



## MINUTES OF THE CITY OF MIRAMAR REGULAR COMMISSION MEETING

**April 4, 2018**

**7:00 P.M.**

The regular meeting of the Miramar City Commission was called to order by Mayor Messam at 7:04 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 Winston F. Barnes  
Commissioner Maxwell B. Chambers  
Commissioner Yvette Colbourne  
Commissioner Darline B. Riggs

The following members of staff were present:

City Manager Kathleen Woods-Richardson  
City Attorney Jamie Cole  
City Attorney Alison Smith – ARRIVAL 7:05 P.M.  
City Clerk Denise A. Gibbs

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

### **PLEDGE OF ALLEGIANCE**

MAYOR MESSAM: Let us all rise for the Pledge of Allegiance. Madame Clerk, please call the roll.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Here.

CITY CLERK GIBBS: Vice Mayor Barnes.

VICE MAYOR BARNES: Here.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Here.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Here.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Here.

CITY CLERK GIBBS: City Manager Woods-Richardson.

CITY MANAGER WOODS-RICHARDSON: Here.

CITY CLERK GIBBS: City Attorney Cole.

CITY ATTORNEY COLE: Here.

CITY CLERK GIBBS: City Attorney Smith.

## **MOMENT OF SILENCE**

MAYOR MESSAM: At this time, we would like to observe a Moment of Silence. As we are observing this Moment of Silence, I would like to highlight and recognize that today marks the 50<sup>th</sup> Anniversary of the Assassination of Dr. Martin Luther King, Jr., where there are many activities and events through this country that are honoring his legacy and his life and what he meant to Civil Rights, not just to the United States, but this entire world. At this time, I will observe any condolences that we may be observing in the community as well as recognizing and honoring the life of Dr. Martin Luther King, Jr. Thank you.

## **PRESENTATIONS & PROCLAMATIONS**

Alright, we have a number of Proclamations and a few Presentations and I would like to present them at this time.

Proclamation: Earth Month. (Mayor Wayne M. Messam)

MAYOR MESSAM: Our first Proclamation is observing the month of April as Earth Month and at this time, I would like to call all City Directors up, all City Directors. I know I'm catching you off guard, but all City Directors come forward please. You are not in trouble, you are not in trouble. So many looks of bewilderment. Also, Ms. Elsi Rose, was Elsi here earlier? Yes. Ms. Rose leads many of our

sustainable initiatives in the City of Miramar as well as our Community Garden. So, April is Earth Month. Close to 48 years ago, on April 22, 1970, 20 million Americans took to streets, parks, and auditoriums to advocate for a healthy sustainable environment. That is when the idea for a national day to focus on environment came about. Earth Day is now a global yearly event where more than one billion people in 192 countries take part in what is the largest civic focus day of action in the world. Let's be the change. Every one of you can make the difference. Yes, that means you, every one of us. At the City of Miramar, we believe environmental sustainability is a Citywide initiative. It is our legacy for future generations, that is why I invite all of our Directors to come to the stage while we read this Proclamation. So, as we are representing all important Departments of the City, it is just a representation that it takes the entire community to be able to take care of our earth. And here is our Proclamation: Earth Day, April 22, 2018.

WHEREAS, the global community is facing extraordinary challenges such as global health issues, food and water shortages, economic struggles, degradation of ecosystems, mass extinction of species and global climate change; and WHEREAS, all people, regardless of race, gender, income, or geography, have a moral right to a healthy and sustainable environment with economic growth; and WHEREAS, the youth of the world are our most valuable resource and represent a source of endless creativity and potential; and whereas, expanding environmental education and climate literacy is vital to enhance awareness about the environment, informed decision-making, and protect future generations; and WHEREAS, it is understood that sustainability will only be achieved by meeting the needs of the present without compromising the needs of future generations. And furthermore, it is more important than ever to act locally and to cooperate Internationally and defend environmental progress that has been heretofore gained. Now; therefore, I, Wayne Messam, Mayor of the City of Miramar, and on behalf of the City Commission, do hereby proclaim April 22, 2018 as Earth Day.

Thank you all so much for joining me for this Proclamation.

Proclamation: National Community Development Week. (Mayor Wayne M. Messam)

MAYOR MESSAM: Mr. Silva, don't go too far. Eric Silva, come forward please. This next Proclamation is to recognize National Community Development Week April 2 through 6, 2018.

WHEREAS, the week of April 2 through 6, 2018 has been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant Program and the Home Investment Partnerships Program; and

WHEREAS, the CDBG Program provides annual funding and flexibility to local communities to provide decent, safe, and sanitary housing, a suitable living environment, and economic opportunities to low and moderate-income people; and WHEREAS, the Home Investment Partnerships Program provides funding to local communities to create decent, safe, affordable housing opportunities for low income persons, where nationally over one-million units of affordable housing have been completed using home funds; and whereas, over the past five years, Miramar has received a total of \$3,567,215 – we didn't note the cents – in CDBG funds and \$672,248 in home funds; and WHEREAS, the following activities have been funded: residential rehabilitation, commercial rehabilitation, micro-enterprise community outreach, park involvement – I mean park improvements – excuse me, and residential utility connections. Now, therefore, I, Wayne Messam, Mayor of the City of Miramar, and on behalf of the City Commission, do hereby proclaim the Week of April 2 through 6, 2018 as National Community Development Week in support of these two valuable programs that have made tremendous contributions to the viability of the housing stock, infrastructure, public services, and economic vitality of our community.

I would like to thank our City staff and the community and Economic Development Department for all of the work you do to oversee and administer the funds that we receive from the Federal Government and from the State of Florida to ensure that we are doing our best to improve the lives of our residents in the City of Miramar. Thank you so much.

Proclamation: National Crime Victims' Rights Week. (Mayor Wayne M. Messam)

MAYOR MESSAM: Our next presentation, Bridget Schneiderman, Victims' Advocate from the Miramar Police Department. Alright, this next Proclamation recognizes National Crime Victims' Rights Week.

WHEREAS, Americans are the victims of millions of crimes each year affecting individuals and communities; and whereas, years of investment in crime victims rides and services have developed a system of Victim Response that can help victims recover from crime; and WHEREAS, reaching and serving all victims of crime is essential to supporting thriving communities because those who receive holistic services and support are more likely to remain invested in their communities; and WHEREAS, National Crime Victims' Week provides an opportunity to recommit to ensuring that all victims of crime, especially those who are challenging to reach are served, are afforded their rights and receive a trauma informed response; and WHEREAS, we take a moment during National Crime Victims' Rights Weeks to honor and pay tribute to the victims and survivors of the Marjorie Stoneman Douglas High School shooting as well as all mass

crime victimization; and WHEREAS, the City of Miramar is hereby dedicated to strengthening victims and survivors in the aftermath of crime, building resilience in our communities and our victim responders and working for justice for all victims and survivors. Therefore, I, Wayne Messam, Mayor of the City of Miramar, and on behalf of the City Commission, do hereby proclaim the week of April 8 through 14, 2018 as Crime Victims' Rights Week.

This is a very important issue and I'm so glad that we have many individuals from our community, especially our youth, to hear about this because in the City of Miramar Police Department, we are very fortunate to have outstanding professionals that are there to assist victims who have experienced sometimes the unthinkable. Many of us, you know, we don't think about these issues because it's not out front into the community and for our Police Department to be able to provide this resource within our City for residents who may need these services is invaluable. So, thanks so much to PD, our professionals that provide such care and sensitive work. We honor you and we thank you for your dedication and service to our community.

Proclamation: Water Conservation Month. (Mayor Wayne M. Messam)

MAYOR MESSAM: Alright, and our final Proclamation. I would like to call forward Utilities Director Jody Kirkman forward and Mr. Gordon. This next Proclamation is in recognition of Water Conservation Month. April is a busy month, isn't it? Yes.

WHEREAS, Florida's natural beauty, crystal blue waters and white sandy beaches attract residents and visitors from around the world; and whereas, clean and sustainable water resources are vital to Florida's environment, economy, quality of life, and is the basic and essential need of every living creature. More than 90% of Florida's drinking water is supplied by underlying aquifers; and WHEREAS, every business, industry school, and citizen can help by saving water and thus, promote a healthy economy and community; and WHEREAS, the South Florida Water Management District is implementing a Comprehensive Water Conservation Program to instill a lasting culture, of conservation in our communities; and whereas, the City of Miramar has partnered with Broward County's Water Conservation Incentive Program to encourage residents and businesses to adopt and endure a water conversation ethic that supports long-term water resource sustainability; and WHEREAS, the City of Miramar, with grant assistance from the State of Florida, is investing millions of dollars to develop alternative water supplies, upgrading drinking water facilities, reclaimed water, wastewater for beneficial use, and reduce waste disposal; and WHEREAS, the City of Miramar is the pioneer in South Florida, yes, that is correct, we are the pioneer in South Florida region on water conservation by reusing up to four-million gallons per day of reclaimed water as an

alternative water supply for irrigation. The City of Miramar has also developed the brackish water from the Florida Aquifer as an additional alternative water supply to meet future consumptive demands; and whereas, the South Florida Management District and the State of Florida have designated April, typically a dry month when water demands are most acute, Florida's Water Conservation Month to educate citizens about the importance of water conservation and how they can help to serve – to save Florida's precious water resource. Now, therefore, I, Wayne Messam, Mayor of the City of Miramar, and on behalf of the City Commission, do hereby proclaim the month of April 2018 as Water Conservation Month.

Thanks to our Utilities Department for all of your innovation and what you do.

Presentation: Drop Savers Water Conservation Poster Contest. (Mayor Wayne M. Messam)

MAYOR MESSAM: Now we have a Presentation for some special recognitions for some of our special guests that we have here tonight. Mr. Kirkman.

MR. KIRKMAN: Thank you. Basically, this is the first time Miramar participated in the AWWA Drop Saver Poster Contest and through the local school programs, we actually had a great turn out and tonight we would like to recognize the winners. I say winners, everybody who participated is a winner, but we did have to judge and place people, kind of the first and then runner up and then we actually submitted those to the State, AWWA, through the entire State. Everybody that participated will be judged accordingly. I think actually some of those things will actually come down from the State too; participation awards and some different things. But tonight, we would like to at least honor the people that did participate and take care of you accordingly. Now, once we are done we do have some other surprises for you in the back but we at least want to recognize you right now, the winners accordingly. Division 1, Kindergarten, First Grade – was Maya I'm probably not the best one to do this, Salgado; she is in Kindergarten. Silver Lakes Elementary. Division 2, Second and Third Grade – Hunter Van Der Steeg, hopefully I got that right, sorry if I don't. Third grade and he is at Silver Lakes Elementary. Hunter, good job. Sorry if I messed your name up. Division 3, Fourth and Fifth Grade – Juan Arraiz, thank you. Congratulations. Juan is fifth grade at Coconut Palm Elementary. Thank you. Division 4, Sixth, Seventh, and Eighth Grade, and I'm going to look over here.

