is leaving the plant, which is about one or two. So when we get a little higher than that, and it comes out through our re -- to the -- the distribution lines, what we -- what we generally encourage residents to do is to open their taps for a little bit to flush the lines, and it will bet back to the normal color. I hope that answers your question, sir.

COMMISSIONER BARNES: That is exactly what I wanted you to talk about. Thank so much, Dr. Virgin.

VICE MAYOR CHAMBERS: And, if I may add, I got a number of calls over the year in regard to reddish color water, and what I oftentimes ask my resident to do -- and nine out of ten times that's the case is to turn off their hot water, and run the cold water, because sometimes their water heater creates rust and will discolor the water. And, usually, that's what's happening too sometimes, where they need to change their water heater or flush their water heater. Back in the days, the water heater used to be set up with a auto flush; most of them that I knows now don't -- they still have the system, but folks don't flush their water heater. And, from time to time, that would create a reddish water. So usually when I get those calls, I first have them do that troubleshoot by turning off the hot water and run the cold water, and it would result in the hot water giving some kind of reddish water. So I just want to add that.

MR. VIRGIN: Absolutely (unintelligible 55:14). We have seen that quite a bit.

VICE MAYOR CHAMBERS: Okay. Thank you.

MAYOR MESSAM: All right. May we now have a motion to purchase these much needed chemicals --

VICE MAYOR CHAMBERS: Motion to approve.

MAYOR MESSAM: -- to treat our water.

VICE MAYOR CHAMBERS: Motion to approve.

COMMISSIONER COLBOURNE: Second.

MAYOR MESSAM: Madam Clerk, please call the vote -- record -- record the votes.



CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Davis.

COMMISSIONER DAVIS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Barnes, seconded by Commissioner Colbourne, to continue Resolution #R7281, the Commission voted:

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

### **Resolution No. 21-12**

MAYOR MESSAM: Item number five, please.

5. Temp. Reso. #R7287 amending Resolution No. 20-84 to include the **lease purchase of 8 electric vehicles** from Commercial Vehicle Leasing, L.P. d/b/a D & M Leasing in the amount of \$193,568.00, utilizing Sourcewell Contract No. 060618-CVL, during Fiscal Year 2020. (*Public Works Director Anthony Collins*)

CITY ATTORNEY NORRIS-WEEKS: A resolution of the City Commission of the City of Miramar, Florida, amending Resolution No. 20-84 to include the lease purchase of 8 electric vehicles from Commercial Vehicle Leasing, LLP -- L.P. d/b/a D & M Leasing in the amount of \$193,568.00, utilizing Sourcewell Contract No. 060618-CVL, during Fiscal Year 2020; authorizing the City Manager to execute a Master Equipment Lease Agreement and Rider to Master Equipment Lease Agreement with Texas Capital Bank, NA, and providing for an effective date.

MAYOR MESSAM: Thank you. Can you share with the public about these vehicles?

MR. HOBSON-GARCIA: Yes, I can, sir. Kirk Hobson-Garcia, the Public Works Assistant Director. Would you like a presentation, or do you have some --

MAYOR MESSAM: Yes.

MR. HOBSON-GARCIA: -- questions?

MAYOR MESSAM: Presentation.

MR. HOBSON-GARCIA: On the resolution before you is to amend Resolution 2084; issue, City Commission is required for approval of expenditures exceeding \$75,000.00, and for amending resolutions previously approved by City Commission. Some of the history of this item. On February 19, 2020, City Commission adopted Resolution 2084, approving the purchase of 60 vehicles for \$2.5 million. A part of -- as part of this purchase, the City is going to purchase eight electric vehicles, as part of its care initiative. The lease -- the Nissan Leaf vehicle was selected, because that vehicle still has its \$7,500.00 tax credit. The City has to enter into an agreement with a entity that has available tax credits, and I'll talk about that later on. So the -- so electric vehicles are being purchased, and that was part of the care initiative, and that was done because it saves money, it lowers emission, plus it also scores green points for the City. So why was the Nissan Leaf vehicle selected? It was because our options were the Chevy Bolt, the Nissan Leaf, and the Tesla. Well, the Tesla was eliminated due to -- to its high cost. And since the Chevy Bolt didn't have any credits left on it, we couldn't get the \$7,500.00 tax credit per vehicle, so the Nissan Leaf was picked; plus, as part of this deal, Nissan is going to give us two stations. A part of the procurement was that these vehicles are going to be purchased off of the Sourcewell contract, and -- and the total purchase prices is going to be \$193,568.00. The Finance Department have reviewed the terms of this purchase, and they recommend approval. The tax rebate process; that is the heart of this resolution. The City is a tax exempt entity, so, therefore, we cannot monetize directly the tax credit that we want to receive, we have to enter into an agreement with an entity that has tax -- excess tax credits, such as the Texas Capital Bank. So the rebate that is available on these eight vehicles is going to be \$60,000.00; eight times \$7,500.00 per vehicle. Out of this tax credit, the City will earn 67 percent, while the other 33 percent will go to Capital Texas Bank. We have to enter into this lease agreement for 24 months, because it takes about 18 months for Texas Capital Bank to get its tax credit back from the federal government. As part of this deal, Texas Capital Bank, they will put a -- they will put a lien on the title of these vehicles until we pay them off. The beauty about this agreement is that we are going to see the savings right up front; Texas Capital, they will wait for the money to come to them, while we will get the reduction in the price of the vehicle, enabling us to buy it for the \$193,00.00. City Manager recommends approval; I will answer any questions you may have.

MAYOR MESSAM: Thank you for the presentation. And, as noted earlier, no one from the public has raised their hand to speak on this item. I just would like to commend staff on -- it's our City's continued mission to reduce our carbon footprint, as well as coming up with creative ways to obtain these creative assets for the City in -- in the most cost effective manner. And I know that -- that as the City continues to expand its electric fleet, --

MR. HOBSON-GARCIA: Yes.

MAYOR MESSAM: -- with the installation of charging stations throughout the City, which was already adopted in a couple of items ago, with -- I think FPL is placing charging stations around. It just continues to show the City being an example, in terms of these alternative vehicles for the benefit of the public. And, hopefully, more members from the public can purchase electric vehicles as well. Thanks so much for the presentation. I do recognize that Vice Mayor Chambers also wanted this item pulled. Do you have any questions for staff?

VICE MAYOR CHAMBERS: Thank you, Mayor. I just want to thank staff for bringing this item forward. As the Mayor stated, efficiency and the savings that we're going to have; it's a great idea. Do we have a estimated time of delivery for these vehicle?

MR. HOBSON-GARCIA: Typically, purchases like this take between three to four months. We were told that they may have some of these vehicles sitting on a -- on a lot, but we couldn't put our hands on it until this item gets approved. So to -- so in the next week or so, we will find out if these vehicles are still available, because they are a hot commodity. But, if not, it will take about 12 weeks.

VICE MAYOR CHAMBERS: Twelve weeks, great. These are 2021 or 2020?

MR. HOBSON-GARCIA: They are most likely going to be 2021.

VICE MAYOR CHAMBERS: Great. You know, what I want to add is this -- this is not just for you, but for the City Manager and my colleague. Over the last how many months, seven, seven months since February, March, since we've thrown into this pandemic, no one could have imagined that we could have been dealing with this, and it's -- it's have a lot of stress on our resident, our city, City staff, and, also, especially on the Commission for the work that we're doing trying to assist our residents in different ways to assist them with the needs, especially food. And what I'm requesting that when we do get these vehicle, that our staff, the City Commission staff have two of these vehicles to assist with the need to assist our resident with food and so forth. I -- I notice my assistant been taking a beaten on her car, her personal car, her tires, gas, and so forth. So I -- I would like to have some amendment to this -- or the City Manager have a commitment to have the City Commission use two -- when the vehicle arrive, to -- especially on a Thursday, when we need to -- I know myself, Commissioner Colbourne, and Commissioner Davis, our assistant have been relentlessly riding around making delivery, and it's really taken a

toll on their cars. So -- and this going to be around for at least another eight months into next year. So I -- I'm going to open the floor for comment from staff, from my colleague and the City Manager in regard to this item. I know they're not here yet, but I just thought that something that would really assist our staff.

MAYOR MESSAM: Are there any more comments on item number five?

COMMISSIONER COLBOURNE: I was also going to pull this item. I was really going to pull this item just to -- just to learn a little bit more about it. And -- and the presentation was -- was very good; I do appreciate that. And I think it's -- it's a good thing that we are -- you know, we are looking into electric vehicles. Did you said this was the first set we had, or did we buy some before?

MR. HOBSON-GARCIA: We have had hybrid vehicles, but we don't have any electric vehicles, so this was going to be our first entry into this market.

COMMISSIONER COLBOURNE: And we don't have any electric stations, or we do?

MR. HOBSON-GARCIA: We have an electric station installed here in the -- in the garage, but as part of this program, Fleet will be installing eight additional stations. We also have one that is installed at Fire Station 107. So as part of this program, Fleet would be installing stations at the Multi-Service Center at Sunset Lakes at the fire stations, because some of these vehicles are going to go to the fire department. And so we will have to install one at the Fleet, of course, because when the vehicles come in for repairs, you know, we have to have it, you know, at those locations. Plus we will be adding one more here at the Town Center.

COMMISSIONER COLBOURNE: And residents will be able to use these stations, or is it just for our City vehicles?

MR. HOBSON-GARCIA: We were going to have them open at the beginning until the City has a policy of -- of -- of how it wants to handle, --

COMMISSIONER COLBOURNE: Okay.

MR. HOBSON-GARCIA: -- you know, stations.

COMMISSIONER COLBOURNE: So we're going to get the vehicles in, possibly -- in about three to four months. Will we get the stations installed in the same period of time?

MR. HOBSON-GARCIA: Yes, we will.

COMMISSIONER COLBOURNE: Okay. All right. And I -- I would think by purchasing these vehicle, they are -- they-- they have already been assigned to departments?

MR. HOBSON-GARCIA: Yes, they have been.

COMMISSIONER COLBOURNE: Okay. That's -- that's what I -- that's what I thought.

VICE MAYOR CHAMBERS: I -- I have a follow up --

MAYOR MESSAM: One minute -- one -- wait, one -- one minute. We have Commissioner Davis, who has raised her hand to speak, and then followed by the City Manager, and then we'll go back around.

COMMISSIONER DAVIS: Thank you.

MAYOR MESSAM: Commissioner Davis, you're recognized.

COMMISSIONER DAVIS: Appreciate it. Yes. I -- I am pretty excited about the electric vehicles as well. I remember back in the day we did have the hybrid, and that was, you know, like super, super great to have, but now we're moving forward with electric vehicles. But my question is probably a bit piggyback a bit on Vice Mayor Chambers, because I have found it been challenging with -- even with staff that helps with the food distribution, it's basically a delivery service for those who are shut in, our seniors and the vulnerable that can't go to the centers and do need some delivery, that there is an issue with pool vehicles. Do we have pool vehicles? Are these vehicles replacing or in addition to what we already have? Because I do see where there seems to be some issues at times with the folks that help me from staff to have access to what we call -- what I've known in government to be called pool vehicles, which are really not assigned to anybody. But they are vehicles that are available, should one be needed by staffer for whatever reason, to do government activities. So how are we in terms of our pool vehicles, and are these replacing older vehicles, or they're still going to be around, the other vehicles?

MR. HOBSON-GARCIA: These will be replacing some of the older vehicles, and those older vehicles are, typically, sold off immediately at an auction, because what we try to do at the fleet is we don't want to grow the City's fleet, so we just have vehicles just being parked on the as-needed basis, you know. So we try to keep the fleet as small as possible.

COMMISSIONER DAVIS: So do we have pool vehicles that are unassigned --

MR. HOBSON-GARCIA: Some departments do have pool vehicles, like the Police Department, the -- the Fire Department, Public Works Department, Utilities Department, and those department have staff that utilize these vehicles. Other departments that don't have pool vehicles are like the City Clerk's Office and -- and stuff, and -- that is, when they need a vehicle, the fleet can lend them a pool vehicle that is available, you know, there. But we try not to just have vehicles sitting around that are not being used, because that is -- isn't -- isn't a good use of an asset, you know. It's --

COMMISSIONER DAVIS: Yeah, I do understand that, but we do have vehicles that are out of service, and other issues that may arise, you -- you just don't know, and I'd like to know that we have some pool vehicles or a vehicle set aside, possibly, for the Commission or administrative staff. I don't know if the Manager's Office has a pool vehicle, or how that works. And I'm sure he's going to address that. But especially with the situation with COVID, we find now more than ever that we are going to people, delivering to people; this is not the normal set of circumstances, and it will be difficult to do if vehicles are down, nobody can get out -- it's -- what they call loaners; nobody can get a loaner. And -- and so there's a cost factor to the loaner, then you give us the cost, that -- I think that would be something that would be helpful.

MAYOR MESSAM: Thank you, Commissioner Davis. City Manager Hargray, you're recognized.

CITY MANAGER HARGRAY: Mayor, Vice Mayor and Commissioners. This program has been around here probably over 25 years, so it's -- it's nothing new. But we also got to be conscious about one thing; we want to reduce the fleet; that's what our intent is. The Commission has their budget, the City Manager has the operating budget. What I'm tasked with is to try to reduce my operating budget, so that we do not have no challenges going into next year's budget. If Commission wants to -- to add money into their budget to compensate the use of a vehicle, then we'll have a conversation about that. But this program is purely about trying to reduce our operating expense, because we don't have the money. This is not a fringe benefit to no one. This is about you give me the challenge of trying to find how we can balance the budget, not only this year, but the following years, and this is one of the -- of many things that we're doing. When we start talking about giving staff, the Commission staff vehicles in here, I think that's something that needs to be discussed a little later, because it goes into something else. That is not a part of the package for the aides. This program right here is purely about the operation; taking money out of Utilities, storm water funds, this is what this is all about. So we are trying to find every nickel that we can put our hands on to try to reduce our operating cost.

MAYOR MESSAM: Thank you, Mr. Manager. A couple of -- a couple of observations. I'm in support of this item moving forward. I'm actually stated earlier, I'm excited to see the City is in -- is diversifying its fleet from fossil fuel-based vehicles to electric vehicles, and I think it's -- it's a -- it's a great move, as we are replacing vehicles that are much needed to be replaced, and that number is going to increase as well, due to the fact that we have deferred the acquisition of other vehicles that need to be replaced that our City staff are using to serve the -- the community. I would -- I would offer for suggestion that needs of the Commission be addressed in terms of the needs for the Commission and, ultimately, the Commission decides on how it will fund its budget. I know for the elected officials, that there is a vehicle stipend for elected officials, or can choose to actually get a vehicle. As it relates to the aides, perhaps, a -- a more or -- if -- if I'm hearing that there is a challenge of aides getting access to pool vehicles, that that subject matter be addressed directly with the Manager to make that more efficient, and make it more accessible. But in terms of this item, that I think that these vehicles, they -- they have

been designated, especially when I'm hearing to public safety, and other essential departments, that they move forward in that direction. And to accommodate City service needs from the Commission, in terms of the Commission aides that needs the use of a City vehicle that if there are any challenges in accessing any available vehicles in the pool, that we get that streamlined and work with the City Manager, so that those vehicles can be used for the benefit of the public. But in terms of this item, I support this item moving forward. Commissioner Davis you're -- no, Commis -- Commis -- Vice Mayor Chambers, followed by Commissioner Davis.

VICE MAYOR CHAMBERS: Okay. I'm going to take off my mask for a minute so I can be very, very clear. I'm not requesting a vehicle for the City Commission. And I'm not requesting additional vehicle. I perfectly stated the legislative aide, I purchased a car back in February 2007, Mercedes Benz, thinking I'm getting a break from a pickup truck going around. I never anticipate a pandemic that we're going to be running around deliver food. I do use my car sometime to deliver food, most of the time. And my -- my big truck is not working. I don't have a problem with that. I do things for my resident all the time. Right now, a pick up a lady in Miami Garden every morning at 5:00 a.m., between 5:00 and 5:30, and -- and -- and drive her to Pembroke Pines to work at the poll because she need to make the extra bucks, and I don't have a problem. I -- I take resident to appointments all the time. But I see that there's a disparity here with elected official, where some of them have City staff with City car making food delivery for them. I don't have that. And I -- Commissioner Colbourne don't have that, and I -- Commissioner Davis fall short with that situation. And my assistant tires are gone, her gas is gone, and these are vehicle that we are purchasing. So I'm not asking for this non-vehicle 1:18:45. What I see here is a -- a -- a -- tell me if I'm wrong, where 60 vehicles slated for purchase, that's \$2.5 million; 52 of those vehicle replacement for fire and police --

MR. HOBSON-GARCIA: Some of them, are, yes.

VICE MAYOR CHAMBERS: Right. So what are the eight electric vehicle slated for? What department?

MR. HOBSON-GARCIA: They're -- they're -- they are going to go to the police, some are going to go to the fire, some are going to go to social services.

VICE MAYOR CHAMBERS: So that mean 99.999 percent is going to fire and police? Is -- is there a number?

MR. HOBSON-GARCIA: I don't remember if there is a fourth department in it, but those three departments stick out in my head right now.

VICE MAYOR CHAMBERS: Okay. So are you telling me that we're not going to find two vehicle in our entire fleet that can support five elected official once a week on a Thursday for food delivery? Is that what you're telling me, or is this for the City Manager, or is this for you, or is for the Mayor?

MR. HOBSON-GARCIA: I am unable to answer that question.

VICE MAYOR CHAMBERS: City Manager? Is that what you're telling me, sir?

CITY MANAGER HARGRAY: I can barely understand you.

VICE MAYOR CHAMBERS: No, what I'm asking -- we spending \$2.5 million for 60 replacement vehicle, and I'm not asking for additional motor vehicle. And what I'm saying is, as till we get through this pandemic to where we're delivering food to our resident, my assistant, and my fellow Commissioner assistant that delivering food, are you saying that we cannot find two fleet vehicle that can assist us on a Thursday to deliver food to Miramar resident?

CITY MANAGER HARGRAY: Let -- let's start off where we're at now.

VICE MAYOR CHAMBERS: No, I'm just asking.

CITY MANAGER HARGRAY: No, no, no. Let's start where we're at now. We're talking about an item here, all right. And the answer is, these -- these vehicles are assigned, all right. Now if you want to talk about your staff with this issue, then that's a conversation you and I need to have if you have that problem.

VICE MAYOR CHAMBERS: Okay.

CITY MANAGER HARGRAY: Because you never have, okay. So this is not -- this not the format.

VICE MAYOR CHAMBERS: Okay.

CITY MANAGER HARGRAY: All right.

VICE MAYOR CHAMBERS: All right. So we will have that conversation. Okay. All right.

MAYOR MESSAM: Commissioner Davis, you're recognized.

COMMISSIONER DAVIS: Thank you. I'd like for the next Commission meeting, and the Manager can provide that before or at, because I'd like to know how many pool vehicles, if we have a system in place for pool vehicles. And if, in fact, the COVID -- monies that we've -- we've gotten for COVID, if somebody could research that to see if there is any monies or avenues for transporting these particular items to these residents. So I just want some out of the box thinking, because we're talking about a pandemic right now, and we're all trying our best. Ultimately, this is not for me, it's not for my staff; quite the contrary. It's in order to provide for our residents, and our residents actually look forward to this delivery. More and more we don't have that many volunteers, people are gone



back to work, those that can, but at the same time there is a need for us to do this particular -- had it not been for this, we wouldn't be asking for this. This is not something general that all of a sudden we want to have vehicles; that is not the case, and to suggest that from the City Manager, as if to say we want that for our budget, is totally not the case. We are simply talking about a situation here where I have to borrow staff, which maybe could be doing other things, to help me with the delivery. And tomorrow I have 300 homes to deliver to; this is not a small undertaking. And this has been going on since March. So even though this is not about this item, we as Commission, can decide to talk about any and anything we want to talk about up here. So that is just my concern, and I think that question needs to be answered. Hopefully, before the next meeting I can get some idea as to how many we have, how many are actually under repair, you know, how do we go about requesting one, is there a form we fill out, all that stuff; if I could get that, I'd appreciate it, thank you.