MAYOR MESSAM: Maika Andreus. Great Job.

MR. KIRKMAN: Maika Andreus. Did I get that one right? And that's eighth grade, Somerset Academy Central. Okay, that was the first-place winners, then we had runner ups. Division 1, Kindergarten, First Grade, Nataliya Gooden. Nataliya is first grade at Sea Castle Elementary. Congratulations. Division 2, Second and

Third Grade, Abigail Choy. Not here, okay, she couldn't make it, I'm sorry. Division 3, Fourth and Fifth Grade, Angelina Lopez. Angelina is fourth grade at Somerset Academy. We actually had another one in Division 3 and that's Emmy Ramsey, Emmy, sorry. Emmy is in fifth grade at Coconut Palm Elementary. Division 4, Sixth, Seventh, and Eighth Grade, Alani Ambrose, Alani, I apologize. Alani is sixth grade at Somerset Academy Central. And, last in Division 4, we have an award for Seth Mompont. Seth is seventh grade at Somerset Academy Central.

MAYOR MESSAM: He's going to be tall. Congratulations.

MR. KIRKMAN: Again, I would at least like to have one more round of applause for these participants. Thank you so much. One of the things we are proud to actually have for 2019 is the calendar. This calendar, of course it's from Miramar, and it has the artwork actually proudly presented inside. We will make this available throughout the City if anybody would like any of these. Again, the winners will actually be put throughout the calendar and again, next year we hope to do the same thing. Did I miss another page? I'm sorry. I guess I wasn't prepped for this well enough. Honorable Mentions, let's go down this list real quick. I'm sorry. Division 1, Kindergarten and First Grade, Navaeh Hernandez. First grade, Sea Castle Elementary. I'm the worst person to do names, I've already proven that. Division 2, Second and Third Grade, Zion Decime, he's not here, okay. He's not here but third grade, St. Bartholomew Catholic. Division 3, Fourth and Fifth Grade, Emily Batista. Fifth grade at Sunshine Elementary. In Division 3 we had Sophia Leon. Fifth grade, Silver Lakes Elementary. Great job. Also, in Division 3, Jacob Pasmore. Jacob is fifth grade, Coconut Palm Elementary. Congratulations. Division 4, Sixth, Seventh, and Eighth Grade, Amaya Clark. Congratulations. Amaya is seventh grade, Somerset Academy Central. Next would be Myah Cordell. Myah is seventh grade at New Renaissance Middle. Next would be Darrion Heck. Eighth grade, Somerset Academy Central. Next would be Angela Jiang. Sorry. Seventh grade, Glades Middle. And, we have Brandon Regis. Seventh grade, Somerset Academy Central. Congratulations. I believe that's the last one we have in the house but I wanted to recognize Angelina Viltan, I guess she's not here. Seventh grade, St. Bartholomew Catholic. And, I guess that deserves one more round because that is ... Thank you everyone. I did want to present the Mayor and I will present the rest of the Commissioners and everybody at the dais before you leave tonight because we have more in the back but I at least wanted to present your calendar.

MAYOR MESSAM: Great, thank you.

MR. KIRKMAN: Thank you, everybody.

MAYOR MESSAM: Again, congratulations to all of our wonderful students who did such a great job in the contest.

Presentation: ICE Facility Update (Police Chief Dexter Williams)

MAYOR MESSAM: Okay, as the students go to the rear to get their goodies, we have our next presentation, an update on the ICE Facility. Good evening, sir.

CHIEF WILLIAMS: Good evening, Mr. Mayor, Vice Mayor, Commissioners, City Manager. As I was directed to do, to get an update or keep you apprised of what was going on at the property at 2085 SW 145<sup>th</sup> Avenue, affectionately known as the ICE Facility. Just a very brief update. We do have some progress again. Right now, they are awaiting an update on the bollard installment on the easement area where they replaced the sod. The sod, to date, has started to become very dry so we asked that they please address that with some irrigation. They are looking into that as well and in that same area, also putting bollards there so people won't park there so they are working on that as well. For now, they have some rope type of linkage there to keep vehicles from off of it and it is actually working, no one has been parking on that area. They have pushed it further to the east of the facility. Second, the parking issues, they are still looking into addressing that. They are trying to secure the funds. There is a specific form that the facility there has to work its way through the Governmental hands. We did speak to them on that and we have the information that they are still working through that process. Finally, for the update here, they did have restroom signs made and are erected outside of the facility, like in an aquaish type of color, that reads in three different languages, "Restrooms are available inside so please see one of the Security Officers to enter the building", at which time they escort whoever wants to go to the bathroom inside the facility to use it and then escort them back out again as well. So, they have taken measures and steps to try to address the humanitarian issues there but it is still in progress, still work in progress.

MAYOR MESSAM: Thank you, Chief. I would like to supplement the Chief's report. I am in receipt of communication from Congressman Hasting's office and I will just read the brief email for public benefit in regard to what their office is doing or has been able to do this point. "Good morning all, I hope all is well. I wanted to provide a brief update on Congressman Hasting's efforts to address the situation at the Miramar ICE Facility. On Monday, we had a staff level conference call with the ICE Congressional Affairs and Joel Michelson's Assistant Field Chief Director. They informed us that they have submitted a Justification Statement for additional parking to ICE's Facilities Management Division Region League. Yesterday, I received word that the Region League forwarded justification to GSA, which is the Procurement Department for the Federal Government. GSA will utilize the written justification to support sole source procurement with the current lessor to acquire additional parking spaces via a lease and occupancy agreement. I have attached the Justification Statement that ICE sent me as well as the original letter that members of the Florida Delegation sent to GSA Administrator, Emily Murphy. At the beginning of the next meeting I am going to follow-up with the new point of contact at GSA. Please let me know if you have any questions or if we can be of



further assistance”. And the letter has an attachment that communication to GSA with some technical information regarding the needs assessment for additional parking. So, as we continue to get updates, we will continue to inform the community any correspondence that we have received from Washington and our Congressional Delegation. Chief, that completes your update?

CHIEF WILLIAMS: Yes, Mr. Mayor, unless there are Commission questions.

MAYOR MESSAM: I don't see any so thanks so much.

Presentation: Utilities Rate Study Update. (Utilities Director Jody Kirkman)

MAYOR MESSAM: Our final presentation will be from our Utilities Department, Utilities Director Jody Kirkman, Utilities Rate Study Update. Madam Manager.

MS. WOODS-RICHARDSON: In response to your request, Mr. Mayor, for an update and discussion on the utility rates, Director Kirkman is prepared to provide you a short presentation of the rates and alternatives that we can take a look at.

MR. KIRKMAN: Good evening, Mayor, Vice Mayor, Commissioners, City Manager. For the record, Jody Kirkman, I am your Director of Utilities. At the Mayor's request, the Utilities Department continues to evaluate utility rates that were approved on September 15, 2014 under Resolution #14-184. Current rates include a rate increase for Fiscal Year 2019 with a 5% increase. What drives the utility rates? A number of items drive the rates and they include an annual operating budget, personnel, revenue requirements, debt service and coverage, general fund transfers, capital improvement, customer base meters, capacity requirements, and what we call CAIC, Comp Plan Regulation Rules, Rate Studies, and Intergovernmental Issues. When developing a utility rate, it is imperative to develop a Rate Adjustment Plan that places the utility on a path to achieve financial performance considering a strong by credit rating agencies and the utility industry. Confirming with Utilities Best Management Practices is a long-term best interest of the customers because doing so ensures that user rates will remain reasonable and affordable while Utilities remain at its level of service and minimizes the risk of breakdowns and service interruptions of spills. What does the water and wastewater revenue pay for? As you see in these slides, operating costs include salaries, which has our Collective Bargaining Agreements and other things for labor. This accounts for 50% of our operating costs. Commodities, such as chemicals, electricity, and other items. Operation and maintenance of the facilities, collection system, distribution system, and compliance with regulatory requirements. Debt service. Within debt service we have the State Revolving Fund and bank loans for projects, such as the East Water Treatment Plant, which we just put under construction, the Historic Miramar Phase 3 project, revenue, bonds, bond covenants with specific debt service coverage. In accordance with our current bond resolution, the City has responsibility to fix, establish, maintain,

and collect such rates, fees and charges for products, services, and facilities of the system, so as always to provide in each fiscal year sufficient revenues to meet the debt service coverage requirements. Within bond covenants today, we have 130% or 1.3% multiplier on all debt service coverage. Our Bond Counsel or Bond Consultant in this case, or Rate Consultant, actually recommends 150%. Also included is the General Fund transfer. Within that is the Administrative charge, PILOT or payment in lieu of taxes, Information Technology and Fleet Service charges. As offered in the table, you will see that in 2017, 17.72% of the revenue funded the General Fund transfer. It is noted that 18.26% in 2018 and our preliminary numbers in 2019 is 17.6%. Note, that the transfer is increasing but the additional revenue and the percentages decreasing overall. Capital improvements are also included within the budget itself. This accounts for aging infrastructure and required improvements to meet the established level of services. The current state of the Utility Fund offers a credit rating from S&P with a Triple A, with Moody's rating at a Double A2. The fund meets or exceeds that service coverage currently. The fund balance has been established to maintain sustainability with adequate cash reserves. The fund is considered healthy with a reserve of \$26.5 million. I must note that we did utilize almost \$10 million in 2017 to fund the East Water Treatment Plant versus going for additional loans. This table provides the revenue and expenditures. It is noted that in FY19 that it includes the proposed 5% rate increase and FY20 is a projection. What are the effects of decreasing the current adopted rates? Of course, we would have decreased revenues. We would have to review the question of debt service coverage moving forward. Potentially, it may lower the established credit ratings. To meet the revenues, we may have to cut expenditures, may have to lower the level of service provided and we stand the risk of meeting regulatory compliances with permits and other associated things with the facility. Staff did evaluate three options: Update. Option A – This Option A includes the current adopted rates that recognizes the 5% increase in 2019 with no planned increases in the following years. Note, that the 150% debt service coverage target is met. Option B – We evaluated a reduction in 2019 from 5% to 3% and also includes additional rate increases in further years. Note, that the 150% debt service coverage is also met. Option C – We also looked at Option C, which reduces in 2019 from 5% to 2%. And again, the same things apply as additional rates would have to be required to gain coverage with our debt service in the future. The effects of the rate increase are offered:

- Evaluate an average account of monthly consumption of approximately 5,000 gallons. The 5% increase provides an increase in FY19 of \$3.50 per month or \$42.05 per year.
- The 3% increase under Option B increases basically in 2019 to \$2.10 per month or \$25.23 per year.
- Option C basically with the 2% increase, provides an increase in 2019 of \$1.40 per month or \$16.82 per year.