VICE MAYOR CHAMBERS: And -- and I'm --

MAYOR MESSAM: Thank you, Comm -- one -- one -- one second. Commissioner Colbourne, you're recognized. Oh, you took it -- okay. So -- all right. So, in terms of the -- to facilitate the discussion, to facilitate this item, I'm trying to separate what the needs are. So this item is -- is the approval of the acquisition of electric vehicles. A concern and a need was raised by Commission to help facilitate Commission initiatives in feeding the community, and the need for the use of a vehicle. And, as previously stated, that I'm sure that these needs can be addressed with the City Manager in regards to making sure that if there's a need to access pool vehicles in the City, that that can be made possible. It -- there's a challenge, and it seems to be a challenge -- and what I'm hearing, as I stated before, is that there is a challenge with Commission members and their staff being able to access pool vehicles, that there be a more efficient and more accessible process, so that the Commission members can access these vehicles to carry out various initiatives of the Commission. If there needs to be any specific conversations regarding that subject matter, let's move that to reports or individual meetings with the -- with the City Manager, and let's move this -- this item. At this time, I'll take a motion on this item.

COMMISSIONER BARNES: Motion to approve.

COMMISSIONER COLBOURNE: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Davis.

COMMISSIONER DAVIS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Barnes, seconded by Commissioner Colbourne, to continue Resolution #R7287, the Commission voted:

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

### **Resolution No. 21-13**

MAYOR MESSAM: Item number six, please.

6. Temp. Reso. #R7292 approving the Settlement Agreement and release for Contract No. 1955, entitled “**Turn-Key Modified Shipping Containers for the Miramar Regional Park Amphitheater**”; authorizing the City Manager to execute the proposed settlement agreement and release from Platte River Insurance Company for performance bond payout services in an amount not-to-exceed \$100,000.00. *(Support Services Construction Administrator Daryll Johnson and Procurement Director Alicia Ayum)*

CITY ATTORNEY NORRIS-WEEKS: A resolution of the City Commission of the City of Miramar, Florida, approving the Settlement Agreement and release for Contract No. 15 - 1955, entitled “Turn-Key Modified Shipping Containers for the Miramar Regional Park Amphitheater”; authorizing the City Manager to execute the proposed settlement agreement and release from Platte River Insurance Company for performance bond payment -- payout services in an amount not-to-exceed \$100,000.00, and providing for an effective date.

MR. JOHNSON: Good evening --

MAYOR MESSAM: Thank you. Before you start, Vice Mayor Chambers, you -- this is one of the items that you pulled. Would you like a presentation, or do you have a question for staff?

VICE MAYOR CHAMBERS: Like a presentation.

MAYOR MESSAM: You're recognized, Mr. Johnson.

MR. JOHNSON: Good evening, Mayor, Vice Mayor, Commissioners, members of the dais. Daryll Johnson, Construction Administrator. I'm here before you to present the -- the presentation for the settlement agreement and release for the Turn-Key Modified Shipping Containers Project at Miramar Regional Park Amphitheater. The City desires to accept the settlement agreement and release from the surety company for performance, bond payout services for the completion of the Turn-Key Modified Shipping Containers Project at Regional Park Amphitheater. Little background regarding this item. In November of 2018, City Commission approved the award of the Turn-Key Modified Shipping Containers Project to CEPODS, LLC, in the amount of \$729,000.00 for design and construction services. In January of -- January 2019, the City executed the contract agreement with CEPODS and issued a notice to proceed to con -- commence with the design and construction services. In February 2020, the City issued a formal intent to terminate letter ten days secure to the contractor, as per the contract agreement guidelines due to lack of performance. Continue background. In February -- February 21<sup>st</sup>, 2020, City Attorney issued a formal notice of contract termination to the contractor. In March of 2020, the City Attorney contacted the contractor surety company and commenced with investigations, discussions, and negotiations. September 2020, the attorney finalized the negotiations with the surety company. The surety company made a settlement offer in the amount of \$100,000.00, accompanied with the settlement agreement and release documents. Just to give you a brief idea of the scope of work as a reminder. The -- the scope of work consist of modified shipping -- 13 modified shipping containers placed at various locations throughout the amphitheaters, the exterior shells and the interior of the shipping containers are altered and fully remodeled, creating functional retail space. Next slide. This slide is just a basic overview of the original layout of the various shipping containers throughout the amphitheater site; they're highlighted in the -- purple -- purplish color. Next. This is an idea of what the VIP shipping container would look like after its completed. And these are various ideas of what the concession container, the restroom container, and also the refrigerator container would look like after its completed. City Manager recommends approval.

MAYOR MESSAM: Thank you for the presentation. As mentioned earlier, there are no members from the public wishing to speak on this item. I do see a speaker raised from the Commission. Commissioner Davis, you're recognized.

COMMISSIONER DAVIS: thank you. Just on the term -- in terms of the number of these containers, how many are we looking at?

MR. JOHNSON: Yes. The original contract called for 13 of these containers.

COMMISSIONER DAVIS: And I know had asked before that, they are movable, so if somebody doesn't need them any at all, they will -- they'd be stored somewhere else?

MR. JOHNSON: Yes. --

COMMISSIONER DAVIS: Like where?

MR. JOHNSON: That is the good thing about these containers, they're not really permanent, and if you choose to relocate it somewhere else, that could definitely happen.

COMMISSIONER DAVIS: But do -- is there a plan of where to relocate them?

MR. JOHNSON: I'm sorry.

COMMISSIONER DAVIS: Is it going to be on the grounds of the park? I mean that's 13 containers.

MR. JOHNSON: Right. As of right now, the contract is scheduled for the 13 containers to be at the amphitheater in the various containers, but should the City staff decide to move it to a different location, that's permittable, that's -- that's allowable. It can happen. But --

COMMISSIONER DAVIS: So you're making preparation for a place to store these, should they not be needed, and you have modes of transportation to get them where they need to go?

MR. JOHNSON: Right. Good.

COMMISSIONER DAVIS: Okay. I just want to be clear on that.

MR. JOHNSON: Yes.

COMMISSIONER DAVIS: Thank you. I appreciate it.

MR. JOHNSON: Yes -- yes, ma'am.

CITY MANAGER HARGRAY: Commissioner Davis.

COMMISSIONER DAVIS: Yes.

CITY MANAGER HARGRAY: The other idea behind that is -- is that if you can imagine Shirley Branca Park, to be able to bring containers there that they can serve out of it, so we can -- we can change that whole look there; that's the flexibility. Or if you had an

event at Ansin, you can just roll them over there and have another experience, because what we're talking about is bathrooms, as well as -- as serving alcohol or merchandising. So we got the whole thing, and so we got flexibility to -- to -- to do the things that we would not be able to do. If you think about it, when we go to Shirley Branca Park, they get all those trucks and stuff line -- now we can have something that can give a look to it, professional.

COMMISSIONER DAVIS: And, as you said, you can move them around if you needed to?

MR. JOHNSON: Yes. Yes, ma'am.

COMMISSIONER DAVIS: Okay. Perfect.

MR. JOHNSON: That's correct.

MAYOR MESSAM: Vice Mayor Chambers, followed by Commissioner Colbourne.

VICE MAYOR CHAMBERS: Can -- can you put up the slide with the finished container?

MR. JOHNSON: Okay. Slide number six. That is one of them, yes.

VICE MAYOR CHAMBERS: I think there was another one.

MR. JOHNSON: In the upper left-hand corner, that's the concession containers; there's about seven of those.

VICE MAYOR CHAMBERS: Okay.

MR. JOHNSON: In the upper right-hand corner, that's the restroom container, and in the center there, that is the visual of the refrigerator and freezer container.

VICE MAYOR CHAMBERS: So, question: are these container already at Regional Park?

MR. JOHNSON: Yes. Yes, sir. Yes, sir.

VICE MAYOR CHAMBERS: And they look like this?

MR. JOHNSON: I'm sorry.

VICE MAYOR CHAMBERS: They look like what I'm looking at on the screen?

MR. JOHNSON: No, they don't -- no, because the contractor defaulted and -- and didn't complete the work. It does not look like that as of right now. With the settlement, it -- should -- should the Commission approve the settlement, the settlement goes toward

completing the containers, so that they will look like that. We're about 50 percent complete right now.

VICE MAYOR CHAMBERS: So they will look like that; okay. There's another slide.

MR. JOHNSON: Yeah. That is the VIP container.

VICE MAYOR CHAMBERS: All right.

MR. JOHNSON: That's probably the only one that probably would be stationery.

VICE MAYOR CHAMBERS: And that will look like that also when it -- when -- when they're -- when it's delivered, it's going to be looking just like what I'm looking at right now?

MR. JOHNSON: Yes. When it's completed, yes.

VICE MAYOR CHAMBERS: Okay. And none of these are there right now?

MR. JOHNSON: No, no. No, these are onsite, they're just not completed.

VICE MAYOR CHAMBERS: They're not completed.

MR. JOHNSON: Yeah, --

VICE MAYOR CHAMBERS: But they will be completed?

MR. JOHNSON: They will look like that when it's completed, sir, yes.

VICE MAYOR CHAMBERS: By the -- the contractor?

MR. JOHNSON: Well -- well, once we -- should the Commission approve this item tonight, we've already -- part of the negotiation with the -- the attorney was to utilize the subcontractors that were on this particular project with the contractor that defaulted. So they've agreed to finish the contract directly with the City to finish these -- these containers.

VICE MAYOR CHAMBERS: So there going to be a -- an additional cost to finish these container?

MR. JOHNSON: No, no. No -- no, sir. We still have monies remaining on the contract, and this -- this \$100,000.00, which --- which -- which the -- which the dais will be approving tonight, this is the settlement that the bonding company is -- is giving the City to finish up these containers, and we feel that this is enough -- this is enough to finish the containers.

VICE MAYOR CHAMBERS: And how much remaining on the original contract?

MR. JOHNSON: As of right now, remaining now is \$340,000.00. Should this item be approved tonight, it will be a total of \$440,000.00 to complete the containers.

VICE MAYOR CHAMBERS: And the original was 700 and --

MR. JOHNSON: \$729,000.00, yes, sir.

VICE MAYOR CHAMBERS: Okay. And these -- one of these going to be fixed; the concession stand going to be fixed, right?

MR. JOHNSON: Yes. There are a total of seven of the concession stands, those that are -- if you go to the next slide, please.

VICE MAYOR CHAMBERS: It -- okay. So which one going to be permanent?

MR. JOHNSON: Permanent would -- would be the -- the one -- could you go back -- it would be the VIP as -- that -- that's the larger one. That would be permanent.

VICE MAYOR CHAMBERS: Will it be removable? Can -- can we move it if we need to?

MR. JOHNSON: We can't -- we would have that flexibility, but this particular one is very large, probably wouldn't. But if -- if it -- desired to remove it, it can be moved, yes.

VICE MAYOR CHAMBERS: So is it going to -- any of these container going to be bolt down, or they just going to be --

MR. JOHNSON: Yes, they would -- they would have to be bolted down, yes.

VICE MAYOR CHAMBERS: Bolted down, okay.

MR. JOHNSON: Yes, sir.

VICE MAYOR CHAMBERS: You know, one of the things that I'm noticed when I -- they started the laying out with the concrete slab and so forth --

MR. JOHNSON: Yeah, those are the foundations that these containers would sit on.

VICE MAYOR CHAMBERS: Right, I realize there's a -- a safety issue there, and -- with the slab, and also with the flexibility of using the amphitheater by different events there, that these container would be an hindrance for expanding, you know, activities, and -- but it is what it is. But, you know, I -- I just want to say sometime here, as the elected official, we have to -- we trust our staff and, you know, each item that come before us, sometime we have to take a -- a closer look.

MR. JOHNSON: Understood.

VICE MAYOR CHAMBERS: And -- but I guess sometime when we are intellectually lazy, this is what happen when we fall into the trap of a -- a bad contract. But I'm glad for our City attorney, what they will do, work this out.

MR. JOHNSON: Yes, sir.

VICE MAYOR CHAMBERS: And -- and without a great cost, so I'm very, very pleased with the current attorney that we have with the skill, and their negotiating skill, they see things a little differently compared to what we were doing before. And I really want to thank -- a special thanks to all the staff with the current attorney for their work. I'm very, very, very pleased, and I think our resident should be pleased that they always trying to save the City money.

MR. JOHNSON: Yes.

VICE MAYOR CHAMBERS: Thank you, sir.

MAYOR MESSAM: Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: Thank you very much. Daryll.

MR. JOHNSON: Yes, ma'am.

COMMISSIONER COLBOURNE: Oh, Daryll. Daryll, I was excited when I first heard about this, when I first saw that picture, when I first -- you know, before COVID, and when I thought, you know, our amphitheater -- you know, it would truly enhance the experience, and when I thought it would have been done much sooner.

MR. JOHNSON: Right.

COMMISSIONER COLBOURNE: Here we are two years later, I'm not as excited anymore. I've got to share that with you. Mr. Manager, I've got to share that with you; I'm not as excited about this project anymore. There is -- there is COVID, there is 13 containers; all 13 of them are not planned to be at the Regional Park, not planned to be use at one time?

MR. JOHNSON: Yeah. They're currently -- as part of the contract, all 13 will be utilized at the -- at the amphitheater --

COMMISSIONER COLBOURNE: Okay.

MR. JOHNSON: -- as part of the original contract agreement.



COMMISSIONER COLBOURNE: I -- at this point, I can't even see the visual of 13 of those containers, but you are telling me that we do have the containers?

MR. JOHNSON: Yes, ma'am. Yes, ma'am. With their own --

COMMISSIONER COLBOURNE: How long have we had the containers?

MR. JOHNSON: About -- I would say about six months now.

COMMISSIONER COLBOURNE: I'm sorry?

MR. JOHNSON: About six months now.

COMMISSIONER COLBOURNE: About six months now we have the containers?

MR. JOHNSON: Yes.

COMMISSIONER COLBOURNE: Do we have any work that has been done on any single one of the containers?

MR. JOHNSON: Yes. Yes, a few of the -- they're at different percentages complete. I would -- I would think the greatest amount of completion is at the restroom containers. They're about 80 percent complete, and two --

COMMISSIONER COLBOURNE: So of the 13 containers, some of them are restrooms?

MR. JOHNSON: Yes, yes. Two -- two of them are restrooms.

COMMISSIONER COLBOURNE: Two of them are restrooms. So -- and the two restrooms are almost completed?

MR. JOHNSON: Yeah. They -- they're at 80 -- about 80 percent, yes, ma'am.

COMMISSIONER COLBOURNE: And those will -- those are permanent containers there?

MR. JOHNSON: Again, they're scheduled to be at the -- the -- those -- those --

COMMISSIONER COLBOURNE: Are those part of the ones that you can move from one location to another?

MR. JOHNSON: Yes. Yes, ma'am. And all of them --

COMMISSIONER COLBOURNE: I'm sorry.

MR. JOHNSON: Yes, ma'am. All of them are really flexible to where you could move them if you so desire, but, again, with the restroom containers, it would probably be destined to make them permanent there. But if they desire to be moved, they can be moved. Just -- it would take just a little more effort, because you would have to unhook the sanitary, the plumbings, things like that.

COMMISSIONER COLBOURNE: That's why -- that's why I'm wondering. Is -- you know, is it -- is it being designed to be something that you move from one location to another, or is it being designed to remain at the Regional Park?

MR. JOHNSON: As of right now, the design is to remain at the Regional Park, but it is --

COMMISSIONER COLBOURNE: Okay. So we'll have two -- two additional -- two additional restroom at the -- two -- two containers that would serve as restrooms?

MR. JOHNSON: Yes, ma'am.

COMMISSIONER COLBOURNE: This will be similar to the restrooms that we currently have there?

MR. JOHNSON: Yes. That is correct.

COMMISSIONER COLBOURNE: Okay. And -- and then the other types, can you give me that breakdown? What's the other type of containers?

MR. JOHNSON: Yes. If you can go to the slide. This is the VIP container, which consist of two containers side by side, and they would have to be weld -- welded together. This is VIP --

COMMISSIONER COLBOURNE: So --

MR. JOHNSON: -- that's two --

COMMISSIONER COLBOURNE: So one of these models are really two containers?

MR. JOHNSON: Yes, two containers welded together, yes, ma'am.

COMMISSIONER COLBOURNE: Side -- side by side?

MR. JOHNSON: Yeah. That's why I made the statement that it probably wouldn't be practical to re -- to relocate or move this particular one, because this is welded together, and --

COMMISSIONER COLBOURNE: How many of these are we going to have?

MR. JOHNSON: Just one. Just one.

COMMISSIONER COLBOURNE: So that would be -- that would be one --

MR. JOHNSON: Yeah. That's the -- that's the VIP --

COMMISSIONER COLBOURNE: What do you -- what do you call this one?

MR. JOHNSON: VIP -- VIP lounge experience.

COMMISSIONER COLBOURNE: Okay. So -- and then the other containers?

MR. JOHNSON: If you go to the next slide. Then you have the concession container in the upper left-hand corner, there are seven of those concession containers.

COMMISSIONER COLBOURNE: We have seven of those?

MR. JOHNSON: Six or -- six or -- six or seven.

COMMISSIONER COLBOURNE: Okay.

MR. JOHNSON: And -- and to the right, the upper right, you have the restroom containers.

COMMISSIONER COLBOURNE: Okay. That -- that's the restroom there.

MR. JOHNSON: Yeah. And then to the -- in -- in the center, the bottom, those are -- that's the refrigeration and refrigerator container. That's where the concessionaires would store their food.

COMMISSIONER COLBOURNE: And -- and then how many of those we have?

MR. JOHNSON: We have one of -- one of each.

COMMISSIONER COLBOURNE: When you say one of each?

MR. JOHNSON: Yeah. One -- one of the fridge, and one freezer.

COMMISSIONER COLBOURNE: One of the fridge and one of what?

MR. JOHNSON: One -- one refrigerator and one freezer, so that's two.

COMMISSIONER COLBOURNE: I'm sorry. You said one refrigerator and one?

MR. JOHNSON: Yeah. One refrigerator, and one freezer.

COMMISSIONER COLBOURNE: And one freezer.

MR. JOHNSON: Yes, ma'am.

COMMISSIONER COLBOURNE: Okay. Okay.

MR. JOHNSON: Yes, I'm sorry.

COMMISSIONER COLBOURNE: Okay. All right. So when you say 50 -- that we're 50 percent completed.

MR. JOHNSON: Yes.

COMMISSIONER COLBOURNE: You're referring to --

MR. JOHNSON: The overall -- overall -- the overall --

COMMISSIONER COLBOURNE: Because you only have -- the restroom containers are the only ones that you've done any work on.

MR. JOHNSON: They're at about 80 -- at 80 -- about 80 percent complete, the restrooms.

COMMISSIONER COLBOURNE: Okay. So we have two out of 13 that are completed, and you're saying we're 50 percent -- well, not completed, but you have the restrooms 80 percent completed.

MR. JOHNSON: Yeah. And I was saying the -- the concession containers are about -- maybe are -- because they're -- they're, maybe, six of them, six or seven of them, they're about 30 to 40 percent, because they're -- again, they're -- they're -- they're multiple.

COMMISSIONER COLBOURNE: So they're currently working on -- on all of the different containers at one time?