Under the presented options, if Option A is pursued, the rates are adopted under

Resolution 14-184 with a proposed revenue of \$40.7 million. Option B would require our Rate Consultants to basically update our rate projections based on the proposed values. Staff would need to update and present new Rate Resolutions to the Commission for consideration and approval and revenues would be decreased by \$800,000. Option C would require the same thing as Option B but would actually have a decrease of \$1.2 million. I would be glad to answer any specific questions you may have with at least this update.

MAYOR MESSAM: Thank you, Mr. Kirkman, for the presentation. I requested this information in part due to often times we get calls from residents regarding their water bill. Depending on the year when we have our scheduled increases and then residents and users notice an increase in their bill as a result of our annual adjustments to comply with our rate schedule so, I asked the question regarding looking at the scheduled rate increases and when we did the Rate Study about four years ago and adopted the new rate schedule, the rate schedule was frontloaded in terms of the increases. I think it was 3%, 3%, and 5% or 2%, 3% and 5%, I'm not sure of the exact amount, but the remaining two years with no increase. I can understand the conservative approach in terms of frontloading and collecting all of the debt service dollars up front to make those payments. My question was to see if we could look at the current rate schedule, our rate increase schedule, to see if there could be an adjustment to give our users and residents relief on the upcoming rate increases while maintaining the integrity and the solvency of the utility to be able to meet operational costs as well as to meet our debt service obligation. Depending on the scenario, if there was an option to perhaps split up some of the anticipated increases for the years that did not have a scheduled increase to kind of spread them out and still maintain the security of the utility, I thought it would be worth exploring. Obviously, I understand that we have to make sure that we can operate utility, we can cover our debt service costs, and to also have the necessary funding in place to make the upcoming capital improvements in terms of the expansion or renovation of our utility system. So, taking into account of all of that, I just wanted us to explore to see if there were options, what the fiscal impacts would be, what savings residents would have instead of having 5% all in one year, if we did 3% and then spread it out 2% the next year and if those numbers still worked where we would still be in good shape for the Commission to consider adjusting the rate schedule. I just wanted to bring that forward to the Commission. Obviously, it is not a decision we have to make tonight but I did want to at least have this presentation brought forward so that if respective Commissioners wanted to get more information and if, based on staff's recommendation, that there is potentially an option for us to explore that maintains the integrity of our utility that we explore that option. Yes, Commissioner Chambers followed by Commissioner Riggs. Commissioner Chambers.

COMMISSIONER CHAMBERS: Thank you. Without saying too much, but I'm looking forward to this upcoming budget season to entertain a rate reduction in order to lower the payment. That's what I'm going to be looking forward to. Thank

you.

MAYOR MESSAM: Commissioner Riggs.

COMMISSIONER RIGGS: Thank you, Mayor. I see where you are heading with this and I would like to take a closer look so, if the presentation could be sent to me that would be great and we will set up a meeting. Thank you.

MAYOR MESSAM: Thank you, Commissioner Riggs. Commissioner Colbourne, you are recognized.

COMMISSIONER COLBOURNE: Yeah, I would also like a copy of the presentation as well and if we can sit down and go over it I would appreciate that. I do like this discussion and I think we really need to look and see what is it we can do. Thank you.

MAYOR MESSAM: Alright, are there any other comments? Thanks so much for the update. I think it's what the Commission was looking for and we will follow up individually with each elected and then based on the discussions and based on the recommendations we can take that into account.

MR. KIRKMAN: Yes sir.

## **CONSENT AGENDA**

MAYOR MESSAM: Thank you so much. Alright, we are moving onto Consent Agenda. Items listed under Consent Agenda are viewed to be routine and the recommendation will be enacted by one motion in the form listed below. If discussion is desired, the items will be removed from the Consent Agenda and will be considered separately. Anyone wishing to comment on any item on the Consent Agenda should approach the podium at this time. Seeing none, back to the dais. Are there any items that anyone would like to pull?

COMMISSIONER COLBOURNE: Item #2.

COMMISSIONER CHAMBERS: #2.

MAYOR MESSAM: Are there any other items?

COMMISSIONER CHAMBERS: #2.

MAYOR MESSAM: Can I have a motion on the balance of the Consent Agenda?

COMMISSIONER COLBOURNE: Motion to approve.

COMMISSIONER RIGGS: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Vice Mayor Barnes.

VICE MAYOR BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Colbourne, seconded by Commissioner Riggs, to approve the Consent Agenda Items 1, and 3, the Commission voted:

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

1. Minutes from the Regular Commission Meeting of November 27, 2017.

**APPROVED**

3. Temp. Reso. #R6676 approving the granting of two **Utility Easements** on Tract A, Miramar Section 3, according to the Plat thereof, as recorded in Plat Book 41, Page 22, and Block 8, Miramar Section 2, according to the Plat thereof, as recorded in Plat Book 36, Page 16, all in the public records of Broward County, Florida, to Florida Power & Light Company for the construction, operation, and maintenance of overhead and underground electric utility facilities to serve the **East Water Treatment** and also for a Utility Easement at the **Miramar Multi-Service Plant Renovations**.

*(Utilities Director Jody Kirkman)*

**Resolution No. 18-89**

MAYOR MESSAM: Item number two, please.

2. Temp. Reso. #R6659 approving the **donation** of \$48,300 of **State Law Enforcement Trust Funds** to community organizations that keep our communities safer. *(Police Chief Dexter Williams)*

CITY ATTORNEY COLE: Item two is a resolution of the City Commission of the City of Miramar, Florida, approving the donation of \$48,300 of State Law Enforcement Trust Funds to community organizations that keep our communities safer and providing for an effective date.

MAYOR MESSAM: Commissioner Colbourne then Commissioner Chambers. Would you like a presentation or do you just have a question?

COMMISSIONER COLBOURNE: I have a comment but I think a presentation would probably be a good thing.

CHIEF WILLIAMS: Good evening, Mr. Mayor, Vice Mayor, Commissioners, City Manager, Legal staff. This will be a Law Enforcement Trust Fund expenditure for Florida State Statute 9327055, allows for a donation of 25% of forfeited funds to go to area organizations that work to create safer neighborhoods through a wide variety of methods. This issue for this year, we selected based on the applications that came in, a total of \$48,300. The breakdown for the donations to be given was from NOBEL, National Organization of Black Law Enforcement Executives, in the amount of \$13,000, that is to assist with this year's program that we are going to be hosting, actually Broward County will be hosting, so not only myself or this agency, but many other agencies across the County. Many other agencies across the County right now will be supporting their program for the conference. The conference will be held this year in Hollywood at the Diplomat Hotel on the beach. Usually it houses about 2,000 Law Enforcement Executives across the Nation, inclusive of Broward County as well, so we will be hosting it this year so all the agencies are participating in helping to fund the program. The PAL, as you know, for Miramar Police Athletic League, to the tune of \$6,000; Crime Stoppers, \$10,000. These are all partners that we work with hand in hand. Our Father's MIA, \$6,000, KAPOW, as well, for \$3,800, requested Broward Victim Rights Coalition for \$6,000 and Child that is Missing for \$3,500. This evening, I also have available for presentation if you desire for Father's MIA and I believe and KAPOW is here to talk about their programs if you desire.

MAYOR MESSAM: Thank you, Chief. Alright, since this is an item, are there any members from the public that wish to comment on this item? Hearing and seeing none, back to the dais. Commissioner Colbourne followed by Commissioner Chambers.

COMMISSIONER COLBOURNE: My comment is the Resolution that was provided to us for this and the letter that is attached to the Resolution. Both of these list the names of the organizations but neither document lists the amounts that are awarded to each of the individuals, it just lists the total. I believe that we should document it according to the awards. I don't know that is the usual way of doing it. If we are not doing an individual Resolution for each of them then at a minimum we should have it all documented exactly how much money each agency is getting. I do not object to any of these and I think it is great that we are able to support organizations that are providing safety to our City. Thank you for that. In the future if we can just make sure that is included.

CHIEF WILLIAMS: Absolutely, after our discussion I already had conversation with staff as well to make sure that all future Resolutions will have that imprinted in there for the itemization of each item.

COMMISSIONER COLBOURNE: I know that it is in the presentation, which is good.

CHIEF WILLIAMS: It will be in the Reso. and the memo.

COMMISSIONER COLBOURNE: Right. Is there any way, Mr. Attorney, for us to make the presentation part of this item?

CITY ATTORNEY COLE: It would probably be easier just to revise the Resolution to add that in Section 2, a breakdown. We will take the numbers from the presentation, put it in the Resolution, so that can just be part of the motion to approve it.

COMMISSIONER COLBOURNE: Okay, great. So, we can approve it.

CITY ATTORNEY COLE: Just approve it and when you make the motion include that to revise the Resolution to list the specific amounts and we can do that easily.

COMMISSIONER COLBOURNE: Okay. Thank you. The other thing is I don't have much contact with many of these organizations. I know KAPOW always seems to contact us and come out and let us know what they are doing and I appreciate it. I got to know more about what they are doing; they have come before us. Some of the other agencies, I would appreciate, they don't have to come up tonight.

CHIEF WILLIAMS: Not a problem. We put the invite for all. Obviously, they just submit their applications and then we go through the process. I did, we sent out a, "Please come to Commission for any questions from your organization that they may want to have tonight" and only two showed up.

COMMISSIONER COLBOURNE: My office is open if at any time they want to come and tell me what is it they are doing. Or when you have the time we can sit down. Thank you.

CHIEF WILLIAMS: Oh yeah.

MAYOR MESSAM: Thanks, Commissioner Colbourne. Commissioner Chambers.

COMMISSIONER CHAMBERS: Thank you, Mr. Mayor. I had the same concern as Commissioner Colbourne and I think you expressed the concern. It was the same I had and you addressed them with those issues. The only thing I noticed is that PAL came up a little bit short in your numbers but they are going to move forward.

CHIEF WILLIAMS: The application that actually came in was less than that so, for the next application that comes through for the total for the seizures this year was \$244,846.79; of that, \$61,211.70 is what I have to expel. So, we do that within a calendar year 25%. This particular first phase is \$48,300 and the second phase, they can submit an application between now and before the end of the year, then I can put in for the second version of whatever else they ask for. Because I have a couple of thousand dollars left that I have to get rid of for this calendar year.