MR. JOHNSON: At -- at one time, yes, ma'am, simultaneously, yes.

COMMISSIONER COLBOURNE: Okay. Okay. And so you're saying -- well, I'm thinking the restrooms -- well, you said the restrooms are not designed to remain -- I'm sorry, not designed to be moved to another location. The VIP one, two containers, that's not going anywhere either.

MR. JOHNSON: Yeah. I -- again, I wouldn't recommend moving that, because, again, it's -- they're welded together, it's two -- and -- and just the sheer size of it. But should you desire, it can be moved.

COMMISSIONER COLBOURNE: But the other -- I guess the refrigerator and the freezer --

MR. JOHNSON: Yeah, the other one -- what you see right there, as far as the refridge and -- and freezer, they're -- they're smaller units, and also the concession, they're smaller as well. Those could definitely be moved -- moved around.

COMMISSIONER COLBOURNE: Okay. So in order for it to -- to be moved to let's say Shirley Branca, do we need to build a concrete slab at that location as well?

MR. JOHNSON: Yeah. Yes. Yes, these would have to sit on a concrete foundation, yes, ma'am.

COMMISSIONER COLBOURNE: So the -- Shirley Branca, currently, could not accommodate one of these containers?

CITY MANAGER HARGRAY: Yes, they can. Yes.

COMMISSIONER COLBOURNE: In its current form?

MR. JOHNSON: Yes, it could, but you would have to -- you have to pour a slab. Yes, you could --

COMMISSIONER COLBOURNE: I'm sorry?

MR. JOHNSON: You would have to pour a concrete slab, because you have to secure these on a -- on a -- on a slab. And also --

COMMISSIONER COLBOURNE: You need the -- you need the slab. So, currently, if you don't have -- they don't have the slab, so --

MR. JOHNSON: Right, right.

COMMISSIONER COLBOURNE: -- you could -- it -- it could not be used at -- at Shirley Branca?

MR. JOHNSON: No, I -- I would say -- I would say no. I -- I wouldn't recommend it, no.

CITY MANAGER HARGRAY: You can use it in the parking lot.

COMMISSIONER COLBOURNE: Okay.

MAYOR MESSAM: Are there any further questions, Commissioner Colbourne?

COMMISSIONER COLBOURNE: No, no. That's -- that's it for me. I'm -- after two years -- my last statement would be, after two years of -- of waiting for this, I'm -- I'm just not excited about it anymore, and I -- I -- I want to say I -- you know, I'm just not excited about it anymore. It's -- it's been two years. I don't -- I frankly don't understand why it has taken two years to get to this point. You're saying 50 percent completed and -- and -- and bathrooms, and -- and maybe a few other containers been worked on. I -- I don't -- I don't get that. I -- I don't get two years on this contract, and -- and you are where you are with this contract as of today. A settlement of \$100,000.00 -- so my last question, I guess, would be: do we have enough money to complete this contract?

MR. JOHNSON: Yes, ma'am.

COMMISSIONER COLBOURNE: Or are you going to have to come back here and -- and ask for additional dollars to complete this contract?

MR. JOHNSON: As of today, we have enough money to complete this contract.

COMMISSIONER COLBOURNE: As of today?

MR. JOHNSON: As of today, yes, ma'am.

COMMISSIONER COLBOURNE: Okay. Because I'm not interested in spending another -- another penny to complete this contract that has taken this long. So I sincerely hope that -- that we do have the funds, that the settlement that we have agreed to does provide the funds necessary to complete this contract.

VICE MAYOR CHAMBERS: It is a disaster.

MAYOR MESSAM: Okay. Bringing back to this item, which is -- and for our viewers that are hanging in here on this, this item is to accept a settlement offer with the defaulting contractor and their surety to move the project forward.

MR. JOHNSON: Yes. Yes, sir.

MAYOR MESSAM: That is what this item is about.

MR. JOHNSON: Yes, it is.

MAYOR MESSAM: This item is a project that is -- it is a -- it is a current contract that this Commission approved. We're here because the lowest responsive bidder for the contract did not successfully perform their duties of the contract. Staff's enforcement of the contract with all of its provisions followed the process of the contract in the event of default. Contractor was not able to successfully correct the default, and because of due diligence in the contracting, which required a bond, the City exercised his right to go to the surety to seek financial remedy to execute and complete the current contract that has

in place. And the City staff's efforts in moving the project forward, which is amazing, in my opinion, that they were able to retain the subcontractors that was working on the project, who were not in default. The default was on the prime and not the subcontractors, who were doing all of the work -- are able to complete the project as originally designed, according to the scope of work defined in the contract. So City staff, our attorneys have successfully maneuvered and navigated through this process, and to ensure that the City remains whole, which we heard tonight, that the funding still remains to complete the project. In fact, the subcontractors are on board to complete the project. Further, the containers that we are acquiring are relocatable, for the most part, with the exception of, perhaps, the VIP lounge, which is not recommended to be moved, but if we had to move it, we can move it. Containers are moved daily, all the time. These are the same containers that are on barges, on ships, they get dropped. And I would take some -- a slight exception, Mr. Johnson, in terms of the -- the relocation and the -- and the utilization of these containers. We don't necessarily have to physically build a slab to place these containers. We can put them on any suitable hard surface, which could be asphalt, a parking lot, depending on the use. If they're going to be used for retail, we can put them on the parameter of the -- of the -- of the amp -- of the band shell, we can place them on 69<sup>th</sup>, Wild Cat Way where we usually would have the tents set up for vendors. There's many locations around the band shell that could be suitable for these containers. So short of the prime contractor falling short on their responsibilities, I commend staff, I commend our legal team for doing their role and their responsibilities to protect the interest of the City, and ensuring that we are made whole. The only gap that can't be recovered is time, but right now we kind of have a comma in activities right now, which we can make and gain back the time that was -- was lost. So I just commend our staff and the attorneys for negotiating and navigating through this, and ensuring that this project can move forward, and those are my comments. Commissioner Davis, you're recognized, followed by Vice Mayor Chambers, and then Commissioner Colbourne.

COMMISSIONER DAVIS: Thank you, appreciate that. For the clarification, as far as these bathrooms, I've seen mobile bathrooms, you know, like when we have an event, and we don't have enough bathrooms, and they bring in a bathroom that's air conditioned and, you know, we pay money for that. Is there a way we could utilize this the same way, that type of bathroom?

MR. JOHNSON: Yes. This particular --

COMMISSIONER DAVIS: Not the normal bathroom that is there, but more like ones that are portable.

MR. JOHNSON: Yes. This particular -- it's -- the two bathrooms -- container bathroom do have air -- air conditioners, and they're a --

COMMISSIONER DAVIS: But is it portable like the portable ones that you set up, like we're going to use it somewhere else. You -- you take it over there, and it's portable.

You said -- I mean I know Liz has gotten that for the Parks Department before, where we've had to get people to bring in those types of bathrooms to facilitate --

MR. JOHNSON: Yes.

COMMISSIONER DAVIS: -- events. Is this something that we can utilize, this particular container, to do -- rather than have a permanent structure with piping and all of that?

MR. JOHNSON: Yes. Way it's designed now, it's -- it's designed with a sewer laterals, meaning on the ground. But should you use it in the -- in the instance that you're talking about, you would have to get a tank, a portable tank, where you have the restroom tanks on -- on a -- on a trailer, like you said, on a trailer. You just have to retrofit -- retrofit that restroom to -- to accommodate that tank for the sewage. But, as of right now, the design includes lateral -- sewer laterals where you're going to connect it at -- because, remember, this contract was for the amphitheater to -- to permanent -- permanently house these at the amphitheater.

COMMISSIONER DAVIS: But have we had problems before -- I mean I've been there. We've had events that has thousands of people.

MR. JOHNSON: I'm sorry?

COMMISSIONER DAVIS: We've had events that's has thousands of people, and we've brought in what, portables; is that -- why are we adding two more permanent toilets?

MR. JOHNSON: Well, to my -- when we originally did this contract, these -- these -- these restrooms were to accommodate the people, because, again, we have six or seven concession containers. Should the person -- the patrons purchase from the concession container, they'll have the restrooms right there. It's just the way that it's strategically placed. Right now you have three permanent restrooms at the site right now, and these would just give additional -- these containers would just give additional facilities for people to use. That's all. That was the intent. That's -- that is the intent.

COMMISSIONER DAVIS: Yeah. I just hope that they can be moved like portable ones to different locations, because that would make more sense. I just don't see the -- that look -- I haven't seen a -- a rendering of the look of all these containers around this beautiful amphitheater. See, I'm not sure if that brings down the whole look of this beautiful location with 13 containers, all different styles, colors, and all different stuff going on over there.

MR. JOHNSON: Again, the original intent was to -- go back to the slide -- was to mask these containers with various advertisements or logos, such as you see there.

COMMISSIONER DAVIS: Have you seen that done elsewhere? Do we have examples of -- I wasn't -- I don't think -- I wasn't here two years ago when this was decided --



MR. JOHNSON: Oh, yes --

COMMISSIONER DAVIS: -- that --

MR. JOHNSON: the concept comes from Windwood --

CITY MANAGER HARGRAY: Can you stop for a minute -- west -- in Miami, right by the stadium in here, West Wood, that's where Vern was working at, you will see that everywhere, with containers. In fact Vern was working in one in here. But I -- I'll get you some pictures, because we have some pictures. And you don't have to look like that. You can look at different looks that you want to have. That was just something that -- that the architect had came up with that look. But if you go to Wynwood, you will see it everywhere, these containers, and they're moved all around. So if we have a opportunity, it'd be nice, as we're going through this here, to maybe take a trip to Wynwood for that experience, because that's where it originated from.

MAYOR MESSAM: Some can be left even plain, they can be wrapped. They're based on the event, to brand it for the event; that's another revenue opportunity as well. It's really just the flexibility. Obviously, these aren't containers that would be moved every day, but for -- in fact, theoretically, we don't even have to put all 13 out at one time. So let's say one event may only require two or three, you know. We have places where they can -- you know, they can -- they can be stored. So in terms of relocation, you know, for those that want to activate one of these containers that can be factored into the cost, it could be factored into, you know, the logistics. So the -- the -- my understanding of the proposal when it was initially brought or suggested by staff -- one of the things I thought was beneficial was because of the flexibility of the amphitheater and the different types of events, that to have these -- these spaces that can be customized and relocatable, just add it to the -- the flexibility of the -- of the use of the space.

COMMISSIONER DAVIS: So we're not going to have 13 slabs.

MR. JOHNSON: No. No, there's no 13 slabs out there, no. The way it's situated, some of -- some of these containers are side by side when you just have one continuous slab, so -- and they're situated throughout the amphitheater, so, no, we do not have 13 foundations, no.

CITY MANAGER HARGRAY: Kind of remember when we had the Jerk Festival, we -- we realized that we didn't have enough space, and -- and it needed to go further, so we went into the other area there. Well, we -- we could have easily put bathrooms there, opposed to somebody walking all the way across there. You know, we could have had it, because we had slabs already there, so there is a flexibility in terms of how big your event is going to be. If you have a event bigger than -- than -- than 4,000 in here, and you want to go and use the other ball field, now you have the flexibility to put these amenities there.

COMMISSIONER DAVIS: So in terms of the bathroom, I -- I -- I think it makes good sense to make it portable than fixed.

MR. JOHNSON: I'm sorry?

COMMISSIONER DAVIS: The bathroom, to look at making them portable -- portable, --

MR. JOHNSON: Yes.

COMMISSIONER DAVIS: -- air conditioned bathrooms.

MR. JOHNSON: Yes. Yes, ma'am.

COMMISSIONER DAVIS: So you could move them if they're -- if -- like he said, if, say, Jerk Festival is going to have -- use both areas that's going to give -- you want to put a bathroom over there.

MR. JOHNSON: Yes.

COMMISSIONER DAVIS: Then you'd have to move it. But with all these different pipes and sewers and stuff, I don't think that's the way you want to do it.

MR. JOHNSON: No, we would -- we would just have to retrofit it for -- for a tank.

CITY MANAGER HARGRAY: The -- the interesting thing about it, because I know about the park in here, it's already there. Because we had a -- we had -- we had a bathroom there, right there where -- where Eddy used the other field. So it's not like we can't use the same system there.

MR. JOHNSON: Right.

CITY MANAGER HARGRAY: So we have the ability to do that without having to do a whole lot of construction there. Because, remember, we had the circus, and the circus operated there. So it's -- it's no reason why we can't do the same thing.

MAYOR MESSAM: Okay. Final two commenters, Vice Mayor Chambers, followed by Commissioner Colbourne, and let's try to move this item.

VICE MAYOR CHAMBERS: Just to clarify a few things. Commissioner Davis, this -- I know you wasn't here. Just to share something. I know you asked about the portable bathrooms, and I've seen those before. If you have gone to the Jazz in the Garden, for the VIP, they brought in these really nice portable bathrooms that's really aesthetically -- it look well and lightweight. This thing look like a trailer, and I -- and I think that's what you alluded to. Now the container would not suit that purpose as a portable, no. This was setting up to be piped into the ground system, and -- and -- and in terms of weight,

this is really heavy to retrofit, to put it on wheels, and a tank, it just wouldn't work like that. It's -- it's more challenging. It didn't started out that way. It probably can be done with a heavy duty trailer, big tires and so forth and a tank, it might be able to -- it's going to be different from what you've seen before. So just to clarify that. This was set up to be piped into the ground. But one of the thing happened, Commissioner Davis, was they -- the contractor came in, put in the slabs, disrupt the piping underground for the sprinkler, pour the slab, left the pipe loose, water everywhere. Was a real disaster. It was really crappy contractor, work -- shabby work and -- when I go there and I take a look and I survey where the slabs are, it just didn't make an sense. It was really limit the amphitheater use, and it's -- like you said, the aesthetic, the looks, you couldn't see those container complementing the amphitheater. So, you know, I -- I realize it was a mistake when I went there and saw the layout and -- and the slab. I -- I -- I thought the project would have still move forward, since we already committed to it, but I realize it would have really disrupt the flow and different usage of the amphitheater. Now for the comment that the Mayor made, that this is -- Commission approve this, of course. This was a item that brought to us by staff and the City Manager, and -- and sometime we -- like Commissioner Colbourne says, she was excited, and the excitement is not there anymore, but maybe for a good reason. They took a while, and -- and I'm happy that they didn't worked out, because now we can go back to the flexibility that the amphitheater had. But one of the things that when staff bring an item to us, as much as staff do their due diligence and do good work, that doesn't mean that it's always a great idea. And our job, as elected officials, is to look at it and see if it's something that we really want to support. And -- and like tonight with this item come before us tonight, I mean the Mayor is -- is -- is saying that what we're debating is to approve the item, because staff and the attorney already work it out. But we have a right to comment and voice our opinion; this is what we do, this the Miramar City Commission, and no one going to take that away from us. But when these things come before us with staff, and if -- like is said before, if we are not -- due diligent, and just approve things and be intellectually lazy, this is what we end up with. And -- and more often time than none. So I just want to make that very clear, and -- and -- look, like I said before, I really want to thank the attorney for their work. Hadn't been for the attorney, we would have been really upside down and screwed with this situation here, so kudos to our City Attorney.

MAYOR MESSAM: Okay. Before -- actually, Commissioner Barnes is --

COMMISSIONER BARNES: Mr. Mayor, if I would.

MAYOR MESSAM: Commissioner Barnes is --

COMMISSIONER BARNES: I sent you messages, and apparently you're not getting my messages to my --

MAYOR MESSAM: Yes, I was on Teams -- I just -- I just saw that -- that you were on the Webex.

COMMISSIONER BARNES: Okay.

MAYOR MESSAM: So Commissioner Barnes, I was watching on Teams, the other chat.

COMMISSIONER BARNES: Okay. Let me -- let me just quickly make my comments. As -- as is well known, I've always been against the entire amphitheater project, so my position is not changing tonight from any other position I've taken. In fact, it's been compounded now, because while I think -- and -- and I -- and I have a lot of regard not just for -- for our staff, but Administrator Johnson, and this is not at you, of course, personally. But we have been given the impression, for example, that the movement of these trailers are going to be fairly facile, going to be easy. They can't be. These are humungously heavy entities. And to suggest, for example, that we could bring this to the park -- don't remember the name -- to -- to bring to this park -- the space doesn't exist for us to bring it up. Listen, we're talking here about request, for example, being made about the equipment that would be used by departments at the City. Someone said fine, incredible modern equipment. But, guess what? It would be brought to the City of Miramar, and it could not even turn around on any of the streets that we have. So I'm looking at this from that kind of perspective, okay. To give the impression -- okay, not all of these are 18-foot crates -- containers, but they -- they are not light, they are not small, so I mean moving them around in the park is one thing, but moving them to other locations across the City, I don't see where that space exists. And those are my comments.

MAYOR MESSAM: All right, thank -- thank you, Commissioner Barnes. For perspective, no one said that moving the containers would be like lifting a -- a garbage can. I'm not suggesting anyone is saying that. But I moved these containers on a monthly basis. These are basically construction trailers. These are basically trailers that deliver on the same street to the -- for example, Shirley Branca Park. The same Publix tractor trailer that has to deliver to Publix uses the same street. And I would venture to say that none of these containers are as long as the Publix tractor trailers. Yes, it does require heavy equipment to tow them, but they exist. They can be moved. It's not like these trailers will be moved every week. It would be more of a infrequent -- they may be moved, maybe, three or four times, even out of the year, if that. But they are relocatable. It is not an insurmountable feat to relocate these trailers. These trailers are outfitted all the time. They are basically used to ship cargo, they're used to be construction trail -- offices at construction sites, temporary use -- they're -- by nature, that's how they're set up, and that's how they're moved. They're set in place for months, and periods of time to be relocated to another location. They have flexibility. And it provides options for revenue, instead of renting restrooms, we put the hookups in the locations where they would go for certain events, and we told them and drop them in those locations, and the plumbing would just be connected to the infrastructure that is in place. It's as simple as that. This is my business; this what I know. So for purposes of discussion, when I say -- and remind us what the question is, I'm communicating to the Commission, I'm communicating to the public that may here concerns and comments from the Commission, which are legitimate, because it's your respective questions. I'm not stifling or -- I don't stop anyone from asking questions. I'm not giving anyone any directive, or asking anyone to stop making

opinions. I'm just driving the -- the discussion before the question that is before us, and that is simply to accept the \$100.00 -- \$100,000.00 settlement from the surety to finish the project. Now if we want to have a workshop on the utilization of these containers, if we want to have a workshop on what the look is going to be, if we want to talk about when we move them, where will we move them, if we want a discussion on using them for restrooms versus another use, I think we can do that, perhaps, in a workshop or something else, but it's really inconsequential to what the question is. We're either going to accept the \$100.00 -- \$100,000.00 based on what is being recommended, or we're going to reject it, and eat the cost, and kill the -- the -- you know, the -- the -- the project that has been approved, which is the prerogative of the Commission that it can take. It can take that directive. But if that is the discussion, let's have that discussion to say: we no longer want the containers, let's kill the project. But I just -- I'm just trying to move the agenda, because we're discussing items -- we're discussing items that -- I'm not stopping anyone from these topics, I'm just saying let's try to have discussions to move the item - the agenda item, or to reject it. Commissioner Colbourne.

COMMISSIONER COLBOURNE: Thank you. In terms of the agenda item itself, I -- I'm in support of us -- you know, this is the settlement that -- that has been reached. And in order for us to move forward, you know, I'm -- and you've told me that it renders enough money for us to complete the project. So from that standpoint, you know, I -- I am prepared to move the agenda item forward. In terms of the actual project, this item is not for the project, but there are some questions that has risen now that I did not have two years -- two years ago when -- when we looked at this item. So, Mr. Mayor, you said a workshop. I wasn't going there, but maybe -- maybe that's a -- maybe that's what we need, a workshop before you move forward. Because once you've done the settlement, then I think we need to maybe -- you need to be prepared to answer some more of these questions, specifically the rendering that was brought up by Commissioner Davis. I -- I would like to see a better rendering of what it would look like. I see -- I see trailers that look really good, I see -- or I say containers that look great, but I -- I don't see them at our site. So I think a good rendering of what it would look like would be -- would be a good thing. The other question I have is the actual timeframe. Once they actually begin to work on these containers, what's the estimated time for this to be completed? How much time do we have left on it? You said 50 percent; took two years for the first 50; help me out here, Daryll.

MR. JOHNSON: Again, originally -- the original contract calls for about six to eight months completion, and -- should -- should the Commission approve this item tonight, we would have to get with the Procurement Department and directly contract with the subcontractors, so that will take -- take, maybe a month, maybe 30 days or so, and we would hit the ground running. Because the contractors -- the subcontractors continue to call us, want to know where -- where we're at with the progress. But I would say about six months.

COMMISSIONER COLBOURNE: So we will not -- based on what you're just saying now, we are managing the subcontractor our self, we don't --

MR. JOHNSON: Yes. Yes ma'am.

COMMISSIONER COLBOURNE: -- have a contract. We -- we don't have -- we no longer have a contractor to do the job.

MR. JOHNSON: Right. Right. We -- we would -- we would -- the City would take on this responsibility with the subcontractor.

COMMISSIONER COLBOURNE: When you say the City, is that -- is that you?

MR. JOHNSON: Yes. My -- me and my department, yes.

COMMISSIONER COLBOURNE: Your department would be managing the contract?

MR. JOHNSON: Yes, ma'am.

COMMISSIONER COLBOURNE: Okay.

MR. JOHNSON: We would be the prime.

COMMISSIONER COLBOURNE: I'm sorry? You would be the prime?

MR. JOHNSON: -- what's called the prime contractor; yes, ma'am.

COMMISSIONER COLBOURNE: This is the first time that we're going to be managing a contract -- that you'll be managing a contract as a prime for the City?

MR. JOHNSON: Since I've been here, yes, ma'am.

COMMISSIONER COLBOURNE: I'm sorry?

MR. JOHNSON: Since I've been here, yes.

COMMISSIONER COLBOURNE: Okay. So maybe if this model works, going forward, we may -- we may just use you as a prime instead of awarding contracts?

MR. JOHNSON: The intent -- yes. Yes, ma'am.

COMMISSIONER COLBOURNE: Okay. The -- the only other comment I have on this -- and I do agree we need to -- we need to meet on this before you move forward, and we need to do it quickly, so it doesn't delay the project anymore. But in terms of moving of these containers, Mr. Mayor, I appreciate the input that you have on this, especially with your experience in the area, because my -- my question was what's the cost, and do we -- do we have what it takes to move these contain -- do we have the equipment to move

these containers. Because we -- you did really just speak casually, as if you just -- we could just use them anywhere we -- you know, just -- do we have -- do we have the equipment to do this, because I don't think that that was the original thought when we approved this contract. It really was for Regional. So I think bringing it in -- bringing Shirley Branca into it, if -- if that is something that we desire, you know, if -- if it's -- if it's doable, it's -- it's -- it's great, but I -- I -- you said it very casual, and I don't -- I didn't -- I didn't get the feeling that it's really that casual. So is -- there is a cost associated with that? Is it expensive? And do we have the equipment.

MR. GORDON: Good evening, Commissioner, Mayor, Vice Mayor, Whittingham Gordon here, Deputy City Manager. We don't have the equipment on hand to move these containers, but these are really accessible equipment that could be rented.

COMMISSIONER COLBOURNE: Okay.

MR. GORDON: Crane -- I mean forklifts; you got heavy duty forklifts that you can rent. You do have trailers here that can tow these containers, depends on the size, but all we probably going to need is probably just go rent, probably, a forklift that can lift that weight and transport it to the site that we need to put it at. They have flatbeds that can hold those containers. If not, we also can rent flatbeds that can take it out there. So it's not really -- have a dollar amount in front of me right now, but that can be looked at. It depends, again, on the weight of the containers -- would give us more details of gut price and the size of the fork; we just need to rent it .

COMMISSIONER COLBOURNE: Okay.

MR. GORDON: Okay?

COMMISSIONER COLBOURNE: Okay.

MAYOR MESSAM: All right. Thank you, Commissioner Colbourne. Mr. Manager.

CITY MANAGER HARGRAY: What he's being saying -- what everybody forget is that we have a full-service Utilities and Public Works, so we have equipment. It's just having the right pod to tie into what we have. So we -- we have the ability to do that.

COMMISSIONER COLBOURNE: Well, I'm hearing --

MR. GORDON: With regards -- regards to even the bathroom, it is designed with quick connects on those sewer system that can easily disconnect, and connect back to an existing or to tank, whatever -- whatever -- whatever is there, we make it ready and available. But it's -- it's very simple. Just get it on the flatbed and get it to where we need to get it at, and unload it in the area that we need to put it at.

MAYOR MESSAM: Okay.

COMMISSIONER COLBOURNE: Okay. I'm -- I'm good. I look forward to a little further discussion, and I'm ready to move on this.

MAYOR MESSAM: All right. Can I have a motion on this item?

VICE MAYOR CHAMBERS: Mr. Mayor, I'm in the queue to speak.

MAYOR MESSAM: Okay.

VICE MAYOR CHAMBERS: I have a final question.

MAYOR MESSAM: Okay. So is it in regards to the item, or is regards to the use of these containers?

VICE MAYOR CHAMBERS: Well, I just want to say I worked in the construction industry for 40 years, so I have knowledge of construction. And I -- I want to ask a question, and this is my final question. I know due to the pandemic, some of our resident has lost their job and, therefore, are losing their home or the rental unit that they have. And not only that, we do have increasing homelessness in the City of Miramar. Can these container be retrofit and donated to those resident to -- for living quarters?

CITY MANAGER HARGRAY: Hold for a minute, Daryll. What with the question that you ask is -- is -- is very excellent question. And reason being is -- is because in Miami, what they did is they built residential units, and they're doing that now off of containers. So what you're saying is -- and I think Community Development, if I'm not mistaken here, Eric in here, was working on a code, so that we can be able to have that flexibility.

VICE MAYOR CHAMBERS: Thank you. I guess that's a yes. I take that as a yes.

MAYOR MESSAM: May I have a motion on this item?

VICE MAYOR CHAMBERS: Motion to approve.

COMMISSIONER COLBOURNE: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Strictly on the basis of moving this item forward, I'm voting yes on it.

CITY CLERK GIBBS: Vice Mayor Chambers.



VICE MAYOR CHAMBERS: Yes, strictly.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Davis.

COMMISSIONER DAVIS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Chambers, seconded by Commissioner Colbourne, to continue Resolution #R7292, the Commission voted:

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

#### **Resolution No. 21-14**

MAYOR MESSAM: Item number seven, please.

7. Temp. Reso. #R7293 approving the purchase of **DocuSign Contract Lifecycle Management (CLM), E-Notary** and implementation of a **digital platform** to route documents securely for review, approval and signature, for a total amount not-to-exceed \$131,378.00 for FY21, utilizing the NASPO Contract No. AR2472 with Carahsoft Software Technology. (*Information Technology Director Clayton D Jenkins*)

CITY ATTORNEY NORRIS-WEEKS: A resolution of the City Commission of the City of Miramar, Florida, approving the purchase of DocuSign Contract Lifecycle Management (CLM), E-Notary and implementation of a digital platform to route documents securely for review, approval and signature, for a total amount not-to-exceed \$131,378.00 for fiscal year '21, utilizing the NASPO Contract No. AR2472 with Carahsoft Software Technology, and providing for an effective date.

MAYOR MESSAM: Vice Mayor Chambers, you pulled this item. Do you have a specific question as it relates to the DocuSign contract?

VICE MAYOR CHAMBERS: I'd like a presentation, and then question.

MR. BRITO: Good evening, May -- good evening, Mayor, Vice Mayor, Commissioners, Marco Brito, Information Systems Manager with IT. This item is for the purchase of the Contract Lifecycle Management Solution with DocuSign. The City's procurement code requires City Commission approval for any purchase of a contract for commodities or services in excess of \$75,000.00 with a single vendor within a fiscal year. Background. Due to the COVID-19 pandemic, the City of Miramar has telecommuting, and the need for reliable digital services and virtual services to support the City and its residents is imperative. The City's current contract lifecycle is managed through a manual process, and in addition, the public notary service requires residents to be onsite. City of Miramar recently adopted DocuSign for electronic signatures, but does not have a -- does not currently have a central contract management solution, or an electronic notary option to provide for the residents. This new agreement with DocuSign will provide the City a digital platform for a centralized Contract Lifecycle Management, as well as an E-Notary to the public. The Contract Lifecycle Management will streamline the contract lifecycle, by transforming the manual process into a digital, automated one. The E-Notary will allow the residents -- will allow the City of Miramar to provide a digital service to the residents that will make the notarization process fully digital for all the parties, senders, signers, and notaries. The total cost for licensing and implementation with DocuSign for the Contract Lifecycle Management module, and the electronic notary will be in an amount not to exceed \$131,378.00, and will be 100 percent reimbursed by the CARES Act fund. City Manager --

MAYOR MESSAM: Go ahead and finish.

MR. BRITO: I'm sorry?

MAYOR MESSAM: You're done? You're finished?

MR. BRITO: Yes.

MAYOR MESSAM: Okay. All right. So there's no members from the public that wish to speak on this item, so back to the dais. Vice Mayor Chambers, your question, please?

VICE MAYOR CHAMBERS: Do we know which department utilize notary on -- on a large scale?

MR. BRITO: The City Clerk's Department.

VICE MAYOR CHAMBERS: Okay. And how -- how many folks per month get notary done, or per year, for that matter?

MR. BRITO: I'm sorry. I didn't hear the question.

VICE MAYOR CHAMBERS: What's -- what's the number? What's -- what's the number of resident getting notary done with the City Clerk Office, per month or yearly?

MR. BRITO: I'll have to defer to the City Clerk's department for that question.

CITY CLERK GIBBS: Vice Mayor, not only is the Clerk's Office have notaries in the office, there's also the Building Department that has -- that offers notary service. In my department, I believe it's roughly 150 notary services that we offer to the public.

VICE MAYOR CHAMBERS: Is that per month or per year?

CITY CLERK GIBBS: I would say per year.

VICE MAYOR CHAMBERS: Okay. And -- and at what cost?

CITY CLERK GIBBS: In the fee booklet, it states \$10.00.

VICE MAYOR CHAMBERS: Per page?

CITY CLERK GIBBS: Per page.

VICE MAYOR CHAMBERS: And your average page?

CITY CLERK GIBBS: It -- it really all depends on what the document is.

VICE MAYOR CHAMBERS: Okay. Maybe one or two?

CITY CLERK GIBBS: Maybe, on average, two pages.

VICE MAYOR CHAMBERS: And -- and who can answer for the Building Department, as to the numbers?

MAYOR MESSAM: Can you repeat the question? I'm not sure --

VICE MAYOR CHAMBERS: Is Mr. Silva here?

CITY CLERK GIBBS: I believe he stepped out of the Chambers.

VICE MAYOR CHAMBERS: Okay. Madam Clerk, for the 150 per year, what are they getting notarized, what mostly?

CITY CLERK GIBBS: I'm sorry?

VICE MAYOR CHAMBERS: The patron that comes in and get the document notarized for the year, the 150 number, what are they notarize? Is it the passport or --

CITY CLERK GIBBS: It varies. Passport, -- a passport form requires notary. It could be a will, it could be a permit application, it could be business -- a business tax receipt application. It just all depends.

VICE MAYOR CHAMBERS: Okay. All right. Thanks. I'm going to recommend -- I -- I think it's for our resident that comes in, and to pay \$10.00 for one page may be two page or three, I think this is a bit exorbitant. They should have been getting this for free, or may be no more than \$5.00, but that's something to be addressed later on. And as far as the Building Department, I know most of the businesses that comes in, they do have their own notary that they notarize those paperwork, the contractors, and so forth. I don't think there's a -- a great need for notary for that department, and I'm looking at \$131,000.00. We could -- I -- I don't see this pandemic forever. I know it's going to end next year some time, and I think we could get 100 people here at the City, different department be a notary with that \$131,000.00. I -- I -- I just don't see it.

MR. BRITO: So -- so that I comment. The E-Notary is just a component of this. The main or one of the main components of this is a centralized lifecycle management. It's to centralize the contracts, and automate that process.

VICE MAYOR CHAMBERS: I miss you for a minute there. My -- my -- my -- my earpiece cut out. Can you repeat.

MR. BRITO: So the E-Notary is -- is -- is a component of this, but the bigger component of this is the -- the contract lifecycle management -- so, right now, it's a manual process that is not really managed -- it's -- it's -- it's done manually. So what this will do -- excuse me. What this would do is will -- it will centralize the contract process, the lifecycle management process, and automate the whole -- the entire process from start to finish.

VICE MAYOR CHAMBERS: For the City Clerk Office?

MR. BRITO: I'm sorry?

VICE MAYOR CHAMBERS: For the City Clerk?

CITY MANAGER HARGRAY: All the way to the City Manager's Office, correct.

MR. BRITO: Yeah.

CITY MANAGER HARGRAY: Because it -- it goes all the way through the departments from Building area, and then it comes to me in here, and then I have to go ahead and -- and sign off on them. And then the biggest thing is is the making sure that a year from now or two years from now, that you can go right back to that document, because that has been sort of a challenge to happen in the Clerk's Office.

VICE MAYOR CHAMBERS: Okay. All right.

MAYOR MESSAM: Any further questions, Vice Mayor?

VICE MAYOR CHAMBERS: No.

MAYOR MESSAM: Okay. All right. For -- for the benefit of the public, when -- when you contemplate a nearly \$300 million enterprise, which is the City of Miramar's operation that has hundreds of documents that flow between City staff, third parties, vendors, the State, federal government, other municipalities, inter local agreements, this is a key step and towards one component of digitizing the City and moving closer to becoming a smart city. In the age of this pandemic, it would significantly reduce the -- the physical transfer of paper documents that could be easier carriers of the virus. It will expedite the approval process; instead of residents waiting for weeks or days for a decision or approvals, it could be done in a matter of minutes or hours, and for the archival capabilities being that Docusign is a -- is a industry standard, in terms of the convenient ability for us to execute securely contractual documents and other documents in the City. So -- so for the benefit of the public, this item is significant in regards to not only making our operations more efficient and safe, it definitely is in the best interest of our community and our operations for us to better serve you. Any other comments on this item, or I take a motion?

COMMISSIONER COLBOURNE: Motion to approve.

COMMISSIONER DAVIS: Second.

COMMISSIONER BARNES: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Davis.

COMMISSIONER DAVIS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Colbourne, seconded by Commissioner Davis, to continue Resolution #R7293, the Commission voted:

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

**Resolution No. 21-15**

***End of Consent Agenda***

**RESOLUTIONS**

8. Temp. Reso. #R7298 approving the ranking for Request for Qualifications No. 20-02-15 for **Guaranteed Energy Water, and Wastewater Performance Saving Contracting Services**; authorizing the City Manager to begin negotiations with the highest ranked proposer, Siemens Industry, Inc. (*Assistant City Manager Kelvin L. Baker Sr. and Procurement Director Alicia Ayum*)

**PULLED**

MAYOR MESSAM: Item number nine, please.

9. Temp. Reso. #R7172 approving the adoption of the **Public Agencies Post-Employment Benefits Trust**, as administered by Public Agency Retirement Services; approving the use of the trust with the assets to be held in trust; approving the Administrative Services Agreement with PARS; ("PARS") approving the establishment of accounts and sub-accounts as necessary; approving the investment policy for the investment of the assets designated and invested for Pension Stabilization, and/or OPEB Stabilization under the administration of Public Agency Retirement Services. (*Financial Services Director Kevin E. Adderley*)

CITY ATTORNEY NORRIS-WEEKS: A resolution of the City Commission of the City of Miramar, Florida, approving the adoption of the Public Agencies Post-Employment Benefits Trust, as administered by Public Agency Retirement Services; approving the use of the trust with the assets to be held in trust; approving the Administrative Services Agreement with PARS; ("PARS") approving the establishment of accounts and sub-accounts as necessary; approving the investment policy for the investment of the

assets designated and invested for Pension Stabilization, and/or OPEB Stabilization under the administration of Public Agency Retirement Services; authorizing the City Manager and/or his designee to execute documentation necessary to establish, administer, and invest the trust assets; authorizing the City Manager to expend the funds; providing for an effective date.

MAYOR MESSAM: Good evening, sir.

MR. ADDERLEY: Good evening, Mayor, Vice Mayor, Commissioners, City Manager, City -- City Attorney, City Clerk. This item is TR No. 172 PARS Public Agency's Post-Employment Benefits Trust Agreement. Background: The City provide pension benefits to its retired employees. At the end of fiscal year 2019, the City's pension liabilities were \$166 million. In the summer of 2018, the City Commission initiated in establishing a policy to set aside funds to establish a pension stabilization trust fund, and a OPEB trust fund. Ordinance No. 18-16 set aside \$1.6 million in the fiscal year 2019 budget. Ordinance No. 19-24 set aside \$1.7 million in the fiscal year '20 budget. Ordinance No. 20-21 for the fiscal year '21 budget set aside \$1.8 million. To this date, there's \$5.1 million that has been set aside to be deposited into a pension stabilization trust fund. City staff has been working with the City Attorney and contracted actuary for the last two years to identify a trust arrangement that the City could utilize for this purpose. The process has included identifying a trust arrangement that meets the requirement of Florida statutes, and the Internal Revenue Service tax exemption rules. Public Agency Retirement Services, better known as PARS -- also known as PARS. PARS, the California Institute, and the Multi-Employer Trust provides ease of administration, investment, and stabilization trust. PARS is an entity providing this convenient option nationally. PARS also have obtained the Internal Revenue Service private ruling letter for us that states that the PARS pension trust is exempt for tax purposes. The trust fees are paid monthly based on the value of the assets. The initial year fee is estimated to be \$12,800.00, which is -- which is .25 percent of the \$5.1 million that will be initially deposited into this trust arrangement, and these fees will be paid on pro rata monthly basis. The fee arrangement would be the same in subsequent years, and that the fee will be paid on a -- on a monthly basis, and be based on the value of the assets. The City is required to adopt an investment policy that complies with Florida Statute 218.415 for this trust arrangement. At this time, we have with -- we have with us this evening, Maureen Toal, vice president with PARS, who will talk a little bit more about the -- about her agency, and about the design of the trust arrangements.