COMMISSIONER CHAMBERS: Thank you, Chief.

CHIEF WILLIAMS: Yes sir.

MAYOR MESSAM: Alright, if that concludes discussion. May I have a motion?

COMMISSIONER CHAMBERS: Motion to approve.

COMMISSIONER COLBOURNE: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Vice Mayor Barnes.

VICE MAYOR BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.



CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Chambers, seconded by Commissioner Colbourne, to approve Consent Agenda Item #2, the Commission voted:

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

**Resolution No. 18-88**

**End of Consent**

MAYOR MESSAM: Item number four, please.

**RESOLUTIONS**

4. Temp. Reso. #R6675 **selecting a Vice Mayor** for a one-year term. *City Clerk Denise A. Gibbs)*

CITY ATTORNEY COLE: Item number four is a resolution of the City Commission of the City of Miramar, Florida, selecting a Vice Mayor for a one-year term and providing for an effective date.

MAYOR MESSAM: Okay, and do we have any nominations for Vice Mayor to serve for the period April 2018 to April 2019?

COMMISSIONER CHAMBERS: Yes, I do. Commissioner Colbourne.

MAYOR MESSAM: Alright, Commissioner Colbourne. Are there any other nominations? Okay, hearing none, does Commissioner Colbourne accept?

COMMISSIONER COLBOURNE: I accept.

MAYOR MESSAM: Okay, so we have a nomination for Commissioner Colbourne to serve as Vice Mayor for the next coming year. Can I have a motion please?

VICE MAYOR BARNES: Motion to approve.

COMMISSIONER CHAMBERS: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Vice Mayor Barnes.

VICE MAYOR BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Barnes, seconded by Commissioner Chambers, to approve Temp. Reso. #R6675, the Commission voted:

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

**Resolution No. 18-90**

MAYOR MESSAM: Congratulations, Commissioner Colbourne.

COMMISSIONER COLBOURNE: Thank you all.

MAYOR MESSAM: Item number five, please.

- 5. Temp. Reso. #R6686 supporting the “Wyland National Mayor’s Challenge for Water Conservation”.** *(Utilities Director Jody Kirkman)*

CITY ATTORNEY COLE: Item number five is a resolution of the City Commission of the City of Miramar, Florida, supporting the “Wyland National Mayor’s Challenge

for Water Conservation” and providing for an effective date.

MR. KIRKMAN: Good evening once again. Jody Kirkman, Utilities Director. This evening I offer Temporary Resolution #R6686, where the Utilities Department presents the Wyland National Mayor’s Challenge for Water Conservation request. The Commission approval is required to declare support of this initiative. Mayor Wayne Messam is joining Mayors across the country in the Seventh National Mayor’s Challenge for Water Conservation. The annual challenge takes place through the Month of April. It is a non-profit National Community Service Campaign to inspire residents to use water more efficiently, reduce pollution and save energy. Residents can make a series of informative and easy to do online pledges at [mywaterpledge.com](http://mywaterpledge.com), my waterpledge being one word. The overall campaign is designed to save costs for consumers, save infrastructure, and operating costs for Cities and to protect water sheds and ecosystems. The challenge looks at ways our water use will affect the future of communities from how we grow food through to reduction of pollution run-off. Cities with the highest percentage of residents taking the challenges are entered into drawings for eco-friendly prizes. One lucky National participant will win \$5,000 in paid utilities. At the conclusion of the pledge, residents can select a charity within a City to win a Toyota RAV 4 Hybrid for that charity. Charities with the most votes within the five winning Cities will then be entered to win that new car. The Wyland National Mayor’s Challenge for Water Conservation is presented by Wyland Foundation and Toyota with support from the U.S. Environmental Protection Agency, Water Sense, Aturo Company, National League of Cities, Conserve Irrigation, and Earth Friendly Products. Approval is recommended.

MAYOR MESSAM: Thank you, Mr. Kirkman. Are there any comments or questions from the public on this item? Hearing and seeing none, back to the dais. Are there any questions or comments? I will entertain a motion. Alright, if you all can help me by just hitting the note if it is not working let me know because that’s the only way I can see. Alright, Commissioner, you have a question, Commissioner Colbourne?

COMMISSIONER COLBOURNE: I wanted to say that it sounds like a great program. I was just trying to get a little clarification, was it your initiative or was it a Citywide initiative in terms of when this goes out to the public. I was just curious on that.

MAYOR MESSAM: It’s a Nationwide program that is done through Mayors so, it is just the Foundation and the Conservation organization, does it through Mayors. The purpose of bringing it forward as a Resolution because it will be a Citywide effort. So, for example, we will engage the community, you know, to try to conserve water. Obviously, it’s a benefit for Miramar, our utilities, we just heard a lot about our utility system. Plus, the fact that they are dangling \$5,000 out there, that one of our residents could win and maybe even one of the organizations that just got

funded today could perhaps be a winner of a Hybrid vehicle for their organization. In short, it is a community effort.

COMMISSIONER COLBOURNE: It is great to be part of something, a National program like this. I went on the website; it really looks like a great program. Thank you for bringing it forward.

MAYOR MESSAM: Thank you, Commissioner Colbourne. Commissioner Chambers, you are recognized.

COMMISSIONER CHAMBERS: Do we have a number as to what it would cost the City to participate in this program?

MR. KIRKMAN: We prepared a plan and actually we have Conservation dollars in our budget. I think this plan is going to cost us about \$3,000 to participate.

COMMISSIONER CHAMBERS: Okay, and when would this challenge get started?

MR. KIRKMAN: The program, basically, we are kicking off the entire month of April so we can basically say we are underway with your approval.

COMMISSIONER CHAMBERS: So, this would pretty much start right away; get implemented right away?

MR. KIRKMAN: Yes sir.

COMMISSIONER CHAMBERS: Okay.

MAYOR MESSAM: If there are no other questions, may I have a motion?

COMMISSIONER COLBOURNE: Motion to approve.

COMMISSIONER RIGGS: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Vice Mayor Barnes.

VICE MAYOR BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Colbourne, seconded by Commissioner Riggs, to approve Temp. Reso. #R6686, the Commission voted:

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

**Resolution No. 18-91**

MAYOR MESSAM: Item number six, please.

6. Temp. Reso. #R6673 approving an agreement with Erosion Barrier Installations Corporation, in the amount of \$200,000 for the construction of **Drainage System Canal Improvements – Phase 3** through the utilization of City of Margate Request for Proposals No. 2014-001, supply and installation of canal bank erosion tubing. *(Public Works Director Bernard Buxton-Tetteh and Procurement Director Alicia Ayum)*

CITY ATTORNEY COLE: Item number six is a resolution of the City Commission of the City of Miramar, Florida, approving an agreement with Erosion Barrier Installations Corporation, in the amount of \$200,000 for the construction of Drainage System Canal Improvements – Phase 3 through the utilization of City of Margate Request for Proposals No. 2014-001, supply and installation of canal bank erosion tubing.

MAYOR MESSAM: Hello, sir. Good evening.

MR. BUXTON-TETTEH: Good evening. My name is Bernard Buxton-Tetteh, Public Works Director. Good evening, Mayor, Vice Mayor, Commissioners, City Manager. The item before you tonight is an award of contract for the Historic Miramar drainage system; it is pretty much the canal and bank restoration project

in the amount of \$200,000 to Erosion Barrier. They have actually worked for us before; this is the second time around, utilizing the City of Margate contract. Some quick background, the City maintains canals that are located east of University, just as everything on the west side of University is actually owned and maintained by South Broward Drainage District so the City maintains the ones east of University Drive. There was a study conducted in 2012, we have a consultant, basically for the canal embankment of about 632 properties and then they graded them according to the condition at that time. This is a model showing you the canal that we are talking about. The main one in Miramar Park and in Miramar Isles and then there is a little one just north of Miramar Parkway. The study identified 167 other embankments as what they describe as in good condition, 346 were considered medium, and then 119 were considered poor. Staff reviewed various methods of addressing the various issues. Obviously, with limited funding, we identified a system called Geotube, which is basically a sediment field high in strength filter fabric that basically holds sediment and stabilizes the embankment. It also allows dredging of the canal to take place because we basically dredge the canal for the banks and that helps in addressing the canal volume and cleaning up the canal as well. To show you the process, on the left you can see the banks as it is laid. You can see the unevenness of the embankment. On the right side, that's where the work is being done, the contractor being in the water with his boat that has a dredge on it. In scenarios where we don't have enough material to dredge, he has to bring sand, haul in sand to do the work. On the right side, these are the banks when they are filled with the sand or what sediment they get for the embankment and when all that is done on the right side they basically do what is called profiling, which is basically grading the top to match the existing grade of the adjacent property they are working on to make sure that it basically flows smoothly towards the waterway. So some updates, we are calling this phase Phase 3. Phase 1 is when we first became before you in early 2016 and we did the first phase for the project. We actually utilized some grant funding from DEP and in that phase, we did about 22 properties with about \$250,000 from the State. Phase 2 was awarded to Allstate; they are currently working, and they've completed 23 properties and they are currently working. The next phase is going to be Phase 3 and that's why we are before you. Some of the pictures from Phase 1 on the left, you can see the embankment of properties eroding and almost broken up on the right side and after the work was completed. One of the properties we have completed so far on Harbor Drive in Phase 2, noticing the erosion that was on the property and on the right side we restored about 45 feet of eroded property. For the Procurement process, we are utilizing the City of Margate contract as in effect through May of this year. We have looked at the pricing; we believe it is beneficial for the City and for the residents. That is being proposed to be utilized for the rest of this contract. We currently have funding in the amount of \$695,000 and we are utilizing funding in the Revenue Bond for this phase of the work. Approval is recommended.

MAYOR MESSAM: Thank you. Are there any members from the public that wish

to comment on this item? Seeing none, back to the dais. I do have a comment for the public as well as just a quick question for staff. Back in 2012, it is noted when the Commission at the time approved the study to assess the embankments because that was in response to some of the concerns from residents, primarily in the Miramar Park community, although, all of the canal systems have some level of degradation and needs attention. It basically determined what options were available, what methods, and also determined the cost. When we got this study, which was not included in this particular report but has been in the past, do you have the total cost to repair all of the embankments that need repairing?

MR. BUXTON-TETTEH: Yes, to repair all of them I think we are looking at about over \$7 million. Initially, we went out to bid in 2015 just for the poor ones, just for the 119 properties. We got a quote, price proposal of \$2.7 million. So, that's when we decided to break it into little phases and that's kind of worked out well.

MAYOR MESSAM: So, in terms of the options available to the Commission with the resources that were available, the Commission decided that instead of waiting to have \$7 million to do everything at one time, which could take years to accumulate, the decision was to go ahead and begin to do repairs to the most worse properties, because as time goes the embankments continue to erode. That was the decision so, on occasion year to year or month to month you will see the item that has come before us tonight. It will not address all of the needed properties but where we are chipping away at a very serious issue for the residents as we get funding we are using that funding that is available to begin to address the needed repairs. My final question is I didn't see, you may have it listed, but do you have the properties that have been identified for this round?

MR. BUXTON-TETTEH: Yes, we are still working on the poor ones; we have about a few to go. We will start with them and we will start working on the medium. We actually have the whole list already and what we are hoping to do since we now actually have a second contact engaged, we are going to keep one in the Miramar Isles area in the big areas and have one in the Miramar Park area instead of moving them around we will let them stay in that area and make the work go faster that way.

MAYOR MESSAM: Okay, thank you so much. Commissioner Colbourne and Commissioner Chambers. Excuse me, Vice Mayor Colbourne and Commissioner Chambers; got to get used to it.

COMMISSIONER COLBOURNE: Thank you. You are excused this one time. This project is funded by the 2013 Revenue Bond project, is that correct.

MR. BUXTON-TETTEH: Yes, part of it is, yes. Because there is additional funding from the Stormwater Fund.

COMMISSIONER COLBOURNE: What we are approving today on the material you submitted, it says funding by the 2013. Is there something else?

MR. BUXTON-TETTEH: There is additional funding. We are asking for \$200,000 for this contractor and we are utilizing a portion of the funding from the 2013 Revenue Bond, but there is additional funding in the budget as a whole.

COMMISSIONER COLBOURNE: Okay. But this, what we are asking for is from the 2013 Revenue Bond?

MR. BUXTON-TETTEH: Yes ma'am.

COMMISSIONER COLBOURNE: According to the documents you submitted.

MR. BUXTON-TETTEH: That's correct. Yes.

COMMISSIONER COLBOURNE: I just want to say, you know, that I'm glad that we are doing this. Lake erosion is a problem to many of our residents in the City and I remember back in 2013 when we were putting the Revenue Bond together, this project, not specifically this project but lake erosion, was one of my priorities, one of the main things that I wanted to make sure that was included in the Bond projects. It has taken a long time to use those funds but I am very pleased that that is happening; that we have put this money in the Bond and as part of the Bond program we are now addressing lake erosion as well. I just want to say thank you. It did take a long time but I'm glad it is being done now. Thank you.

MR. BUXTON-TETTEH: Thank you.

MAYOR MESSAM: Commissioner Chambers.

COMMISSIONER CHAMBERS: Thank you, Mr. Mayor. Mr. Bernard, I know we met and went over some of this item and I thank you for your presentation. One of the things that I am grateful for is that ever since I got elected this was one of my issues and we have been on the ground making it happen, trying to move it forward. We are making some progress even though it is not where we want to be, but we have gotten somewhere and people have gotten theirs done, they are happy the rest of us are motivated. I know we have been on the ground a few times. Just this week I was out there meeting with some of the residents and seeing what is taking place. I've stayed with this project all the way and we are going to finish it. In the upcoming budget we are going to try to find some more funding to keep it going. I know you can come with an idea but if it is not funded it is not going anywhere. I am very proud to be instrumental in making sure we have funding. I want to thank you on behalf of the residents who are affected by these canals. Thank you so much for helping us to move it along and your cooperation. Thank you.



MR. BUXTON-TETTEH: Thank you.

MAYOR MESSAM: Can I have a motion?

COMMISSIONER CHAMBERS: Motion to approve.

COMMISSIONER COLBOURNE: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Vice Mayor Barnes.

VICE MAYOR BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Chambers, seconded by Commissioner Colbourne to approve Temp. Reso. #R6673, the Commission voted:

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

**Resolution No. 18-92**

MAYOR MESSAM: Item number seven, please.

7. Temp. Reso. #6672 accepting and adopting the **Comprehensive Annual Financial Report** for the Fiscal Year that ended September 30, 2017, relating to the annual audit performed by the City's independent auditor, Caballero Fierman Llerena & Garcia LLP ("CFLG LLP"). (*Finance Director Claudia Dixon*)

CITY ATTORNEY COLE: Item number seven is a resolution of the City Commission of the City of Miramar, Florida, accepting and adopting the Comprehensive Annual Financial Report for the Fiscal Year that ended September 30, 2017, relating to the annual audit performed by the City's independent auditor, Caballero Fierman Llerena & Garcia LLP ("CFLG LLP"), and providing for an effective date.

MAYOR MESSAM: Good evening.

MS. DIXON: Good evening. Good evening, Mayor, Vice Mayor, Commissioners, City Manager, City Attorney, and City Clerk. My name is Claudia Dixon, Finance Director. Joining me for this presentation is Andrew Fierman, partner of Caballero Fierman Llerena & Garcia LLP. This is a request for approval of the Comprehensive Annual Financial Report; herein referred to as the CAFER for Fiscal Year end 2017. The CAFR is the official financial publication of the City in that it provides the results of the operations, as well as the financial position as of Fiscal Year end 2017. Responsibility for the accuracy of the data and completeness of the information that is contained in the CAFR rests with management of the City of Miramar. The CAFR is used by management to assess internal operations, by the community to assess proper use of taxes, by perspective industries looking to relocate to the City of Miramar, and by our rating agencies to review and assign ratings to the City's debt. Next, Andrew Fierman, from our external audit firm, will present the next two slides.

MR. FIERMAN: Good evening Honorable Mayor, Vice Mayor, members of the Commission, City Manager, City Attorney, and City Clerk. For the record, my name is Andrew Fierman and I'm a partner with Caballero Fierman Llerena & Garcia LLP and I'm here to provide a brief presentation and overview of the CAFR as well as our reports and required communications. The first thing I would like to point out within the CAFR is that it is broken up into four sections. There is the introductory section, there is the financial section, the statistical section, as well as the compliance section. Within the introductory section, the one thing I wanted to point out within there is that you have the Letter of Transmittal. That's one of the two items that I always like to point out that if you don't read anything else in the document you should read that. The Letter of Transmittal provides a lot of good information including information on major initiatives and projects that are going on within the City as well as the related status of those projects. The next thing that I would like to point out is now moving into the financial section beginning on Pages 1 and 2 of the financial section and that's our Auditor's Report. Our Auditor's

Report is broken up into various sections and what I'm going to do is paraphrase a few of the sections for you and explain what are within each of those sections. The first section basically discusses what we have audited and that states, "We have audited the accompanying financial statements of the City of Miramar as of and for the Fiscal Year ending September 30, 2017". Now, the next section gets into management's responsibility for the financial statements. It states, "Management is responsible for the preparation and fair presentation of these financial statements". The next section is our responsibility as auditors as well as under which standards we performed your audit. It states, "Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and Government auditing standards". The last section that I would like to point out within our report is our opinion section. That is the most important section. It states, "In our opinion, the financial statements referred to above, present fairly in all material respects, the financial position of the City as of September 30, 2017". Now, that's an unmodified or a clean opinion, it is of course, the only opinion that you want a set of financial statements that you are associated with. So, it is a clean opinion on the financial statements of the City. The next item that I would like to point out within the document is the Management Discussion Analysis. This is the other area of the CAFR that I mentioned if you don't read anything else in the document that you should read this. It provides a lot of information on the City, it talks about the year, compares current year to prior year, provides explanations for those changes, and it is written from Management's perspective. It is about 15 or 16 pages long and provides a lot of good information within there. The next section within there is the basic financial statements and that includes the Governmentwide Statement of Net Position as well as a Statement of Activities and the Fund Financial Statements for the Governmental Proprietary and Fiduciary Funds and those are all included within there. The next section is the Notes of the Financial Statements and that includes the required disclosures, which provide, again, additional information on the City as well as the numbers that are presented within the financial statements and that should leave you right in conjunction with the financial statements because it tells the whole story and provides that additional detail. The next section that I would like to point out is the third section of the CAFR, which is the statistical section. That section includes a lot of trend information and information over ten years related to financial information, operating information, demographic information, it is really a conglomeration of information that is taken from various departments of the City from financial information, also from other areas outside of the City, and puts it all in there. It is really a lot of work that comes from all areas of the City to provide that information. It shows information over ten years. The last section within the document is the compliance section and that includes the various reports we are required to present to you. It is the report that is required under Government auditing standards. The report is required under the Federal and the Florida Single Audit Acts as well as the reports that are required under the Rules of the Auditor General in the State of Florida. And, we are pleased to report within those reports

that we did not identify any significant deficiencies in material or internal controls, nor, did our tests find any instances of non-compliance and that is at it relates to the financial audit as well as the single audit. So, there are clean reports in the back as well as it relates to compliance and other matters over financial reporting and the Federal and the Florida Single Audit. What you are also provided is a letter and that letter is our communications to those charged with Governance letter and those are required communications that we are required to communicate to you as those charged with Governance, they are required by our professional standards. It discusses matters such as any kind of issues during the audit, any kind of findings, any kind of misstatements, things of that nature that we are required to report to you. A couple of things that I wanted to point out within this letter is that we did not encounter any difficulties in performing our audit and completing our audit. There were no incorrect statements of the financial statements and there were no disagreements with management. Overall, we just like to thank the City, the Finance Department, Claudia, and the rest of the Finance team as well for their cooperation, there assistance throughout the entire process. Again, it was a smooth audit. Coming in here as the first year and with that learning curve and getting through everything and getting through all the work, it was a very fluid process and at the end of the day, if we don't receive the information that we need and we don't get the answers that we need to be able to perform our work and render our opinion then we can't be here at this time to be able to present our results and the City and Finance to be able to present the CAFR to the Commission as well as the residents. So, we are very grateful to the City for the opportunity to be of service and for working with this great team. Thank you. I will turn it back over to Claudia.