MS. TOAL: Thank you, Kevin. Thank you for the opportunity to speak with the Commission tonight regarding this agenda item. My name is Maureen Toal. I'm senior vice president for Public Agency Retirement Services, PARS. PARS is the trust administrator for the trust program we are discussing tonight called Public Agency Post-Employment Benefits Trust. I will provide an overview of the trust, the companies that will provide the services to the City, and answer any questions you may have. So the trust enables the City to set aside funds dedicated exclusively for its pension and retiree healthcare costs in an irrevocable IRS approved trust. This is set up under section

115 of the IRS code. Once the assets are in the trust, they can only be used for two purposes: one is to reimburse the City for its pension costs; and, two, to -- to transfer to the City's retirement plans to pay down their liabilities. In the case of the OPEB trust, OPEB is retiree medical benefits, that's what that means, it's two purposes that the funds can be used for; one is to reimburse the City for its retiree healthcare costs, or two, to pay directly to healthcare providers. So the companies in partnership that would provide trust services to the City are PARS is the trust administrator; PARS coordinates as a trust administrator all services to the City and -- and the trust, is responsible for state and federal compliance, manages the trust documents, and provides all record keeping and reporting. The trustee and custodian is U.S. Bank. U.S. Bank would safeguard the trust assets, and make sure that the assets are protected in adherence to the trust agreement. U.S. Bank is the fifth largest commercial bank in the United States, and they are the largest trustee of section 115 trust assets in the country. U.S. Bank has over five trillion in assets. The trust investment manager is Vanguard. It is one of the largest investment management firms in the world. They're known for being, you know, independent low cost investment advisor, and they invest over two -- or six trillion in assets. They have specially designed some investment strategies for this particular trust. So PARS created this Pension Stabilization Trust Program, and is the only national provider. Since it was created, it has grown to 225 clients in the trust with over three hun -- 3.5 million in assets, and it serves all types of local governments: cities, counties, special districts, school districts, colleges that want to set aside funds for their pension costs. It -- it has the IRS private letter ruling, as Kevin mentioned. This private letter ruling was obtained by the IRS in 2005 for the tax qualified status of the trust. Also, we obtained a legal opinion from Florida Attorney public pension specialists, Lewis, Longman & Walker regarding the authority under State law for pension stabilization trust. The City would be the first Florida entity to establish this cutting-edge trust, and I commend you for that. So why set aside funds for pension or OPEB in a trust? There are many reasons why local governments may do this, but these are the ones we hear the most from them. One, it's a rainy day trust, it's a rainy day fund for pension and OPEB costs, if needed, in adverse budget or fiscal conditions. Also, that it can be used when you have rate increases for your pensions, or to make additional contributions to the City's retirement plans to reduce the liabilities. Under Florida Law, setting aside funds in the trust allow for a diversified investing, which may result in better long-term returns than in a budget account. Also, funds are protected and secured from diversion to other uses, so they're dedicated, as mentioned, solely for pension and OPEB. And then credit rating; companies may look favorably on agencies that prefund into a section 115 trust for pension and OPEB as a prudent action to plan for long-term employee benefit liabilities. And then, Kevin, I'll let you take it from here.

MR. ADDERLEY: Okay. So staff seeks approval of this agenda item this evening. Approval is needed to authorize the City Manager to execute the necessary documents to establish the Pension Stabiliz -- Stabilization Trust. Approval -- approval is also needed to allow for the City Manager to execute the administrative service agreement with PARS, and approval is needed of the investment policy that would provide guidance for how the assets may be invested. City Manager recommends approval.



MAYOR MESSAM: Thank you for the presentation. The Clerk received no requests to speak on this item; back to the dais. Are there any questions, or may I have a motion on this item?

COMMISSIONER BARNES: Motion to approve.

MAYOR MESSAM: Okay. We do. They just came in. Vice Mayor Chambers, followed by Commissioner Colbourne.

VICE MAYOR CHAMBERS: I -- I -- I know we pulled item ten and 11, but I have a question. What impact would this -- would item ten and 11 have on the \$40 million OPEB on an \$160 million city unfunded pension? I'm not sure who going to answer that.

MAYOR MESSAM: Budget Direct -- would you like to -- okay.

MR. MASON: Could you repeat the question, in terms of the OPEB, you said, or the pension?

VICE MAYOR CHAMBERS: Both. It -- it's the -- I'm asking what impact would this item have on the --

MR. MASON: How will this item improve that liability?

VICE MAYOR CHAMBERS: The impact on ten -- item ten and 11 that was pulled from the agenda item.

MR. MASON: Okay.

VICE MAYOR CHAMBERS: Because one -- we have the \$40 million, and then you have the \$160 -- 66 million --

MR. MASON: Yes, sir.

VICE MAYOR CHAMBERS: -- pension --

MR. MASON: Okay.

VICE MAYOR CHAMBERS: -- unfunded plan.

MR. MASON: If I have the Mayor's approval to -- just to show a quick presentation that I put together. There's your OPEB and your pension, 166 and 40 million, as you see on the screen. This was a budget item brought by the City Manager and myself. Next slide, please. Item number three; irrevocable trust funds can be used to offset UAAL, unfunded actuarial accrued liability. So this goal -- the primary goal of this is to address that. It's

not for a rainy day fund, it's not for the other stuff. I'm going after the \$214 million that's sitting out there. Next slide, please. Number four; we are establishing and funding this irrevocable trust fund to go after that UAAL at the top. Next slide, please. We're establishing and funding it, as you said, for the OPEB. I'm going to get to the point of how we go after that 200 and something million. Next slide, please. This is your existing strategy. Across the country, this is a very conservative, fixed-income strategy that pension programs use; I'll say individual people who can't sleep at night because they're in the stock market, they do this, because they can't handle the stock market. Pension plans, invariably, go very conservative. Our city has to make up the difference between seven percent and whatever the pension program earns. If my dad told me to cut the grass and stop when I wanted, he'd take care of the rest, pretty soon I wouldn't have done anything. So the cities across the country have screened to establish something to help us take some control of these pension funds. Now \$5 million out of \$166 million, we're only controlling about three percent; they got the other 97 percent; I can't get a hold of it, but I'll show you what we're going to try to do. So you're expected returns there on the left, people buy annuities, three percent a year for 30 years, that's what they do, because they can sleep at night that way. So that's not an investment, but they say it is, so pension programs do that. Because they low ball it, they go conservative. They do conservative on the right, ten years they might get three to four percent a year. You can see the large amount of bonds, 96 percent on the left; that's not an investment strategy, that's preserving what you have, that's it. On the right, you have a mixture of both, but for somebody ten years or longer, that's not an appropriate strategy either; there's no growth in it. Next slide, please. A proposed strategy that they're showing on the screen to you, moving to equity, about 61 percent on the left balancing it, and growth on the right. I'm getting there on the right with the growth at 77 percent, that's where we want to go. We don't want to be on the left side. We're going after 200 and something million. If you're going to go, go big, because you ain't getting there. Next slide. Vanguard has \$6 trillion; you don't get \$6 trillion by accident; you must be performing to get \$6 trillion invested in your company. So come see me in my office tomorrow and bring me a company that has \$6 trillion in it; I don't care what field it's in. So since 1961, they've earned over ten percent a year across all their family of funds; pension programs are dismal in comparison to that across the country, so they're screaming for something to be established, that's why PARS was established. In the last 30 years, you earned 14 percent a year through Vanguard; 14 percent across their family of funds. But I can show you better returns on that within their funds in the growth area. Next, please. How do you balance large-cap, mid-cap, small-cap -- and I'm get -- going to get to the numbers right now. Please, next slide. You see on the large-cap, look at those funds, that's over ten years; I can give you 50 years, 60 years, 30 years, I just showed you the last ten; I went through all of them. So you can see the different funds. I picked five of their nine or ten. These are large-cap companies in a mutual fund; they average 15.6; our pension program doesn't come anywhere near any of that; the mid-cap, same thing, over 12 percent, small-cap about 11 percent; that's each year they have earned that for ten years. Each year they have earned it for 30, and each year they have earned it for 60, those that have been in existence that long. Next slide, please. Thirteen percent annual return the last ten years. You're like, well that's just the last ten years. We'll go back 30 years, 60 years they're at ten and half

percent, so they will go on as they have with \$6 trillion, and continue to make double digit returns. So we've got to utilize a strategy to grab double digit returns. If we're going to grow from five million, and I thank you for contributing each year, two million, and two and a half million; you may not think that's going get there, but if you do that over time, you'll get there to 40, 50, 60 million, Vice Mayor, to address that 166 million, plus the 48. Next slide, please, and I'm almost done. So a guy named Warren Buffett, Warren Edward Buffett, he left his estate -- he's 90 years old -- he's only worth 80 billion, but in his estate, ten percent of it goes to Vanguard, and only Vanguard, and there's no other mutual fund, so that's for his wife when he passes away. The rest of it goes to Bill and Melinda Gates Foundation, but he is that keen as the third richest man in the world, that he's leaving everything in his portfolio for his wife to Vanguard, not to his company experts, but to Vanguard. Next slide. I worked at Barnett Bank 30 years ago, and four people got a \$60,000.00 bonus for closing First Florida Trust. We bought the bank. We were the largest bank in the -- in the State of Florida, 602 outlets. Three of my associates bought into a three percent annuity in January of 1991; I just spoke to them last week, it comes due next month. They're annuity has grown to \$135,000.00. They have to decide what to do with that large sum of money. Next. They earned 125 percent; that means 75 divided by the 60, so each year they earned a little over four percent, because they reinvested in a compound. One individual didn't do that. That individual put it in a balance and growth portfolio for 30 years like Vanguard. Next. It earned 14 percent a year; now it's worth \$3,840,000.00. So when you earn 14 percent a year for 30 years, you go from \$60,000.00 to \$3.8 million. That's the kind of growth we want; that's not a hypothetical, that's a real example, and I can arrange for that person to come speak about how they did that at a later time. Next slide. So that's in answer to your question. So, conservatively speaking, if we could earn ten to 14 percent, the 15 million we will have contributed in three years from now will be growing to a average of a 40 to 50 million; if we stay in it longer, may be 15 to 20 years, earning ten to 14 percent, you could have this grow to somewhere close to 50 percent or more of our total unfunded liability. So that's the goal of this to address that, but you've got to go big if you're going to go for it, so we're controlling three to four percent of the assets, so we have to change the strategy, so we can have returns that are more measurable to offset that unfunded liability. One final note. If we want to go conservative and just do the same thing the pension programs do, there's no need to set up this trust, just distribute the money to the pension programs, let them continue to invest as they are, and there's no need for us to be involved. But if we want to go after that liability, we have to do something different than what's going on now, so this is the goal of this initiative.

VICE MAYOR CHAMBERS: Understood. But my question is, you familiar with item 11 and 12 --

MR. MASON: Which are those?

VICE MAYOR CHAMBERS: The pension -- not the pension, the early retirement plan for the general employees, --

MR. MASON: Okay.

VICE MAYOR CHAMBERS: -- and the retirement plan for the PD, which is -- we allow folks to retire early.

MR. MASON: Right.

VICE MAYOR CHAMBERS: Now the workers today is paying for people who retire ten years ago, 20 years ago, so that's what's happening. We -- we -- we not even. People who working now, they're -- they're -- they're -- what they're paying into the pension, they're paying for folks who retire a while back. Now let's say someone who making 100, 150, 200, 250,000 salary, obviously, they're paying a little more into the pension. Now you replace that person with a 30, 40, 50, \$60,000.00 salary, the amount that they pay into the pension is going to be smaller than the person who retired at the higher pay scale, am I correct?

MR. MASON: The liability for the City, though, goes up. So each person -- like I'm paying into the pension, yeah. Each person is paying into their own pension; the liability has grown over time, due to the fact that the returns have not been sufficient to cover that.

VICE MAYOR CHAMBERS: Right. So let's say folks making 100,000 or more -- we have 50 of those folks from 100 to 250 take the -- retire out of the system, so now -- let's say they were paying 40,000 a year into the pension, and now you replace them with someone who only paying 10,000 into the pension. Don't that have a impact, based on these two item here, as to --

MR. MASON: Yeah. The early retirement will have some impact, but the actuarial calculations have already gone out fully funding those pensions for those individuals, so the -- the -- the change for early retirement is very little to the actuarial study, be -- because the impact is -- is immaterial in that regard. You're correct that it replaces with a smaller amount going toward the pension, but it's still 13.2 percent that you're paying into that, and the liability is the biggest part of that, 166 million; that's calculated every year, and as that continues to go up, that's the lion's share of what's driving up your pension cost. And -- and the savings you have, they've already mapped out everyone to their mortality table to age 84, 82, whatever it may be, so that's strung out, and so that -- that savings of 50 to 100 people will have some effect, but it will take a couple years, and -- and it will be a minimal effect, compared to what I'm showing you, in terms of addressing your -- your long term liability.

VICE MAYOR CHAMBERS: Right. So you agree that 13.2 percent at \$40,000.00 salary is a lot smaller than 13.2 at \$250,000.00 salary?

MR. MASON: That's correct, but -- but, also, if we don't address that unfunded liability, that 13 percent someone like me is paying could be a higher percentage in the future,

very soon, as that unfunded liability gets further and further out of control, not just here, but everywhere. That's the issue with -- with pensions.

VICE MAYOR CHAMBERS: Thank you, sir.

MR. MASON: Thank you.

MAYOR MESSAM: Commissioner Colbourne, followed by Commissioner Barnes.

COMMISSIONER COLBOURNE: Thank you. So my -- my question has to do with the procurement process, and -- and PARS. What -- what is it that PARS offers that -- that we couldn't go to another agency and -- and get? And what is it that other municipalities do, that municipalities that are not with PARS?

MR. ADDERLEY: Well, the PARS product is a relatively new concept. Number one, they're one of the few entities nationally that have obtained a private ruling letter from the Internal Revenue Service that says that their trust arrangement is exempt for tax purposes. Their trust arrangement also meets the requirements of the State statute that allows the City of Miramar to set aside funds for future pension obligation into a trust product that they offer. Per research done by staff, there are no other municipalities or governmental entities in the State of Florida that we know of that has established such a trust.

COMMISSIONER COLBOURNE: We're the first in the State of Florida that have it -- that will be establishing a trust --

MR. ADDERLEY: For --

COMMISSIONER COLBOURNE: -- for -- for pension - for pension liability?

MR. ADDERLEY: With an entity that is exempt for tax purposes.

COMMISSIONER COLBOURNE: With an entity, which is PARS?

MR. ADDERLEY: Correct.

COMMISSIONER COLBOURNE: So the others are actually investing directly with Vanguard or going -- what -- what are they doing?

MR. ADDERLEY: I cannot speak as to what others are doing? I don't know.

MR. MASON: Commissioner -- thank you. The -- the majority of cities across the country are doing nothing, so they allow their pension programs to go ahead and do their investments.

COMMISSIONER COLBOURNE: Let -- let me -- let me split this up here. Are we the only agency that is setting aside money for pension liability?

MR. MASON: No.

COMMISSIONER COLBOURNE: We're not?

MR. MASON: No.

COMMISSIONER COLBOURNE: Okay. So there are other agencies that are doing that?

MR. MASON: Yes, one in Fort Lauderdale --

COMMISSIONER COLBOURNE: And I assume -- and I assume that they are investing the money?

MR. MASON: Some of them are, some of them are allowing the pension programs --

COMMISSIONER COLBOURNE: Those -- those that are investing the funds, where are they investing the funds, or how are they investing it? Because they're not using -- they are not using a agency as PARS, so who are they investing it?

MR. MASON: They're not investing it. When you say they're setting it aside, it's a reserve, and it sits there and earns interest; it's not an investment, so they set it aside.

COMMISSIONER COLBOURNE: So we are the only agency in the State of Florida that will be investing our pension funds; is that what you're saying?

MR. MASON: I don't know all the agencies, but PARS could answer that specifically, but I know that they are saying we are the first one to work with them. So others could do it, and -- and there's a way to do it legally and not legally, so maybe other cities are doing it, but that's up to them, and how they're doing it.

COMMISSIONER COLBOURNE: Okay. I'm not -- I'm not sure what you mean legally or -- or -- or not legally in other cities. I -- I --

MR. MASON: Okay. You -- it's a --

COMMISSIONER COLBOURNE: That's pretty -- that's pretty broad. That -- that is pretty broad. But one of the things that -- that was said is that this is a sole source, that this is the only agency that does this, and I'm struggling with that. And in the presentation, you said a few agencies, so either it's a sole source or it's not, and I just don't understand why -- why it didn't take a different procurement process. If this is a sole source, then I need to understand why is it a sole source.

MR. MASON: Yeah. I would defer to PARS to speak about that.

COMMISSIONER COLBOURNE: Well, I -- I take exception to that. I would like someone from the City to explain this to me, not -- not an agency outside of the City.

MS. AYUM: Good evening, Mayor, Vice Mayor, Commissioners. So in order to produce a sole source as an option, as a procurement method, we have a sole source standardization form, which is attached to the item. So what was presented to us from Finance, including a letter from the IRS to support the PARS, is that this -- this was a unique situation, in that we are the first agency that is going to benefit from this trust in Florida. They have -- apparently, the IRS has issued a trust agreement that only -- they're not doing it anymore. They're not offering that trust anymore, and PARS has the permission from the IRS to manage a trust of this -- this nature. And I really would defer to PARS to give you the details on that, but the sole source form was produced to procurement, we approved it on the basis of the letter from the IRS, and the fact that they're -- no longer have funds like this -- not funds, trusts like this anymore nationally, correct? Yeah. So the sole source was approved on the basis of the produ -- the production of that letter from the IRS, the information from PARS, and the information from Finance describing what they're doing, and why they need to do it. The annual amount is \$20,000.00 annually, which is under the City Manager's authority.

COMMISSIONER COLBOURNE: When it comes to the procurement process, I don't know that it has anything to do with the City Manager's authority or not, but you are procurement, so you can best tell me that. But you -- you have approved this as a sole source, and sole source to me means that -- and you can correct me. It means that this is the only source that -- that can provide the service that we're looking for. But what I'm hearing is that we are the only one -- we are the only agency that is actually becoming a client. This is not a sole source, it's -- it's more of a -- we're the only -- we're -- we're the only ones. So I just -- I -- I don't understand, based on the definition that I know for sole source -- I don't understand how this is a sole source, because I'm thinking that there are many investment companies out there. So is there -- is there something that this company has that we have to go to this company in order to get what we're looking for?

MR. ADDERLEY: The staff person that worked on this for two years reached out to a number of different professionals, City actuary, tax specialist that the City has utilized and, actually, the -- the law firm that the City has used for tax matters, actually referred us to a firm in Tallahassee, who's attorney specialize in government pension plans. It is through communication with those various professional service firms that we were introduced to PARS. We're not aware of any other entity that has a trust arrangement that PARS have, that trust arrangement being that it's tax exempt, given that it has an Internal Revenue Service private letter ruling, pursuant to Rule 115, I believe. Also, the law firm in Tallahassee has opined that PARS trust arrangement meets the requirements of the Florida Statutes. Those are the documented reasons for us bringing PARS before the Commission. We're -- we're not aware of any other entity that have those characteristics.

COMMISSIONER COLBOURNE: Has -- has our attorney opined, and has our financial advisor opined on this?

MR. ADDERLEY: Our City Attorney has worked with the staff and found this to be an arrangement that would be acceptable to --

COMMISSIONER COLBOURNE: I'm sorry, that's not the question, so let me clarify the question. The question is whether or not we received an opinion from our attorney, and from FA giving an opinion as to whether or not this is sole source?

MR. ADDERLEY: I -- I don't have anything in writing. I -- I know that there's emails -- I have emailed documentation of their review and approval.

COMMISSIONER COLBOURNE: I guess if you don't have anything in writing, I have to believe that you haven't been given one, because an opinion would be an written opinion, would it not be?

MR. ADDERLEY: Yes.

COMMISSIONER COLBOURNE: Okay. So -- so let me just ask a question; either you have it or you don't. Do we have an opinion from our attorney saying that this is a sole source, or do we have an opinion from FA saying it's a -- this is a sole source?

MS. AYUM: So, Commissioner Colbourne, we typically do not go to the City Attorney for only things that seem to be different.

COMMISSIONER COLBOURNE: This is -- this -- does this not qualify as something that's different?