MS. DIXON: Thank you. The Governmentwide financial statements focuses on all of the assets and liabilities of the City with a difference between the two reported as net position. This slide represents the net position of the Governmental activities, business type activities, and the City as a whole. For Fiscal Year end 2017, Governmental activities net position was approximately \$17.4 million, business type activities net position was \$282 million, total Citywide net position was \$299 million. With the passage of time, increases and decreases in net position may serve as a useful indicator of whether the City's financial position is either improving or deteriorating. The next slide provides a comparative view of net position for the Governmental activities, Fiscal Year 2017 versus Fiscal Year 2016, there was a decrease in net position of \$4.7 million. This slide presents the net position, a comparative view of the net position for business type activities, Fiscal Year 2017 over 2016, there was a \$9.6 million increase in net position for business type activities. This slide is a repeat from last year as a reminder of an upcoming standard that needs to be implemented, a GASB standard that needs to be implemented. If you recall back in 2015, the City implemented a standard that required the liability for pensions, the unfunded liability for pensions to be recorded in our Governmentwide financial statements. Similarly, in 2018, we will be required to record what is referred to as the net OPEB, that's Other Post Employment

Benefit Obligation, that liability on the City's financial statements. That liability will be allocated between the Governmental activities and the business type activities. The next slide provides a projected overview of the results of recording the liability. So, in Fiscal Year 2017, we recorded in the Governmental activities, \$15.9 million as a liability, business type activities \$3.2 million, with a total liability of \$19.2 million. The projected implementation liability that will be recorded for Fiscal Year end 2018 for Governmental activities will be \$37.9 million, business type activities \$7.9 million, and the total liability will be \$45 million. The increase to Governmental activities, as a result of implementing this standard, is projected to be \$22 million to Governmental activities, business type activities \$4.7 million, and total liability recorded of \$26 million. The purpose of this slide is to just show the correlation between the General Fund balance and how it impacts Governmental activities. The General Fund focuses on near term inflows and outflows of spendable resources and as well as the related balances available at the end of each respective year. Those financial statements are useful in evaluating the City's near-term financing needs. When comparing it to the Governmental activities, they also assist us in understanding the long-term impact of the City's near-term financing. So, for example, if you refer to the General Fund you will see that there is an inflow of approximately \$2 million for the Capital Lease, whereas, the liability of that actual Capital Lease is not recorded in the Governmental Funds, it is recorded at the Governmentwide level. Again, the Governmentwide level records all of the assets and liabilities of the City, whereas, the General Fund and the Governmental Funds record similar items based on current needs. We are pleased to announce that the City has again received the certificate for the 29<sup>th</sup> year, the GFOA Certificate of Excellence in Financial Reporting for Fiscal Year end 2016. We will be submitting the 2017 CAFR to the GFOA Program again and expect to receive another certificate this coming year. The year-end closing, the audits, compiling and publishing the CAFR could not have been accomplished without the hard work and skill and commitment and personal sacrifice of various individuals. I just want to take this moment to acknowledge the Finance members that are here, if you could please stand. Thank you. Thank you to all. Thank you for all of your hard work. The package that you received and continue to receive each year, you will realize that this package is over 200 pages, almost 250 pages. It is a lot of information and it takes a lot of time to put that information together. Thank you to our external auditors that came in hit the ground running. Everyone rolled up their sleeves to make sure we could get these financials to you today. In addition, to all of the City Departments, thank you for all of your hard work, thank you again for working with us and the auditors to be very timely in responding to all of their requests. Approval recommended.

MAYOR MESSAM: Thank you. Are there any members from the public that wish to comment on this item? Seeing none, back to the dais. I see I have one speaker. Commissioner Barnes followed by Vice Mayor Colbourne.

VICE MAYOR BARNES: This is just to say thanks for the indulgence you guys gave me yesterday when we had what was a very comprehensive meeting.

Thanks also to the valuable work that our new audit team of Caballero Fierman Llerena & Garcia have put in. I am most impressed that, as you just indicated, they literally hit the ground running. I am also in turn pleased at his comments and the kind of cooperation staff gave him to make this really really comprehensive report done on time despite a number of challenges that you faced. This is just one more of those incidents where the work staff does in this place continues to make us very proud and I thank you from the bottom of my heart.

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

COMMISSIONER COLBOURNE: Thank you. I, too, just wanted to say thank you to the staff. I do understand the magnitude of what it takes to get this done and to sit with you and to hear the consultant say, "Staff was so cooperative, everything went well", it's a good thing. I appreciate you. Thank you.

MAYOR MESSAM: Thank you. Great job by the team, staff, consultant. After meeting with our Finance Department as well as our auditors, one of my questions that I raised was remembering the CAFR from last year, there were just some minor recommendations in regard to some controls that was recommended and I am pleased to see that our staff has effectively implemented them. They weren't anything minor, but just the attention to detail to continue to tighten up every aspect. And, finally, you know, we have City staff that worked behind the scenes that we don't see all the time, it's just in passing. I was pleased to see that Ms. Dixon recognized the team that does so much hard work, the number crunching, the gathering of the reports, all the grants and everything that we have to be in compliance. It is more than just our books, it's Federal funding that we receive, State funding we receive. We have to show that those dollars went to the programs that it was intended for and guess who has to put all that stuff together and make sure our staff is preparing all the documents so that our auditors can check the box and say, "Yes, they did it correctly". So, thanks so much for everyone. I know we don't get a chance to say thank you. In this public setting we just like to say thank you and thanks to the team for a job well done. No other comments, I will take a motion.

COMMISSIONER COLBOURNE: Motion to approve.

VICE MAYOR BARNES: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Vice Mayor Barnes.

VICE MAYOR BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Colbourne, seconded by Vice Mayor Barnes, to approve Temp. Reso. #R6672, the Commission voted:

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

### **Resolution No. 18-93**

MAYOR MESSAM: It has been requested to have a three-minute break before Item #8. Three-minute break. We are recessed.

### **Recess/Reconvene**

MAYOR MESSAM: The Miramar City Commission Meeting reconvened. Item Number eight, please.

8. Temp. Reso. #R6662 approving the **renewal** of the **Lease Agreement** between the City of Miramar and South Broward Hospital District, D/B/A **Memorial Healthcare System**, for 2,702 square feet of space located at the Miramar Multi-Service Complex. ***(Continued from the Meeting of 03/21/18) (Social Services Director Shaun Gayle)***

CITY ATTORNEY COLE: Item number eight is a resolution of the City Commission of the City of Miramar, Florida, approving the renewal of the Lease Agreement between the City of Miramar and South Broward Hospital District, D/B/A Memorial Healthcare System, for 2,702 square feet of space located at the Miramar Multi-Service Complex and providing for an effective date.

MAYOR MESSAM: Good evening.

MS. GAYLE: Good evening, Mr. Mayor, Vice Mayor, Commissioners. Shaun Gayle, Director of Social Services. This item is a follow-up from the hearing of March 21<sup>st</sup> between the City of Miramar and South Broward Hospital District D/B/A Memorial Healthcare System, which we will just refer to as Memorial from here on out for the purposes of this presentation. The presentation seeks to provide responses to questions and issues raised at the last meeting. Just to provide some recap, the City and Memorial are currently in a lease agreement, which was effective on December 21, 2008 for ten years. This is at a rate of \$1 per year and this lease expires on December 21, 2018. At the last meeting, we presented renewal terms, some of which have changed for this meeting. The rent remains in the annual amount of \$1, the length of time; however, was revised from five years at the last meeting to ten years. Memorial is still desirous not to renew the lease upon expiration. At the last meeting, it was also asked what types of services were offered at the clinic and this slide shows a menu of services that is offered by Memorial, which goes anywhere from well woman care, nutritional assessment, annual check-ups, anywhere from there to vaccines and pediatric services. It was also requested to have the amount of Miramar residents or the number of Miramar residents that have been seen at the location since the lease was effective in 2008. While we were not able to provide that information, this slide represents the total annual patient encounter since 2011 and as you can see here, about an average of about 7,300 patient visits are made annually and that represents each visit made to the clinic understanding that one patient could make multiple visits per year to the clinic so this is a total of those patient encounters; this is a total count. Approval is recommended. I just want to also point out that with us here tonight is Meleta Acite, who is the Vice President of Ambulatory Program and Community Services at Memorial and she is also available to field any questions that you may have for Memorial. Thank you.

MAYOR MESSAM: Thank you. Are there any members from the public that wish to comment on this item? Hearing and seeing none, back to the dais. I have a speaker registered. Commissioner Barnes, you are recognized.

VICE MAYOR BARNES: Just a question. 2013 there was a spike.

MS. GAYLE: There was a spike in 2013, yeah.

VICE MAYOR BARNES: Any idea why?

MS. GAYLE: No, no explainable reason why but there was about 8,000 people in 2013 over and above the other years.

VICE MAYOR BARNES: Outside of our meetings, if you have that information share it with me when you do get it.



MS. GAYLE: Okay.

MAYOR MESSAM: Any other questions or comments? I will take a motion.

COMMISSIONER COLBOURNE: Motion to approve.

COMMISSIONER RIGGS: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Vice Mayor Barnes.

VICE MAYOR BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Colbourne, seconded by Commissioner Riggs, to approve Temp. Reso. #R6662, the Commission voted:

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

**Resolution No. 18-94**

**PUBLIC HEARING**

MAYOR MESSAM: Item number nine, please.

**9. SECOND READING OF Temp. Ord. No. 1687, amending Chapter 11**

“Business Taxes, Permits, and Business Regulations” by creating Article VIII **“Towing of Vehicles from Private Property”** to provide for towing regulations; and providing for an effective date. *(Passed 1<sup>st</sup> Reading on 03/21/18) (Police Chief Dexter Williams)*

CITY ATTORNEY COLE: Item number nine is an ordinance of the City Commission of the City of Miramar, Florida, amending Chapter 11 “Business Taxes, Permits, and Business Regulations” by creating Article VIII “Towing of Vehicles from Private Property” to provide for towing regulations; and providing for an effective date.

CHIEF WILLIAMS: Good evening, Mr. Mayor, Madam Vice Mayor, Commissioners, City Manager, Legal, and City Clerk. This is the Second Reading to the Towing of Vehicles Private Contract Ordinance to be put forth. Temporary Ordinance No. 1687 amending Chapter 11. I have no additional changes to it, it's fine.

MAYOR MESSAM: Thank you, Chief. At this time, are there any comments from the public on this item? And for those members of the public that wish to speak on this item, if you could state your name and address for the record and you have three minutes to make your comment. Good evening, sir, welcome.

ANTHONY ROSSO: Good evening, good evening. My name is Anthony Rosso, I am the owner of Executive Towing and Recovery. First and foremost, I would like to say thank you for hearing us at this time. This ordinance was never directed to the owners of the towing facilities that do provide non-consensual towing, it was never certified mail to us or certified letters to us to let us know that this ordinance was going to be placed on the table for discussion. At this time and point, Broward County Consumer Services has an ordinance in place that we all have to abide by. We understand that the City is trying to place their own ordinance but in the same scenario, the City should fall under the same rules that Broward County is already enforcing and we are already paying yearly to the Broward County Consumer Services to have our vehicles inspected, our facilities inspected, set forth rules with certain violations in play. At this time, some of our colleagues would like to have this set aside so we can address it as a unit. Unfortunately, at this time and point, our other colleagues are at a Towing Association in Orlando, which we have yearly, which is in April. Myself, the owner of Superior Towing, the owner of J&J Towing, some of the other industry owners who are also part of the Sunshine State Towing Association and would like to address this as well because at this point, we feel like the City is just going to try to make another line for us to have to jump over because at the end of the day we already abide by Broward County Consumer Services rules. They already implemented their towing ordinance a couple of years ago and we all have to comply by it now. So, at this time and point, we are just asking for this to be set aside so we can address this with our attorneys and with our other colleagues to be able to see this the correct way where you guys

can understand where we are coming from because we are already paying at the door through Broward County Consumer Services.

MAYOR MESSAM: Does that complete your comments?

MR. ROSSO: That's all I have to say about it, yes sir.

MAYOR MESSAM: Alright, thank you so much. Good evening, sir, welcome.

CHRISTOPHER CASALE: Good evening. Christopher Casale, All County Towing. Actually, Anthony did a great job and pretty much said everything I was going to say asking just to table this item so we can meet with City staff and address any concerns on both ends. That's what we are asking for tonight.

MAYOR MESSAM: Thank you, sir.

MR. CASALE: Thank you.

MAYOR MESSAM: Are there any other members from the public that wish to comment on this item? Seeing none, back to the dais. Are there any questions or comments from the ... I see Vice Mayor Colbourne.

COMMISSIONER COLBOURNE: Hi. I don't have a question. I was just thinking that if it's, you know, maybe I do have a question. I don't know what's the difference between what they are doing in Broward County and our ordinance. I don't have a problem with having our Chief meet with the towing industry and getting them involved to make sure that we have something that we can move forward with.

MAYOR MESSAM: Commissioner Riggs, you are recognized.

COMMISSIONER RIGGS: Thank you, Mayor. I had a couple of questions myself. I'm not sure if they were some of your concerns. I am in support of tabling this as well and maybe Chief, I will give you the questions that I had and when you collaborate you can make sure you cover those questions as well. I'm fine with that.

MAYOR MESSAM: So, you will be sending those questions to ...

COMMISSIONER RIGGS: Right. I will give them to you; I will provide you with my questions so that if you end up having a meeting with that specific industry you can make sure that is addressed as well. Thank you.

CHIEF WILLIAMS: That's fine.

COMMISSIONER RIGGS: That's fine. Okay, thank you.

MAYOR MESSAM: Are there any other questions or comments on this item? I don't see any other hands raised. I guess if it wasn't stated in the public comments, are there any, I guess what I would like to know is it just more so time or is there specific issue in what is being presented in the ordinance? Chief, are we aware of what issues of concerns that the industry may have regarding ...

CHIEF WILLIAMS: Yes, I'm aware exactly what he is referring to. The County already manages that, there is no need for us to duplicate that process. We are not looking to do that. At the direction of the Commissioners, we are just adopting the County's ordinance to be one of our own, that's it. There is no other changes to that. But we are not planning on duplicating the fees they already pay to have inspections and all those types of things. That will be in conversation to make sure.

MAYOR MESSAM: Okay. Personally, I don't see the sense of urgency for adoption tonight just so the industry can better understand the purpose and the premise of the ordinance and you will perhaps learn that it won't be deleterious to your business or impact your business. I'm not in objection to allowing this course to take place. Obviously, before us is the adoption of the Second Reading so if it is the desire of the Commission to allow that time for the industry to talk with our staff, we would need a motion to table, to continue with a date certain and I will entertain that at this time.

COMMISSIONER COLBOURNE: Motion to continue.

MAYOR MESSAM: What date?

COMMISSIONER CHAMBERS: Second.

COMMISSIONER COLBOURNE: Next Commission Meeting.

MAYOR MESSAM: How much time do you need?

MR. ROSSO: Two weeks.

CITY ATTORNEY COLE: Actually, I think you might want to go to the meeting after that just in case we want to make any changes based on the meetings. The first meeting of May.

MAYOR MESSAM: Can you restate the motion with the second meeting in May?

COMMISSIONER COLBOURNE: Motion to continue to the first Commission Meeting in May.

VICE MAYOR BARNES: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Vice Mayor Barnes.

VICE MAYOR BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Commissioner Colbourne, seconded by Vice Mayor Barnes, to continue to the first Commission Meeting in May, the Commission voted:

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

**Continued to May 2, 2018**

## **OTHER BUSINESS**

### **10. City Manager's Contract Discussion (*Mayor Wayne M. Messam*)**

MAYOR MESSAM: On to Other Business. Item number ten, I have listed here as a continuation of our last meeting regarding the City Manager's contract. There was consensus to have our City Attorneys to contact the City Manager's Counsel to engage or discuss a request for resignation for the City Manager and under what terms that would be. The City Manager has responded with certain terms that she would only consider regarding the request from three of our City Commissioners. Before us we have a Resolution before us with the Manager's demands in regard

to the letter that was initially sent. At this time, we have to decide if those demands would be agreeable for the Commission. So, at this time, I just need to know if those terms that the Manager submitted are agreeable and if so, we can make the appropriate action. So, at this time, this is where we are right now. What is the pleasure of the Commission? Do I have a speaker? Vice Mayor Colbourne.

COMMISSIONER COLBOURNE: Thank you. If you could have the attorney explain what we have before us.

MAYOR MESSAM: Okay, Mr. Attorney.

CITY ATTORNEY COLE: Certainly. After the last meeting, as directed by the majority of the Commission, I did contact the attorney for the City Manager to see whether or not the City Manager was interested in negotiating terms of a severance. I will just read the email that I received back without going through all the terms. He said, "After conferring with Mrs. Woods-Richardson pursuant to the request by three members of the City Commission, I believe that it may be in everyone's best interest for the parties to explore the termination of my client's contract on mutually agreeable terms. While Mrs. Woods-Richardson has no desire to terminate the operative Employment Agreement, she would certainly consider a separation agreement. He then set forth various terms under which the City Manager would be willing to discuss a Separation Agreement. I went through those, there were some that seemed very reasonable and there were some that seemed a little bit less reasonable. As directed by the City Commission, I then negotiated with the attorney for Mrs. Woods-Richardson, whose name is Brian Pollack, and by the way, he is here, so you can discuss any of the issues with him. Through those there was a lot of give and take, there was a lot of things that were asked for that are no longer being asked for. You have before you a Separation Agreement and General Release document and what that document does is it would memorialize the terms. You also have before you a Resolution. Why don't I read the title of the Resolution so we will have that on the record?

A Resolution of the City Commission of the City of Miramar Florida, accepting the resignation of City Manager, Kathleen Woods-Richardson, approving the Separation Agreement and General Release with Mrs. Woods-Richardson providing an Acting City Manager and providing and effective date.

Basically, the terms of the document in front of you have Mrs. Woods-Richardson terminating employment with the City on the end of the day on October 1, 2018. That date allows her to reach her five-year period, which allows her to vest under the pension so that's why that is an important date. It provides that as of tomorrow, she would be on Administrative leave but it is paid Administrative leave until October 1, 2018. It also provides that you can appoint an Acting City Manager right away. During the Administrative leave, Mrs. Woods-Richardson would not be

coming to work but she would be available to consult and to do anything that is necessary but she would not be acting as the City Manager, you would have someone else acting as the City Manager. The document provides a full release of all claims over every single potential claim there is; there is a long list of the different types of claims, including Civil Rights claims, Section 1981 claims, 1983 claims, Constitutional claims, Age Discrimination, you name it, it is very thorough and it is all covered in there. There is a provision that explains that she would be placed on Administrative leave starting tomorrow and she is available for consultation. The Agreement also provides that she would be paid until the end of October 1, 2018. The City would continue to pay health insurance premiums during that time period as well, as well as any other contributions historically paid so the normal contributions are paid, but she would not receive a car allowance during the Administrative leave period. She would be provided her lump sum of accrued sick and vacation leave through today, she would not accrue any further sick or accrued leave during the Administrative leave period. The one issue that is really still out there that we never came to a final agreement is the City Manager was requesting a lump sum of payment for back pay retroactive to the salary increase she had requested as of October 1, 2014 with the 2.5% cost of living adjustment. That is the one issue that we never came to resolution. If you look on Page 6, Section 5F, there are three different options and the Commission really needs to deal with that one issue. The total cost for that lump sum back pay retroactive item is \$113,000. That is the one issue that you really do need to talk about. If you want to approve this, you need to let us know which option. The first option is to pay the full amount, the second option is to pay basically half, and the third option is not to pay that. The City Manager has made it very clear through her attorney that is one issue that they don't feel they can give in on so they want that full \$113,000. I will note that there were numerous other issues that she had asked for such as payment for attorney's fees and various other items that they did give in but this is one that they were not willing to give in on. There is also a provision that her indemnification continues as set forth in her Employee Agreement but it is no different than what is already in her agreement. That's basically the document. So, what the Commission needs to decide is whether or not you want to agree to those terms and agree to the back pay that she has requested. If you do, then you can just approve this. If you want to do something different on the back pay, you may want to call her attorney up and you can discuss that issue with him. If you do just want to go with the full amount of the back pay you can just approve the Resolution. You will still need to appoint an Acting City Manager because she would be going on Administrative leave tomorrow.

I would add that because of the certain Federal laws that require a certain amount of time periods to pass in order to have these types of agreements to be effective to release Federal claims, there is a 21-day period where the City Manager has to review the Agreement, she doesn't have to wait 21 days but she has up to 21 days to sign the Agreement if it is passed today. Once she signs it there is a seven-day period that she can change her mind and revoke it. If she doesn't revoke it during

those seven days the City would sign it and it would become final. At that point, she would stay on Administrative leave but at that point you would be free to appoint an Interim City Manager or City Manager as opposed to just an Acting City Manager but that would be a very short period of time. The Commission, the first thing you really need to decide to do is whether you are going to accept the terms of the Separation Agreement and specifically that back pay issue, which is still out there and then from there you can decide on the Resolution and the Acting City Manager.

MAYOR MESSAM: Alright, thank you Mr. Attorney. I guess first thing off, is there agreement to accept the Manager's demands on her back pay that was presented. Commissioner Chambers.

COMMISSIONER CHAMBERS: Thank you, Mr. Mayor. At this time, without any further delay, I want to accept the City Manager's resignation along with the Agreement that we came to with the attorney to move forward and not having this dragged out. I am willing to make a motion to accept the Agreement that we spoke with the attorney about.

MAYOR MESSAM: Okay, are there any other comments? Thank you, Commissioner Chambers. Commissioner Barnes.