MS. AYUM: Well -- no. Meaning that it's something that -- so we got a sole source form, we review it, we look for the proper backup documentation from the person that we'll be dealing with; in this case, it was PARS. We have information from the IRS describing -- we have a sole source form that says: why is this, why is that, you know, how did you, you know, come up with this. So it's not just that PARS is a sole source, or the only one, but they are the only one with conditions, with the IRS approval, with a trust that no one else has that we can use that's going to benefit the City. So it's a sole source in the sense of a combination of things. It's not that PARS is the sole source. You understand what I'm saying? Like it would be with a chemical, or it would be with something else. It's a sole source because of the additional conditions that come with the -- the trust.

COMMISSIONER COLBOURNE: But do we need those conditions? I mean is it -- is that something that we -- that -- that we have to have in order to invest?



MR. ADDERLEY: In the opinion of the professionals, attorneys that we've dealt with, they believe that this particular trust arrangement would -- is -- is the best vehicle for the City.

COMMISSIONER COLBOURNE: Okay. I --

MR. ADDERLEY: And we have -- we have a letter from the pension attorney.

COMMISSIONER COLBOURNE: Okay. That -- that helps. Let me just say that I would feel much more comfortable with this if you had told me that our opin -- our attorney that -- that we -- we have here, that we contract with had given an opinion on this, and -- and that's what I would like. I would like an opinion from our attorney, and from our FA before I -- before I can be comfortable with this. The investment, you know, the po -- the potentials and the possibilities sound wonderful; I am -- I -- my only -- my only, you know, objection here, if you will, is that I don't understand -- I don't think that you have -- you have -- you have been able to explain to me how is this sole source. Maybe it's me -- maybe you explained it and I don't understand, but I'm not there at the comfort level that -- that this is a sole source. So, because of that, that's the only reason why I'm -- I'm hesitating -- I hesitate to move forward on this.

MR. ADDERLEY: It's my understanding that the City Attorney has reviewed the agenda package, and I would believe that would be, you know, their means of approving it.

COMMISSIONER COLBOURNE: Can I have the City Attorney speak on this matter?

MAYOR MESSAM: Madam Attorney, can you just give a -- some context of your role in this agenda item being brought before us this evening?

CITY ATTORNEY NORRIS-WEEKS: Well, staff communicated that -- to the Commission that they have been in contact - I believe I heard that at the very beginning of the presentation - with the Attorney's office. That was not specifically me, but I did look at the procurement code while I was sitting here and listening to the conversation. It -- and, obviously, you know, if we -- if you were asking us to do an official opinion, we'd want to dive a little bit deeper, but just on the surface, looking at the -- at the -- what's been explained and -- and what's outlined here in your code, specifically 2.413, giving definitions for sole source, and -- and the like, it appears as though if this is the only entity that's providing the service, because of the reasons that they described, because the IRS has only approved this entity to provide this type of service, then it would seem, on the surface, to be a sole source and meet the requirements of your code. Now if you're asking us to -- we have not been specifically asked a question to look at this, so I don't want to, you know, give -- tell you, yes, yes, yes, but assuming that everything that staff is presenting, and looking at it in -- in -- in the light of what they're presenting based on what your code says, it appears to be a sole source.

COMMISSIONER COLBOURNE: Well, I -- I appreciate that you're saying it appears to be there, but I also hear your reluctance not to give an opinion without digging deeper, so if I could ask this -- this item to be deferred until we can get an opinion from our attorney.

MAYOR MESSAM: Thank -- thank you, Commissioner Colbourne. Commissioner Barnes.

COMMISSIONER BARNES: Just some observations on my meeting with staff yesterday when we spoke about this particular agenda item. For me, 14 percent in a growth fund is a win, period. I'm also convinced that it's a good idea that the funds will not be subjected to what is called a diversion, as they are dedicated funds. I submit that to miss out on this fine opportunity is going to be counterproductive. Note as well, staff told me and explained to me, for example, that when we enter an agreement like this, one we're actually looking at improving the credit rating of the City. I think where we have to be is to understand that this is a unique product. If the people who are billionaires can allot their investment funds in Vanguard, for example, would we not be missing out on this really opportune chance to -- to -- to not spend off what amounts to the pension fund, but use some of this to earn dividends that could amount to as high as 14 percent. I -- I -- I don't know. I -- I'm obviously missing something. But this is an item -- once I had an understanding speaking with staff yesterday, I'm in absolute and total support of it, you know. We -- we could -- I mean the IRS has provided a letter. What higher authority do we need to say this is a viable entity; this is a legal entity. I -- I don't know. I -- I'm saying it again. I, obviously, am missing something, and, frankly, I do not think I am.

MAYOR MESSAM: Thank you. Thank you, Commissioner Barnes. I have a couple of questions. Can -- can you further or can you provide some insight, in terms of -- or I'll phrase it like this. Can you explain the benefit of investing in this IRS approved trust that also meets the State statute requirements, in terms of what pension benefit funds can be invested in versus other investment options? Because that's basically what our options are, right? Either all of it get invested through the -- the pension board, or we just set it aside in a bank account to draw whatever interest or -- and I -- I don't know even know if the third option is -- is even available, in terms of investing it outside of State statutes. So the IRS approved trust, and also meeting the -- the State re -- requirements. So, in other words, if this was publicly procured, would the requirement of offering a vehicle that would provide the protections under the IRS code that's tax exempt, and also meeting State statute requirements, what -- what response would we get from the -- the -- the marketplace? So what -- what's the -- what are our options, and what's the benefit? Why are we choosing this option? We have to be choosing this option for obvious reasons, right? So in common man speak for the public, in terms of residents that may be viewing this, what -- why is it -- why is it beneficial to be investing in a tax exempt vehicle, which would be this IRS-approved trust, and complying with State regulations and State statutes.

MR. ADDERLEY: I will attempt to answer your question. One, State statute requires that public entity provides safeguards to protect the public's assets. That being said, State

statute requires that the public entity establish a policy as to what type of investment securities those assets can be invested in. Also, being a tax exempt entity, we would like to put our assets into an entity, that entity being a trust arrangement that has the tax exempt status. When I speak of an investment policy, an investment policy, which is a part of this agenda package, it -- it -- it defines a target level for which how much in -- in - - I'm sorry, what percentage of assets may be placed in equity type securities. It cannot exceed -- it's either 75 percent or 80 percent; it's in the document here, I can't quite remember, but it's one of those percentages. It cannot go above that percentage. And then from there, you can put a mix of assets into fixed securities to kind of weather the storm when the equity market may become like on a -- on a down trend. So staff and this governing body has the ability to select an -- an investment mix that meets the policy that State statute requires the municipality to have for these public assets.

MAYOR MESSAM: And for -- question for Madam Attorney. In your estimation, as it relates to our procurement code, is there anything that's being brought before us today, in terms of recommendation from staff, that this item is in violation of our sole source provisions in our procurement code?

CITY ATTORNEY NORRIS-WEEKS: No, sir, not based on the -- I don't want to say testimony, it's not court, not based on the -- the -- the communications that staff has made, not tonight at this meeting.

MAYOR MESSAM: Okay.

MR. ADDERLEY: If I may. Again, I didn't work in the weeds on this project; it was another staff that recently retired, and so -- one thing that just came to my mind, the City -- the City does bids with, I think it's IMCA, if I'm not mixing up the letters, and about a year ago, the Commission approved for the establishment of a OPEB, Other Post-Employment Benefits trust fund; that was approved, budget amounts that were set aside in the budget have been placed in that trust. The reason why we were not able to open up a pension trust fund with that entity is because they -- they -- they did not offer such a trust arrangement. I provide that as an illustration as to the challenge that -- the challenges that staff had over the last two years in identifying a vehicle for which the City could place the monies that is set aside in its budget to establish a pension trust fund.

MAYOR MESSAM: Okay. So -- or not to belabor the issue, I would say for the -- for the purposes that this item is in full and complete compliance with our procurement code as presented and confirmed by our City Attorney, and because the OPEB is -- is -- is a policy directive that has been approved by this Commission to address our unfunded liability towards the pension plans, and our -- and our obligations to ensure its solvency, and to pull down that -- that debt. And further for the reasons that this is a very niche market, and staff's effort to identify options to be able to begin to place the funds that have been set aside for investment, so that our dollars can begin to work and execute our -- our -- our approved -- Commission approved objective. I'm in support of this item, and I'm -- I feel that my colleagues who may not be at this point right now as I may be, I think with

additional information that they can get from staff to show why it's in compliance with our sole source agreement, why it's in the best interest of the City that they, perhaps, will also get to -- to this point, so -- but I'm ready to move forward on this item. I respect the fact that some members may not necessarily be there at the moment, but, again, just like with our early retirement plan that is -- that we have to make a -- a decision on moving forward, this too is a piece of the -- a piece of the pie. These are legacy decisions that we have to make as a commission to ensure that for years, decades, and generations to come that we were the source of putting our city on the path to be able to pay down and pay off our obligations. And for -- whether it's sole source or a competitive, we have to reach that objective, and -- and -- and I would encourage us all to -- to act on achieving what we have agreed upon as a city, and as a commission, as it relates to paying down our pension obligation, which -- and sometimes, as a city, this won't be the first time we've been the first to do something. Like how we broke up solid waste monopoly; we were the first. This is a national crisis across the country, in terms of pension solvency, pension benefit. Every city across this country is working to address this. Many are just kicking the can down the road. And I would say that our consultants and the pension boards, and our consultants, and all of the folks, our City staff that have worked very diligently on this matter, we -- we're in this Commission; we're taking this head on, and I think we all agree that we have to pay this down. And I just hope that we all can get to the point where we can move forward on this -- on this item. Commissioner Colbourne, followed by Commissioner Davis.

COMMISSIONER COLBOURNE: Are you -- no. Go ahead. I spoke already.

MAYOR MESSAM: Yeah. Oh, just accidentally. Okay. Commissioner Davis.

COMMISSIONER COLBOURNE: I -- I'm sorry. Actually, I did -- I did have -- I did have - - I did have one question, and my question was: If -- you know, in terms of just being sole source, if we did an RFP for this, are you telling me that this would be the only company that -- that you would expect to -- to apply for this? It's the only company that could provide this service. Is that -- that would be -- that would be my test.

MR. ADDERLEY: Based on the research, and information provided to me by staff that did the research, that's talked to various professionals, it's my understanding PARS is the only entity that was identified that would meet the requirements for a trust arrangement for the City of Miramar.

COMMISSIONER COLBOURNE: Okay. So that's the only entity that was identified. So that means if you did an RFP, there's a possibility there would be another agency that -- that could say: Hey, we can do this as well? You didn't say it's the only one exists; that's the only one was identified to you?

MR. ADDERLEY: Based on the information given to me by staff, I would say no.

MS. AYUM: Can I read something for you, just really quick. So one of the questions we asked on the sole source form is: Explain why this product is the only one, you know, or -- or what makes it unique? So we -- we could probably do an RFP and get responses, but it -- it won't be the vehicle that they're trying to use now, because the IRS is not issuing any more trusts of this kind. So I was just going to read the response: The IRS is not issuing any new PLRs. Therefore, it's not possible to get this qualification at this time. This qualification letter PLR by the IRS was provided where the trust -- where the desired trust protections are present. Other alternatives would not provide the -- the funding, the administration, the flexibility, etc., etc. So some of the questions that we -- we do ask is to say explain why, tell us why you think this vendor is a sole source. And -- and, honestly, a lot of the responses seem to have been very detailed, very -- that they put a lot of research into presenting this sole source form. Because I -- I'm -- I'm not a -- I'm not easy with the sole source forms.

COMMISSIONER COLBOURNE: Okay.

MS. AYUM: Anybody in here will tell you I -- I fight them.

COMMISSIONER COLBOURNE: Understood. So the -- one -- one last question. I hope it's the last question. You say the IRS is not issue -- issuing anymore of the trust --

MS. AYUM: At this time.

COMMISSIONER COLBOURNE: -- at this time. Is there -- is there a reason for that, do you -- do you know why this is the case?

MS. AYUM: Okay. So I won't know -- I won't know --

MR. ADDERLEY: I -- I -- I don't know the reason for that. I don't know if Ms. -- Ms. Maureen Toal is still on the line. Maureen?

MAYOR MESSAM: Is she muted?

MS. TOAL: Yes. Thank you. I'm not sure why the IRS is not issuing any more private letter rulings on this. We got a IRS private letter ruling, and they -- they have decided not to anymore. At the same time, for OPEB only section 115 trust, they said they're not issuing any more private letter ruling, and I think this was included at the same time. So since it was new, no other entity on its own or as U.S. Bank and PARS did together received a private letter ruling, and that is key for this type of trust; it has to be approved by the IRS.

MR. ADDERLEY: And if I -- if I may. The staff that did the research on this for the last two years was a former member of one of the City's pension board for a number of years, so he has a number of years of working with the attorney for that pension board, the

actuary for that pension board. And it is through -- through those professionals, and other professionals that they know that the staff performed its due diligence.

MAYOR MESSAM: Commiss -- Commissioner Davis, you're recognized.

COMMISSIONER DAVIS: Thank you. I'm just basically trying to see how we can -- I mean I had meetings with staff, and I -- I didn't really look at the sole source issue that Commissioner Colbourne has just brought up. And it seems like the people that were involved in that code decision, none of them are here. That you said --

MR. ADDERLEY: The staff that -- the --

COMMISSIONER DAVIS: -- the guy that was --

MR. ADDERLEY: The staff that did the research, he just recently retired.

COMMISSIONER DAVIS: Right. But you said it was not just one person, right? I believe there was some per --

MR. ADDERLEY: Well, it was -- it was -- it was the assistant director of Financial Services, who was the principal person that did the research, that has the industry knowledge, and the industry relationships with other professionals. And, again, it was over a two-year period of times; it's not a six-month or even a 12-month due diligence, it was two -- two years. And -- and I have various email communications, whereby, he worked very closely with the City attorney during that process, as well as the pens -- the government pension specialist attorney out of Tallahassee, whom we have an opinion letter from that talks about PARS trust arrangement, and how it meets the requirements State law.

COMMISSIONER DAVIS: And in terms of the sole source, you got the --

MR. ADDERLEY: It -- it -- the opinion letter from the attorney does not speak about sole source, but the question was posed of that attorney if he was aware of any other entities providing this type of trust arrangement in the State of Florida, and he responded, no, he was not.

COMMISSIONER DAVIS: Okay. So I -- I know we have another Commission meeting next week, right?

MR. ADDERLEY: Yes, we do.

COMMISSIONER DAVIS: I don't know if -- if Commissioner Colbourne still has any issues with the sole -- sole source and wants to get that opinion done through the attorney still, or have you taken that off the table? Are you okay with everything? Because I mean there's a meeting next week. One week is not going to cost the City more than what we're doing right now to get that opinion, if that's still needed.

COMMISSIONER COLBOURNE: Yeah.

MAYOR MESSAM: So is the opinion -- just so -- so that I'm -- I'm clear. Is the opinion -- is if it's -- if we can sole source this, or what's -- what's the -- so that our attorneys can be clear on what they would be opining on.

COMMISSIONER COLBOURNE: I would like the -- I would like the clarification as to whether or not this is a sole source. You know, that's -- that's really -- other than that, I would like an answer as to why is IRS not issuing any more private letters. I mean those are -- you know, is it -- are there any other companies out there? I mean I -- it seem to me that there should be somebody else who can do this.

MAYOR MESSAM: So I guess -- I guess --

COMMISSIONER COLBOURNE: Clear -- clearly that's -- but --

MAYOR MESSAM: Yeah.

COMMISSIONER COLBOURNE: You know. That's -- that's -- I'm just looking for an opinion on that, and if we can get an answer in another week, I think we should be good, and we can move on to another item, if we can just -- if we would just go ahead and defer this to next week, and I can get some answers on it.

MAYOR MESSAM: Yeah, I'm -- I'm not opposed -- I'm not opposed to having it --

COMMISSIONER COLBOURNE: Okay.

MAYOR MESSAM: -- next -- next week. I just want to be -- I just want the request from our attorneys to -- to -- to be clear, because I -- if the question is: can this be sole -- does it meet the requirements of -- of our procurement code to be sole source; is that the request for her to give an opinion on? And I'm not sure if we could get a response from the IRS on if they are not issuing these types of trust anymore. I'm not sure if that process -- but at the -- the broader question is: does this meet our policy vision to pay down our debt? Do we feel Vanguard isn't solvent or sufficient, or have the -- the -- the -- the history or the -- the resources to -- to do it? So I just want to make sure that when we get the response, that we can act. So if it's a matter of if it's legal to sole source this, and -- and our attorney has already says it is, but if we need further in depth response, next week isn't going to kill -- I just want to make sure that all of us are of -- of the same mind, and we can move forward. A week isn't going to kill it. I just want to make sure we have clear direction on that; we checked this box, we checked this box, and we can move forward on -- on this item without any other objections.

COMMISSIONER COLBOURNE: Fair enough. That's the -- the procedural -- you know, it's -- it's really -- it's really my concern, and -- and the fact that the IRS is not issuing any

more of these letters. Just kind of raise some other concern. I just want to know why. I don't -- I don't -- I don't know anything about PARS one way or the other. I don't know any -- anyone who knows them. I -- I'm just -- I just want to know, procedurally, you know, -- it says it's a sole source, and to me it seems, you know, there should be somebody else who can do it. I just -- I -- so if it is, give me opinion on it, and -- and let me know why is -- is it that IRS is not issuing any more letters. That's my only --

MAYOR MESSAM: So can -- can I get a motion to continue this item to November 4<sup>th</sup> Commission meeting?

COMMISSIONER COLBOURNE: Motion to continue the item to November 4<sup>th</sup> meeting.

VICE MAYOR CHAMBERS: Second.

MAYOR MESSAM: Madam Clerk, record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: No.

CITY CLERK GIBBS: Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Davis.

COMMISSIONER DAVIS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Colbourne, seconded by Vice Mayor Chambers, to continue Resolution #R7172 to the Commission meeting of November 4, 2020, the Commission voted:

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



## **ORDINANCES**

10. **FIRST READING** of Temp. Ord. #O1756 authorizing the creation of the **2020 Five Year Workforce Reduction / Early Retirement Incentive Program (“ERIP”)** for the explicit purposes of reducing the City’s full time workforce through a combination of pension and medical insurance incentives, permanent elimination of the budgeted full time equivalent position of each employee that makes the irrevocable election to participate in the ERIP, requiring coordination in the FY2021, FY2022, FY2023, FY2024 and FY2025 adopted budgets, the reduction of positions, as a result of this Program, and funding for the medical benefits and lump-sum distribution options offered to participants in the ERIP, and budgeting the cost savings provided as a result of the ERIP; 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. ***(Continued from the Meeting of 08/19/20) (Human Resources Director Randy Cross)***

CITY ATTORNEY NORRIS-WEEKS: An ordinance of the City Commission of the City of Miramar, Florida, authorizing the creation of the 2020 Five Year Workforce Reduction / Early Retirement Incentive Program (“ERIP”) for the explicit purposes of reducing the City’s full time workforce through a combination of pension and medical insurance incentives, permanent elimination of the budgeted full time equivalent position of each employee that makes the irrevocable election to participate in the ERIP, requiring coordination in the FY2021, FY2022, FY2023, FY2024 and FY2025 adopted budgets, the reduction of positions, as a result of this Program, and funding for the medical benefits and lump-sum distribution options offered to participants in the ERIP, and budgeting the cost savings provided as a result of the ERIP; 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.

## **PULLED**

11. **FIRST READING** of Temp. Ord. #O1756 authorizing the creation of the **2020 Five Year Workforce Reduction / Early Retirement Incentive Program (“ERIP”)** for the explicit purposes of reducing the City’s full time workforce through a combination of pension and medical insurance incentives, permanent elimination of the budgeted full time equivalent position of each employee that makes the irrevocable election to participate in the ERIP, requiring coordination in the FY2021, FY2022, FY2023, FY2024 and FY2025 adopted budgets, the reduction of positions, as a result of this Program, and funding for the medical benefits and lump-sum distribution options offered to participants in the ERIP, and budgeting the cost savings provided as a result of the ERIP; 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. ***(Continued from the Meeting of 08/19/20) (Human Resources Director Randy Cross)***

**PULLED**

12. **FIRST READING** of Temp. Ord. #O1761 amending Chapter 15, Article IV, of the City Code of the City of Miramar governing the **Miramar Police Officers' Retirement Plan and Trust Fund**; creating Section 15-175 to establish an **early retirement incentive plan** for members with at least fifteen (15) years of service and providing for a lump sum incentive for DROP participants; providing for severability; providing for codification; providing for an effective date. ***(Continued from the Meeting of 08/19/20) (Human Resources Director Randy Cross)***

**PULLED**

MAYOR MESSAM: Item number --

CITY ATTORNEY NORRIS-WEEKS: Thirteen.

MAYOR MESSAM: -- 13, please.

13. **FIRST READING** of Temp. Ord. #O1764 considering **Application No. 2002604, rezoning** a 2.10-acre parcel from B2, Community Business, to B3, heavy business, generally located approximately 379 feet west of University Drive and 810 feet south of Miramar Parkway; and providing for an effective date. ***(Community Development Director Eric Silva)***

CITY ATTORNEY NORRIS-WEEKS: An ordinance of the City Commission of the City of Miramar, Florida, considering Application No. 2002604, rezoning a 2.10-acre parcel from B2, Community Business, to B3, heavy business, generally located approximately 379 feet west of University Drive and 810 feet south of Miramar Parkway; and providing for an effective date.

MAYOR MESSAM: Good evening, sir.

MR. SILVA: Good evening, Mr. Mayor, and the Vice Mayor, Commissioners. Eric Silva, Community Development Department. This is the first reading of the rezoning request for the Miramar storage parcel. The location of the project: it's about two acres, and it's located in the shopping plaza at the southwest corner of University Drive and Miramar Parkway. This plaza has the Presidente supermarket, the Chevron gas station, and this application is way in the back corner; it's adjacent to the Broward County Pineland Preserve; it's over there in red. So it's a rezoning of a vacant lot, just over two acres, and the request is to go from B2, community business, to B3, heavy business. And I just want to note that the only use that they're going to be allowed to have is self-storage in B3, so

they won't have the full range of B3 uses. They've voluntarily offered a covenant, so that they will only get the self-storage use. So the land use designation is commercial, which allows for the self-storage use. The land use designation is commercial, which is permitted, that's allowed, and, as I mentioned earlier, just requesting a self-storage facility; they won't get any other uses. The process. The application was reviewed by the Development Review Committee on August 12<sup>th</sup>; they recommended approval. On August 31<sup>st</sup>, we held a virtual community meeting. There were some members of the public on the call. They did have some questions related to the loading, how the storage units would be loaded, the fence in the back -- there's a fence in the back of the entire commercial plaza that abuts the -- the residential area, the Knolls, there was a question on that. There was a question on landscaping, lighting, and traffic. The applicant did answer these questions, and they let the public know that there wouldn't be any loading by the homes, and that there would be any lights shining on the homes, and that the applicant will be replacing that fence, kind of wall that's back there that's crumbling and falling down. So this applicant -- it's not part of the rezoning itself, it's part of the site plan application, which you will see later, and the conditional use, but they have offered to replace that fence. They will be improving landscaping. And then once the public was told that it's a self-storage use, and it generates very few trips on the road, they were also okay with that. On September 8<sup>th</sup>, Planning & Zoning Board recommended approval of the application, and on November 16<sup>th</sup>, the rezoning will be back for second reading, and the site plan and other applications will also be heard by the Commission. And recommendation is for approval on first reading. The applicant was on the phone; I talked to her earlier today. I don't know if she's still on the phone, or if she wants to say anything about the application.

MAYOR MESSAM: Is the applicant still on the phone? Are they on mute? Hearing none -- hearing no response, there was no -- there are no comments or questions that was submitted to the City Clerk. Back to the dais. Are there any questions or comments on this item? All right. Starting with Vice Mayor Chambers, followed by Commissioner Davis, followed by Commission -- Commissioner Colbourne.

VICE MAYOR CHAMBERS: Mr. Silva, can you -- how are you, sir? Can you explain the difference between B2 and B3?

MR. SILVA: Yes. B2 is a community business type use that allow for like retail, restaurants, office-types use. B3 is a heavy business district, which allows for auto-type uses, media type uses, and I have a slide in the backup, if you could go just past that last slide. Not that one. The one before that one, I think. The one before -- before that one. I thought I had a slide comparing them, but they're about 30 different uses, 30 different additional uses that you get in a B3, such as kennels, veterinary clinics, car washes, auction houses. But the only one that they're going to receive as part of this application is a self-storage use.

VICE MAYOR CHAMBERS: Okay. Sorry. As far as the wall in the back, I -- sometime - - a while back, brought that wall up in the Commission meeting in regards to some

complain from some of our resident back there -- that holes in the wall, and it's falling down. And trying to get it fixed, and it seem like no one has responsibility for the wall, so it's not the resident, it's not the property owner, and it's not the City, and -- and, you know, as -- as much I'm disappointed with the -- I'm not saying disappointed, most likely I will -- I will support this item, because -- and I'm happy that the applicant will take the initiative to put up a new wall, which I know our resident will be really pleased and really happy. But what I'm disappointed with is that this whole property, from east to west, north to south, I -- I brought this up before with the previous administration, and I did brought it up with this administration that this -- which is southwest corner is a prime corner for redevelopment, partnering with the landowner and all the business there to turn this into a really spectacular, eye-popping, state of the art business area for Miramar, which is a gateway -- University is like a gateway into the City of Miramar coming off the Turnpike. And with what's happening in Miami Garden, which a few years from now -- because you can see the improvement there. So Miami Garden is going to really be popping. So that's -- I mean, it -- it's really can be something there, and -- and now we're going to have a storage, as opposed to the whole plaza take into consideration for redevelopment. Some of it is really useless, and -- and -- and not conducive to business, especially the piece where the supermarket is, just south of the supermarket, that -- that -- like a U development. So I'm a bit disappointed that we did not pursue this whole business development with the property owner. Maybe there's still a opportunity, but now this piece of land going to be gone, instead of including in the whole thing. And, you know -- but, most likely, -- I mean it's development with the storage. And it seems like storage is cheaper to build; we have them all over the City now, but I guess I'll support the item. Thank you. I just wanted to express that.

MAYOR MESSAM: Thank you, Vice Mayor. I'm going to recognize the applicant. They are on -- they actually are on the line, and would like to -- to -- to speak to the Commission, and Ms. Calhoun is recognized.

MS. CALHOUN: Good evening. Can everyone hear me?

MAYOR MESSAM: Yes, yes, we can hear you.

MS. CALHOUN: Awesome. Thank you. I just -- I can make a brief presentation, if anyone is interested. However, Mr. Silva presented our application exactly as it is. We recognize that -- we appreciate the opportunity to be here tonight on this first reading on the rezoning. I know that there was a question asked of me. I was busy trying to speak, so I -- I forgot now what the question was, and I'm happy to answer it if the Commissioner wants to ask it again. We anticipate this being a very positive use on the property. We're utilizing a site that's currently vacant and underutilized, not utilized at all, so it's -- it will prove to be a benefit, you'll see, to the City. We can discuss whatever other questions you may have, I'm happy to answer.

MAYOR MESSAM: Thank you. Commissioner Davis, you're recognized.

COMMISSIONER DAVIS: Thank you.

MAYOR MESSAM: And just before -- before you proceed, Commissioner Davis, however, we have nine minutes before 11:00.

COMMISSIONER DAVIS: Okay. In terms of this particular storage, it seems to me that the City has so many different storage facilities, and I mean are they being utilized? And is there no -- I don't know that there -- there's a need for -- for this type of business. Is -- is there a need for all these different storage units popping up all over the City? It's almost like the liquor stores? Why is it we only attract those? The other thing is, in terms of you got some people from the Knolls on the -- on the virtual meeting, and I'm -- I'm quite sure that wasn't a lot of -- that a lot of people are not aware of what is going to be put there. Did we -- how far into the Knolls did you go, and what about Missionwood, which is across the street?

MR. SILVA: The -- the notice that is sent out goes out 1,000 feet from the property. Anybody that was in -- within 1,000 feet received a notice.

COMMISSIONER DAVIS: How many houses was that?

MR. SILVA: I don't have that number with me tonight, but I can get that to you before the next reading.

COMMISSIONER DAVIS: Because Knolls has about, maybe, 800 homes, you know, on both sides. It's something that -- if we're going to be building something there, like a community outside of just 1,000 feet should be notified somehow, an extra step taken, because it is one community. It's almost like what happens at Monarch Lakes when things are just put -- only a certain -- 1,000 feet gets a notice, when Monarch Lakes extends all the way from, say, where is that, Red Road area -- no, Flamingo, all the way back to, you know, Miramar Parkway. So it actually affects the entire community when a structure is put in that maybe they had no knowledge of. Is -- is there signage up already about the location? Signage about meetings, and --

MR. SILVA: Yes, signage.

COMMISSIONER DAVIS: And it's located where, the sign, about the applicant?

MR. SILVA: Right, about the applicant.

COMMISSIONER DAVIS: Where is the sign?

MR. SILVA: On -- on the property in the back. On the property in the back.

COMMISSIONER DAVIS: On the property in the back?

MR. SILVA: Yes.

COMMISSIONER DAVIS: So that, unless you go back there, you wouldn't know that there's something that's going to take place. Am I correct? You'd have --

MR. SILVA: Right.

COMMISSIONER DAVIS: -- to go back there. You wouldn't even see it from Presidente; you wouldn't see it from the bank, maybe; you'd have to be going back there to see that something is hap -- I mean I -- drive along University pretty regularly. I have would never have known that there is something that's going to be there that -- if I have any concerns about it, I could contact the department or whatever. So I -- I just think that I -- for me, I think more information needs to go out to the people that are going to be traversing that location, that live nearby, the Knolls and Missionwood. That this structure is going to just pop up in their neighborhood. And I don't know that that's the best use of that property. I almost want to think that -- I mean -- if we have -- you are a planner, right? Are you a planner?

MR. SILVA: Yes.

COMMISSIONER DAVIS: And the plan that you would have for that location, or just the plans in general, what you would like to see, how many storage facilities would you like to see in -- in Miramar, or what -- what would you use that location for, it seems like anybody that comes up with an idea that they want to do something, that we just like allow it with no -- no kind of concept of: well, maybe that's not the best use of that -- what would I like to see? What would the residents like to see over there? Would they really like to see a storage unit place there. And I'm not sure that you would get the answer as a yes. So I just think there should be more work done before just saying: okay, well we'll change the use, so that they can just put that storage location there. And then the residents are like: well -- well how did that pop up there all of a sudden? So that's just my concern. I mean -- it's almost like I want to go talk to residents, and I know a lot of them in the Knolls. I don't believe they have any kind of organized HOA or organized group over there. I'm not sure if there's a CRO that even meets with people over there. At one point we had meetings that I would form with residents over there, but there's no organized meeting that you could go talk to some residents or whatever, so I'm just concerned. I don't like the idea of just having a storage location just popping up in the middle of a prime location like that on the corner of University. How tall is the building going to be? You know, what's --

MR. SILVA: Commissioner, the Building is proposed to be 39 feet to the top of the roof.

COMMISSIONER DAVIS: How many stories?

MR. SILVA: Three stories.

COMMISSIONER DAVIS: Three stories?

MR. SILVA: Yeah.

COMMISSIONER DAVIS: So it's going to be taller than anything else that's like there right now?

MR. SILVA: Probably be taller than what's in the middle, and the middle is set two stories. I think where the U is, that'll be lower, yes.

COMMISSIONER DAVIS: That's just my concern. I really have a concern that I -- I just - I just know the folks in that area, and I don't know that you've reached -- 1,000 feet has reached deep enough into the Knolls, and Mission Wood has an active HOA. Were they in the 1,000 feet? So if you can get me some of those answers, I'd appreciate it, and maybe that's for the second reading?

MAYOR MESSAM: Yes, this is the first reading, so --

COMMISSIONER DAVIS: The first.

MAYOR MESSAM: -- there's an opportunity for additional comments, also --

COMMISSIONER DAVIS: To reach out to the residents.

MAYOR MESSAM: I -- I would also recommend as well, for those who may what to reach out to the applicant to -- if you don't have any specific questions, if you have to, you can speak to them as well.

COMMISSIONER DAVIS: Not so much me.

MAYOR MESSAM: Yes, so --

COMMISSIONER DAVIS: I'm talking more like the residents. Like that sign that you have tucked in the corner, is there a way that the sign can be -- so folks know they could contact you. They have not -- I don't live there. If it's tucked away in some corner, and then all of a sudden one day I wake up and there's a building there, three stories, it would -- it would bother me.

MR. SILVA: I'm sure the applicant will be happy to put more signs up, and we'll talk to them about that. One thing I did forget to mention. You mentioned from a planning perspective, in addition to the self-storage use in the front, they're going to have about -- just over 8,000 square feet -- to 9,000 square feet of retail, so they're going to -- you know, they've already got the retail there, so they're going to line up more retail units, and then in the back of that, they're going to have the self-storage, so they're going to have two uses.

COMMISSIONER DAVIS: Okay. So that's im -- so what you're here today is just about the storage unit?

MR. SILVA: Well, this application tonight is just for the first reading of the rezoning, so on the 16<sup>th</sup>, we have more details about the site plan and the uses, and the -- the look of the building.

COMMISSIONER DAVIS: And the -- and the commer -- you said there's retail, so --

MR. SILVA: In the front they're going to have retail, in front of the self-storage. When the site plan comes on the 16<sup>th</sup>, you'll see where that retail is located exactly.

COMMISSIONER DAVIS: So before the second reading, we'll know exactly what's going to be there, and that the residents will know exactly what's going to be there by some -- some form of -- of -- you know, just go the extra mile. I don't see why we have to always consider just 1,000 feet, just because it's in the code.

MR. SILVA: Okay.

MS. CALHOUN: Commission -- May -- good evening, Mr. Mayor. May I respond to some of Commission Davis's concerns?

MAYOR MESSAM: Yes. Before, though, it's -- it's 10:59. We're going to need to have a motion to extend the meeting. And we still have --

VICE MAYOR CHAMBERS: One more item.

MAYOR MESSAM: We have one more -- one more item, and Commission reports. And we have a few seconds, or I'll be, by Charter, have to end the meeting. So you have a few seconds, so you need to get it in.

COMMISSIONER DAVIS: So we can make the motion?

VICE MAYOR CHAMBERS: Can -- can we make -- I make a motion to extend the meeting for 30 sec -- 30 -- 30 minutes.

COMMISSIONER DAVIS: I second the motion.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

MAYOR MESSAM: You're mute, Commissioner Barnes.



COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Davis.

COMMISSIONER DAVIS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Chambers, seconded by Commissioner Davis, to extend the Commission meeting to 11:30 p.m., the Commission voted:

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

**Approved**

MAYOR MESSAM: Ms. Calhoun, you're -- you're -- you're recognized to speak, and let's be as concise as -- as is possible. And I also request colleagues the same.

MS. CALHOUN: Thank you. Again, on this first reading of the rezoning, I wanted to point out specifically that my client did specifically reach out to the neighborhood directly adjacent to us to the west. He literally went door to door through the neighborhood; he probably hit the first three streets that are closest, so the first streets west, and then the next two or three streets, as you continue west. He specifically spoke with four out of the five homes that are closest to the project. The fifth homeowner was the one that came to the community meeting, so although my client didn't have an opportunity to speak with him one on one, he came to the community meeting, and all of his questions were answered. Mr. Silva went over what those questions were with regard to loading. He had site plan questions, not zoning questions. So we did do that outreach, in addition to the mailing that's required did cover, I understand, between 40 to 60 homes within the Knolls, so they were provided with notice. I also understand that the signage that was placed is along University Drive. So if you'll drive along there, you'll at least see the sign

there. We're happy to discuss additional signage, if requested, with Mr. Silva, so that everyone can -- can see it wherever you all determine it is -- it needs to be placed, in addition to what's already there. So I just want to be clear, we -- we made the extra efforts to notify the residents in the area of what we're doing, and we did not receive any negative comments or concerns, especially once all of our -- once all of the questions they asked were answered. And I know I've said it now two times, but, again, my client physically went door to door in the neighborhood, so everyone is aware -- was aware, everyone that's close by is aware.

MAYOR MESSAM: All right. Thank you. Commissioner Colbourne, followed by Vice Mayor Chambers.

COMMISSIONER COLBOURNE: Thank you. I -- I am concerns as to what this would look like. Can you show me exactly where the -- where the location is?

MR. SILVA: It's in the -- the southwest most corner of the shopping plaza, so to the south, that's the Broward County Pineland Preserve, in the back you have residential homes.

COMMISSIONER COLBOURNE: You said it's south -- the furthest south --

MR. SILVA: Yup.

COMMISSIONER COLBOURNE: -- of the shopping center?

MR. SILVA: Yes.

COMMISSIONER COLBOURNE: Okay. Is that where Sam's store is, that same shopping center? Is that --

MR. SILVA: Yes. But Sam's is in the U --

MAYOR MESSAM: But further -- further south.

MR. SILVA: -- which is in the middle, a little bit above that red box.

COMMISSIONER COLBOURNE: So it's the furthest -- it's the furthest south?

MR. SILVA: Yeah. And --

COMMISSIONER COLBOURNE: And it's -- it's -- so it's in the back of that shopping center or it's --

MR. SILVA: It's in the back, yeah. And there's a little -- in the front of that red box, there's a small strip commercial plaza where that new gym went in; there's a -- a new gym that's there.

VICE MAYOR CHAMBERS: If I may, Mr. Silva --

MAYOR MESSAM: Wait -- wait -- hold -- hold on, Vice Mayor. Commissioner Colbourne has the floor.

VICE MAYOR CHAMBERS: I know.

COMMISSIONER COLBOURNE: So --

MAYOR MESSAM: I know, but -- and -- just -- she's asking questions. Go ahead, Commissioner Colbourne.

COMMISSIONER COLBOURNE: So -- so it -- it abuts the homes? It -- it's directly -- it's going to go up directly -- how far back is it?

MR. SILVA: The setback from the homes, I'd have to check the site plan. There's a -- a road back there -- let me see if I can zoom out.

COMMISSIONER COLBOURNE: I mean this is the area where the residents are complaining about that -- that -- that concrete fence that's -- that's down and -- and it's -- it's low, so I'm -- I'm wondering is that going to go all the way up.

MR. SILVA: Yes.

COMMISSIONER COLBOURNE: You know, directly next to it. I mean you have a storage unit, you have people using that storage unit all night long. You have folks driving in and out of there, you know, whether they're out of town or -- or whatever; they're using a storage unit. That's a lot of activity to be right in the back of someone's home. Right now I'm getting a lot of complaints as it is, because of that -- because of the fence. There -- they have safety concerns, so I -- I understand now -- now I see why this -- they have agreed to build a fence, because what they're doing, it's -- it's -- it sounds like it's right up next to their property, right in the back of their homes, if I understand this -- that's why I'm trying to understand the location, so -- I -- I don't -- I don't see a storage -- I don't see a storage next to homes like this. And I would assume that that's why it wasn't zoned that way to allow something like that. So I -- I -- I've got to tell you that I'm truly not in agreeance with this. I don't know what it will look like. It sounds like it's going to -- to just inconvenient the neighborhood, and in -- and then later on, we'll be filtering all those complaints about having a storage unit right next to their property. Without knowing the hours of operation, I don't -- you know, they spoke to four homeowners; that's an entire neighborhood. It doesn't -- it doesn't seem like something that I can -- that -- that -- that I can actually agree with. So I -- I am not in favor of -- of moving forward with this, even for the first reading. It's -- in -- in concept, if I understand where it is, in concept, I don't think it's a good idea to change the zoning.

MAYOR MESSAM: Vice Mayor Chambers, you're recognized.

VICE MAYOR CHAMBERS: The reason why I'm supporting this item that, over the years, the number of resident that live adjacent to this shopping plaza has reach out to me for repair or a new wall. And since this applicant agreed to build a wall that on one else was willing to provide. I like -- what I was trying to explain was where the location of this property is, if you're going east from -- on Miramar Parkway, and you get to the plaza, you hang a right by the MetroPCS store, in the back of all those stores, and I -- I know there's a easement back there for access for vehicle making delivery to the existing store. And that piece of land is tucked away, all the way in the back to the southwest corner of the property. And I'm sure it -- it -- would there still be that easement between the storage and the wall, Mr. Silva?

MR. SILVA: Yes. They'll still be a buffer there.

VICE MAYOR CHAMBERS: A buffer there.

MR. SILVA: Yeah. I don't -- I tried to look at the -- the site plan --

VICE MAYOR CHAMBERS: Because I drive all the time, I go in the back, and I drive all the way around back to University.

MR. SILVA: Yeah.

VICE MAYOR CHAMBERS: You know, the property been there for years. I've -- I've been looking at it for a long time. Actually, I looked there to do like events; it's a nice little piece of green space back there, and I've been driving it for years to see how development would fit there, in terms of knocking down the whole plaza, and something similar to what was done at University and 183<sup>rd</sup> flea market.

MR. SILVA: Yeah, that'll still be there, and the applicant may have the exact dimensions. It's hard to read on the sheet in front of me, but it's probably about 35 or 40 feet --

VICE MAYOR CHAMBERS: Right.

MR. SILVA: -- from the property line in the back of the building.

VICE MAYOR CHAMBERS: To the wall.

MR. SILVA: Yeah.

VICE MAYOR CHAMBERS: Right.

MR. SILVA: Yeah.

VICE MAYOR CHAMBERS: And -- and do you know what the height of the wall will be, more or less?

MR. SILVA: It's going to be a -- they committed to a six-foot vinyl fence for the whole length of the property. So if you could bring back up that aerial photo.

VICE MAYOR CHAMBERS: Is -- is it possible that it could be a little higher than six foot?

MR. SILVA: We can discuss it with the applicant.

VICE MAYOR CHAMBERS: Okay.

MR. SILVA: Yes.

VICE MAYOR CHAMBERS: Okay, good.

MR. SILVA: But from the bottom of the red box, all the way up to Miramar Parkway -- so they're going to build it behind the shopping center too.

VICE MAYOR CHAMBERS: Right. It's all the way.

MR. SILVA: Not just -- not just behind the storage facility.

VICE MAYOR CHAMBERS: Right. I -- I understand. But -- but I'm very pleased of the wall, and -- and those resident that's adjacent to the wall will also get a secure wall that they've been asking for.

MR. SILVA: And, Vice Mayor Chambers, you mentioned earlier about the -- the look of the shopping center. So maybe a few months ago, staff noticed that there was a -- a new color on the shopping center, and we said: You didn't get a permit for that. So we contacted them and the whole shopping plaza is going to be redone; the whole -- the color and the color scheme is going to match this new self-storage facility, so they're going to paint that to match and --

VICE MAYOR CHAMBERS: Yeah. My -- my problem is not so much the color, it's -- it's that U behind the supermarket. It just -- I know they had a school in there at one time, but it -- it's kind of tucked away and, you know, I'm not sure if something can be done, new building. I envision a lot of usage there for the east side of Miramar, a restaurant, place that kids can go, maybe movie theater or something. I -- I just see a lot of new improvements there in that plaza. I'm not sure how it's going to happen, because you have a auto parts there, McDonald, the gas station is in the corner, and so forth, so. And I know it would a big undertaking to get all of those businesses together and the property owner to do a -- a massive redevelopment, a modern redevelopment. But, like I said, maybe this is a start with this storage. And for someone like me who utilized storage a lot over the last four, five years, and before, most storage, they all close at -- at 9:00 p.m.

is the -- where you don't have no access, and they start at 6:00 a.m. in the morning. There's only one storage in Miramar that have a 24-hour access, and that's Sunshine right here at Miramar Parkway between -- just across from the Fire Station 107, and the -- and the reason for that is because that's where a lot of trucks and RV and stuff backed up; they have a 24-hour access, that's it. I haven't seen another 24-hour access storage in Miramar; maybe I'm wrong, but I've used quite a few of them, and that's the only one that have 24-hour access. So I -- I think this item can be approved on the first reading.

MAYOR MESSAM: Okay. What is the desire of the -- the Commission? This is the first reading. There's an opportunity to get more questions addressed and answered between now and the 16<sup>th</sup>. At this point, can I have a motion on this item?

COMMISSIONER BARNES: And, Mr. Mayor, I -- I had a comment.

MAYOR MESSAM: Okay. Yes, you did not get a chance to speak.

COMMISSIONER BARNES: I'm reading my chart.

MAYOR MESSAM: And if I could have IT to allow that chat feature, so I can see, because Granicus isn't working for Commissioner Barnes.

COMMISSIONER BARNES: Right. So -- so -- conversation, right.

MAYOR MESSAM: You're recognized, Commissioner Barnes.

COMMISSIONER BARNES: Okay. Before I make my comments, I'd like to ask of Ms. Calhoun a question. Is she with us?

MAYOR MESSAM: I think --

MS. CALHOUN: Yes. I am here. I'm now -- now unmuted, yes.

COMMISSIONER BARNES: Okay. Mention was made about the common occurrence of storage unit facilities. As we spoke in our meeting last week, remind us, if you would, why these are not only as commonplace as they are, but why are they -- how profitable they -- they end up being for the investors?

MS. CALHOUN: Thank -- thanks, Commissioner Barnes. So a few things about self-storage, and what's -- what's happening now, and it's not just now, because of the pandemic that's going on. But I will tell you, in my -- my 20 years of experience doing land use, self-storage is the one consistent use that I always have a project for; I'm always doing a self-storage unit, and that is because -- and it's highlighted now, especially. People often have to -- to downsize for whatever reason, whether by force or by choice, but they don't always like to let go of their things, so a self-storage option is always a good place to -- to put your things, until you figure out where you're going next, whether that's

-- you're downsizing and maybe moving back in with your parents, or you have to move in -- to with your parents to help take care of them, but you don't want to get rid of your things, or you -- you have to, you know, relocate out of state, but you still don't want to give up your -- you don't want to give up your belongings, and maybe you're going to come back, so you put them in self-storage. There are various reasons, over the years, that I have found that people like to use self-storage. My particular client builds self-storage facilities in -- in many locations; this is not their first one. And I will tell you, as I often say, if it was not a profitable -- profitable business, they would not do it. Meaning, if it wasn't a business that they -- that people needed, they would not do it. Again, in -- in this day and age, and I know we're not going to be in the situation forever, but lots of self -- different self-storage facilities are going up in different cities, it's not just in Miramar. Commissioner Davis, I don't want you to think that it's just being targeted here for any particular reason, but for a need. As you stated, we are -- we do have some residence, some single-family homes around us. You would be surprised at the things that people will -- are willing or want to put in storage. And, again, you have a piece of property, currently, that is vacant and not really benefiting the tax -- the City from a tax perspective. Once you allow this -- this project to go forward, if you allow this project to go forward, the City will be allowed to reap the benefits of that. And, Commissioner Colbourne, we are just asking tonight that this item be moved forward to second reading, if you approve it tonight, and we can discuss, between now and then, or at the meeting of second reading, all of the site plan issues that you have. There are at least 65 feet between our property line and the building. So between -- that's just between our property line and the building. There are no loading zones on the residential side. Lighting is kept at a minimum. I have lots of things I can share with you about how the building operates in a manner that does not impact the residents, but also has a way of benefiting the people in the area. I -- you know, I mentioned those four people in particular, those four homes in particular, because they are the closest, but I want to stress that my client reached out to at least three to four streets within that neighborhood, so -- you know, we -- we -- we did quite a bit of outreach. Commissioner Barnes, I think I said way more than you asked, and I appreciate the indulgence, Mr. Mayor, and you not just cutting me off, so thank you, and not muting me. Thank you. --

COMMISSIONER BARNES: Okay. Let me -- let me just conclude my comments. Mention was made again about the -- the frequency of applications for storage units. I want to submit that we look at a storage unit, which is at the corner of Pembroke and Douglas Road that literally sits on top of houses right adjacent to them on the north -- northbound sound of -- of Douglas Road, just adjacent to the gas station. That is -- that is specifically right up against the homes in Cinnamon Ridge. And I -- I would also submit that the decision of the developer to -- to mount a wall will benefit the homes, because we've heard the complaints about the -- the -- the wall. The landscaping that is going to be brought to the area will beautify the area, and I'm also suggesting too that the very fact that something, an edifice, a building, a site is going to be there, increases the security of the area for residents. You know, and -- and as -- as has already been said too, we're talking about a piece of land that is sitting idly, and will generate revenue for the City. In addition, I see in the plans -- I was shown the plans in the meeting, with -- and, as

happened over the last few years, these are not monstrosities. These are extremely attractive buildings, and they get more attractive by the day, so like Vice Mayor, I'm in total support of this -- of this going forward.

MAYOR MESSAM: All right. Thank you, Commissioner Barnes. I -- I see we have Commissioner Colbourne and Davis, and will respectfully ask if we can just move this item. We still have another item left. It's approaching 11:30. If we can get those answered --

COMMISSIONER COLBOURNE: Absolutely.

MAYOR MESSAM: Okay.

COMMISSIONER COLBOURNE: On -- on the wall, who's responsibility is it to build the wall? Is it the shopping center or the homeowner?

MR. SILVA: This wall is going to be built by the owner --

COMMISSIONER COLBOURNE: No --

MR. SILVA: -- of the self-storage facility.

COMMISSIONER COLBOURNE: No. No, no, no. The wall that's there now that needs to be -- that needs to be repaired, it needs to be built, that needs to be elevated, that's the -- that's the need of that community. Who's responsibility is it? Is it the -- is it the shopping center?

MR. SILVA: That's a very good question.

COMMISSIONER COLBOURNE: Well, thank you. It's only been asked for about the past three months.

MR. SILVA: Because it's been going on for years, and we -- we've been talking to the police department, we've been talking to the property management company, and it's been very difficult to figure out when that wall was first built. Because the style of that wall looks like it was built by either the original developer of the residential, or the original developer of the commercial plaza, and I can't tell you right now if we ever got a definitive answer on who was finally responsible for --

COMMISSIONER COLBOURNE: Well, whose property is it on; let's try that?

MR. SILVA: Looks like, to me, it's on the shopping center property.

COMMISSIONER COLBOURNE: It's on the shopping center property. I mean it -- it -- so that would make it whose responsibility?



MR. SILVA: I would say -- there's a lot -- a lot of back and forth, but it's on their property; I would say it's their responsibility.

COMMISSIONER COLBOURNE: So do we -- so it's -- it looks to me, if it's on the shopping center's property, it's their responsibility to take care of it. So is there anything in -- in our code that would require the shopping center to either elevate that -- make that wall taller, or do something with that wall? Because the issue for that community is that wall. And we -- we've been going back and forth with this, but nothing has been done, because it's being attached to this -- to this storage unit that -- that wants to come into the area, and somehow now it's: oh, you're going to get a wall when you approve this storage unit. And -- and I -- I -- I don't like that. There is an issue that -- a legitimate issue that that community has, and -- and every -- every week I have someone from that community contact me on this. And -- and I address it with the City every week, and -- and -- and -- and I still can't get a clear answer whose responsibility, and how do we hold the responsible for it. Instead, what I have gotten is: oh, there's a -- there's a storage unit coming, and -- and - - and they're going to build a wall. And -- and -- and now -- now I -- I really feel that I don't like how this is being positioned. Okay. So I need to know that that wall is dealt with the way it needs to be dealt with. There is someone responsible for it; is there something they should be doing with it?

MAYOR MESSAM: Okay. That's not our -- so -- obviously, that's an issue for the -- for - - for us to resolve with the community. Specific to this item, it's not the question before us, so at this time, may I have a motion on this item?

COMMISSIONER DAVIS: I did have a follow up. I was --

MAYOR MESSAM: Your name dropped off.

COMMISSIONER DAVIS: I had a request to speak.

MAYOR MESSAM: So you just add it. Go ahead, Commissioner.

COMMISSIONER DAVIS: I mean I'd like to go home too, but I mean I need some --

MAYOR MESSAM: No, it's not about going home, I'm just trying to keep the item on the --

COMMISSIONER DAVIS: I -- I understand that.

MAYOR MESSAM: -- on the discussion. Commissioner Davis, you're recognized.

COMMISSIONER DAVIS: I understand that, but you don't have to cut me off either. If I'm recognized, I'm recognized; I'm on the floor. In terms of this item, even if I was to go along with the first reading, since it seems like we're -- we're saying a wall compensates

for this storage that's going to be guilt in the community, which they don't equate. I need for us to make -- if I have to do it myself, to make every effort to contact the HOA at Missionwood, to contact the folks over that -- at the Knolls, and not the four people. Is that the best use of that property. You could have another shopping center back there. Why a storage unit? You say it's going to be a storage unit and retail; it could just be retail. So -- and I do take offense to the attitude: oh, we're giving you this, give me a -- we -- we want to do storage. You know, you don't just come in and tell us what you want. I believe I'm elected to represent the people, and I try to find out what they want. So I need to find out what they want before that goes up there, and I'd like to do that before the next reading. So are you able to facilitate that?

MR. SILVA: Yes, we can facilitate that.

COMMISSIONER DAVIS: Missionwood, the Knolls? And the issue with the wall, to have that resolved as to who is responsible, the owner of the plaza, --

MR. SILVA: Yes.

COMMISSIONER DAVIS: -- if they're willing to -- and if it's -- if it's something that code has to handle to get them to repair the wall, so it's not contingent on this storage unit. That's what I'd like to find out before the next reading, thanks.

MR. SILVA: We will coordinate with code, yes.

MAYOR MESSAM: All comments have been made. May I have a motion on this item, please?

COMMISSIONER BARNES: Motion to approve.

VICE MAYOR CHAMBERS: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: No.

CITY CLERK GIBBS: Commissioner -- Commissioner Davis.

COMMISSIONER DAVIS: No.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Barnes, seconded by Vice Mayor Chambers, to continue Ordinance #O1764, the Commission voted:

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

**Passed 1<sup>st</sup> Reading**

SECOND READING SCHEDULED for November 16, 2020

MAYOR MESSAM: Item number 14, please.

- 14. FIRST READING** of Temp. Ord. #O1766 amending the Land Development Code of the City of Miramar, pursuant to Section 302 of the Land Development Code and Section 166.041(3)(a), Florida Statutes, more specifically at Chapter 8, entitled “Development Standards of General Applicability” by amending Section 816, entitled “Storm Drainage, Water Management Design and Floodplain Management Standards,” to provide for a definition, as well as methods of construction and requirements for **critical facilities**; to extend the **one-foot freeboard requirement** that currently applies to new and substantially improved residential buildings located throughout the City’s flood zones or Special Flood Hazard Areas, to **new and substantially improved manufactured homes, and to mechanical equipment and utility items**, also located in the City’s flood zones, in compliance with the new Community Rating System Class 8 Prerequisite; and to clarify and strengthen the requirements for **elevated buildings with fully enclosed areas**; making findings; providing for repeal; providing for severability and interpretation; providing for correction of scrivener’s errors; providing for codification; and providing for an effective date. *(Community Development Director Eric Silva)*

CITY ATTORNEY NORRIS-WEEKS: An ordinance of the City Commission of the City of Miramar, Florida, amending the Land Development Code of the City of Miramar, pursuant to Section 302 of the Land Development Code and Section 166.041(3)(a), Florida Statutes, more specifically at Chapter 8, entitled “Development Standards of General Applicability” by amending Section 816, entitled “Storm Drainage, Water Management

Design and floor Floodplain Management Standards,” to provide for a definition, as well as methods of construction and requirements for critical facilities; to extend the one-foot floorboard -- freeboard requirement that currently applies to new and substantially improved residential buildings located throughout the City’s floodplain zones or Special Flood -- Flood Hazard Areas, to new and substantially improved manufactured homes, and to mechanical equipment and utility items, also located in the City’s flood zones, in compliance with the new Community Rating System Class 8 Prerequisite; and to clarify and strengthen the requirements for elevated buildings with fully enclosed areas; making findings; providing for repeal; providing for severability and interpretation; providing for correction of scrivener’s errors; providing for codification; and providing for an effective date.

MR. SILVA: Good evening again, Mr. Mayor, Mr. Vice Mayor, Commissioners. Eric Silva, Community Development. This is for a floodplain management Land Development Code amendment. The National Insurance Program’s community rating system is implementing a new prerequisite for community’s to achieve a Class 8 rating. What the Class 8 rating does is it gives our residents a ten-percent discount on their flood insurance. Those new require -- could you go back one slide, yes. The new requirement is a minimum one-foot standard above a base flood elevation for manufactured homes and mechanical equipment, and we need to maintain the current flood insurance discount and, potentially in the future, we could get a larger discount. City’s floodplain ordinance already includes this requirement for new and substantially improved residential homes, but it doesn’t include manufactured homes and mechanical equipment. So we’re going to make that amendment to comply with the federal requirements, and we’re also going to add a definition for critical facilities, and require that they are three feet above base flood elevation, they’re flood proofed, and have elevated access routes. Critical facil -- facilities include things like hospitals, nursing homes, blood banks, government facilities, schools, daycares, and hazardous materials storage facilities. And this would be for any proposed new facilities. Pursuant to section 302.6 of the Land Development Code, the City Commission approval is required for any text amendments to the code. On October 13<sup>th</sup>, the Planning & Zoning Board recommended approval, and this is a -- a mandate from the federal government, and enforcement will start in January of 2021. And this is first reading, and the recommendation is for approval.

MAYOR MESSAM: Thank you. There are no comments from the public on this item. Are there any questions for staff? Hearing none, may I have a motion on this first reading?

VICE MAYOR CHAMBERS: Motion to approve.

COMMISSIONER COLBOURNE: Second.

COMMISSIONER BARNES: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Commissioner Barnes.

COMMISSIONER BARNES: Yes.

CITY CLERK GIBBS: Vice Mayor Da -- Vice Mayor Chambers.

VICE MAYOR CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Davis.

COMMISSIONER DAVIS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Chambers, seconded by Commissioner Colbourne, to continue Ordinance #O1766, the Commission voted:

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

**Passed 1<sup>st</sup> Reading**

SECOND READING SCHEDULED for November 16, 2020

## **OTHER BUSINESS**

### **Reports and Comments:**

### **Commissioner Reports:**

MAYOR MESSAM: All right. So 11:29. Are we going to -- meeting is next week. Can we hold off on announcements for -- reports for next week, or -- no. All right. On that note -- if you want to tune into the State of the City tomorrow night, 6:30.

### **City Attorney Reports: NONE**

**City Manager Reports:** NONE

**FUTURE WORKSHOP:** NONE

## **ADJOURNMENT**

MAYOR MESSAM: And this meeting is adjourned.

The meeting adjourned at 11:30 p.m.

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Denise A. Gibbs, CMC  
City Clerk  
DG/cp