VICE MAYOR BARNES: 50 years ago on this day, not date, I think Dr. King was killed on a Tuesday evening, 50 years on this day, the day after, I stood on the streets of Harlem to protest the assassination of Dr. King. Today, we commemorate his assassination. One of his many quotes that I saw repeated on Social Media today says, "Our lives begin to end the day we become silent about things that matter". As such, I am compelled and constrained to call attention to what I consider a rancid tragedy, which is being played out in these Chambers and has been for the last 16 or so months. When the contemporary history of the City of Miramar is written, it will attest to the fact that the first ever all black Commission in the City of Miramar consciously and maliciously degraded and disrespected the first ever black City Manager in the history of the City of Miramar. That is a reality, that is a fact being inserted into the history books of the City as of tonight. I think the tragedy is further compounded by the fact that this push, the German's call it putch, has been played out for ulterior motives. I just pray, I sincerely pray, that sometime in our personal histories we will come to some kind of realization of what it is that we have done this evening, individually and as a group.

I am going to continue to be the loaner voice, I make no apologies for it, that would make certain statements. There is a need to take a stand on principle alone. I will continue to be the Commissioner who does not wait on scripts to make presentations to Commission Meetings. I will continue to be the Commission who does not wait on text messages to make statements during Commission Meetings. I demand of the residents of this City that they make their voices heard, I'm not



talking about elections, make your voices heard. What will be able to tell our children and our grandchildren. The hypocrisy that we run when we celebrate Black History Month. It might be noted that I stopped a couple years ago attending Black History events in this City. Simple reason, I found out pretty soon after I was born that I was black, no need to prove anything in that department. I am demanding, as I did last year after we were sworn in, that we get to that place where we act responsibly in a mature fashion like the people who voted for us, and even those who did not vote for us, expect that we behave in a mature fashion going forward. I begged a year ago that we allow the City Manager to go with her integrity intact but we have savaged that. I just pray that we all are able to look in the mirror, not tonight, but when the sun comes out tomorrow.

MAYOR MESSAM: Thank you, Commissioner Barnes. Commissioner Chambers.

COMMISSIONER CHAMBERS: Thank you, Mr. Mayor. I want to say there is a lot of hypocrisy here in the City of Miramar, especially surrounding Black History Month or MLK Day or whatever it is, it's in the face by elected officials both here in the City and at the County. Anyway, neither here nor there, we are going to move forward tonight. I would like to say that Mrs. Woods-Richardson is a woman of integrity, a class woman, with her family, she has good dignity, but when she walked into the City of Miramar four and a half years ago, she walked into an ant's nest and what happened here with the City of Miramar since then, she came in and there are some employees here who got with her for their own selfishness. They want to steer things their way and steer her their way. They forced her to hire some new people, these new people didn't have the City of Miramar in their best interest. So, you have a collusion between a few current employees and some new ones and they took the City into a different direction oppressing most of the employees who have been here for years. Not good. But because Mrs. Richardson was the City Manager, it falls back on her to no fault of her own. So, I can sit here tonight and say I appreciate Mrs. Woods-Richardson. I know her heart, we have had many conversations, she is a good person, good family, from a good background, and she is going to leave here tonight with her head held high, nothing for her to be disappointed with. I understand what happened here but I guess the buck stops with her but I understood what happened. We are going to turn a new page and going to make Miramar great again, no fault of Mrs. Woods-Richardson. Those people who came and who were here who were selfish and all for themselves. Thank you.

MAYOR MESSAM: Any other comments? Commissioner Riggs.

COMMISSIONER RIGGS: Thank you, Mayor. First off, Commissioner Barnes, not everything is about race. For me, this is not what this is about. I want a City Manager, #1, who is going to get us financially where we need to be because my job is to look out for the community that voted for me. My job is to look after the community that I grew up in and that I love very very much. So, financially, we are

not where we should be. Every year I hear raise the millage, raise the millage. We have enough funding to run this City accordingly. There is a lot of money that is being wasted. If you just look at our financial spending, this has been moved under our current City Manager and has gotten out of control. We can't provide a great quality of life without being financially stable so that is priority. In looking at this CAFR we just went through, we are not financially stable and we cannot continue to go in the direction that we are going in. I remember last time it was mentioned that somebody on this dais had somebody in mind to be City Manager. I don't and as a matter of fact that scares me because I don't know if the next person will be better or ten times worse. I really don't. I pray that we get the right person sitting as City Manager to govern us in the right direction. So, our financial standing is an issue for me. #2, we need a City Manager who is part of the community, who knows the community, who is living the hardship of the community. We need a City Manager who knows that the 33023 zip code, our Historic Miramar, is in poverty and medically underserved. We need a City Manager who will be able to look at each department and see if there is a need to continue that department. We have departments, that currently, if you look at them, just the salaries alone is 90% of the finances for the department so we have a department where it costs us \$2.9 million but salaries along is \$2.5 million. These are the decisions that we need a City Manager to be making, I have nothing personal against our City Manager, absolutely none. That's the truth. I am really thinking what is best for Miramar. As we move forward, we need to make sure that whoever comes, #1, they need to reside in our City and love our City as much as we do. We need to make sure it is someone who cares about our seniors and our youth. That also goes for the Commission. We need to elect people who are part of the community, who drive around and see what the community looks like, who cares about our First Responders and making sure they have everything they need, they are in an environment so that they can thrive, so when we call 911 and need Rescue that they are 100% and able to come and rescue us. Those are the type of folks we need. This job, to me, is more than just coming on Wednesdays and saying yes and saying no and acting all wise. No, it requires a lot more than that. We say it is part-time but to me it is not part-time. I live and breathe this. I have been in this City since I was nine years old. Our former Mayors, we have Commissioners currently on the Commission when I was in high school and I don't remember them doing anything that helped me have a better life in this City. So, I would challenge my colleagues to be more active. Things have changed, we can't remain the same way we were ten, 15, 20 years ago, the City is not even the same amount of residents ten, 15, 20 years ago. If we are supposed to be Beauty in Progress, why does our Historic side look the way it does? I will not say anything negative about our City Manager, but take my word for it, we haven't been given the best, in my opinion. We even had a Workshop in January where I was hoping that the City Manager would step up and do something for Historic Miramar and I haven't seen not one thing done. Even the folks that are fighting for our current City Manager can't come out and say she is good or she is great, why is that? I believe we deserve better. I didn't get into this for politics, I was never into politics. My career

is a nurse, I have a Master's Degree in Nursing, that's all I thought I would be doing for the rest of my life but this was a calling for me because I love this community. There are very few things I am not willing to give to the City of Miramar, part of my family, I will even give blood, that's how much I love Miramar. So, I do what I do because I believe it is best, I believe we deserve better, and honestly, we need to pray that somebody better does come. I don't know who that person will be but I pray that they love Miramar as much as I do, as much as you do, and that they govern your finances the right direction, that they get to know the community and talk to the people, ask around, and resolve issues so that we can have a better quality of life. That's what it is about, improving quality of life. How are we supposed to improve quality of life when we don't even know the City? How is the City Manager supposed to do that? Here we are trying to get rid of the one clinic that is in the 33023 zip code when that zip code is medically underserved. See, those are the things that we deal with behind the scene, those of us who are actually doing the job, those of us who actually read the CAFR. This isn't a part-time job; the pay may be part-time but I do it full-time. So, folks please don't think, I'm not beating up the City Manager, nothing personal, but I truly believe that we deserve better. If I saw that the City Manager stepped up and tried to do better by us I would be championing for her to stay, absolutely. So, at the end of the day that's what I'm about, I don't have anybody in mind, I'm not playing politics making deals behind the scene with people, not my style. I'm all about what is best for the beautiful City of Miramar. I've been here since I was nine years old, we are a great City and we deserve better. That's all I'm saying. I would accept this and I think what's fair is the middle portion where the City Manager gets part of what she wants and we don't end up putting out too much money, which I believe it's about \$56,000. I think that's fair and in reference to Section G, I believe, I think it should stay at the current salary of \$199,000 a year; I think that's fair. Hopefully, my colleagues will agree with that. Let's see what happens. Thank you.

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

COMMISSIONER COLBOURNE: Thank you, Mr. Mayor. At our last Commission Meeting, Commissioner Chambers made a request for consensus from his colleagues. His request was properly presented, his request was part of our procedure, our process. I think he made his request in a very respectful manner but yet it unleashed a series of personal attacks against members of this Commission. There were words used like backhanded, finagled, devious, insidious, uncivilized, petty foolishness. These comments continued today and stepped up to malicious. I just want to say that these comments were unwarranted and they are still unwarranted. I find them offensive, frankly insulting, and they do not have any place on this dais. I'm asking my colleagues to please refrain from this type of behavior. I will defend each and every one of my colleagues on this Commission for their right to advocate on any issue whether I agree with it or I disagree with it but I don't believe that anyone on this dais has the right to attack one of us because of a request that we made in correct form because we have

come to a colleague and expressed something and shared with you and asked for your support on it. I think we should discuss things vigorously. I don't see anything wrong with that. But the personal attacks, I'm asking my colleagues to please stop it, please stop the name calling. We are better than that, individually and as a group. We should be able to get through this and even more challenging issues but for that to happen we have to treat each other with respect. I don't think anyone of us are above the other; better than the other. In terms of the Manager's contract and the Manager's resignation, I think anytime that you have, anytime a Manager has lost the confidence of the majority of the Commission, it is not good for the City and I think that is exactly what has happened in this case. I think if we move on this and we move quickly we can continue the work that we have to do as a Commission. The Manager has provided some terms to us. There are many things that the attorney was able to negotiate off of the contract. The City comes to agreement with employees on numerous occasions, this is similar to that. I would accept what the Manager has agreed upon and what our attorney has negotiated and I would accept her resignation.

MAYOR MESSAM: Thank you. I pause because I just think that this entire process is an embarrassment to our City. It is an embarrassment to our City. There has been a lot of exaggerations in regard to situations and circumstances in this City. We all have a right to our opinions, we all have a right to how we approach our service to the City of Miramar, we all have a right to say what we want, how we want. Often times, I don't agree but again, it's all of our rights. I think anything short of saying that the Manager fulfilled her duty in terms of being Administrator of this City doesn't reflect my position and my view. As I have stated before, no one is perfect. But, in my view and in my assessment of the Manager's performance, it's nowhere close to some of the descriptions that have been placed upon her, although, each respective Commissioner has the right to feel the way that they feel; I'm not saying that they are right or they are wrong, they have the right to feel the way that they feel. I think to make a characterization that the City of Miramar is in financial turmoil is inadequate; it is inaccurate. I think to say that a budget that this Commission votes for every year, we own the budget, it's our Charter responsibility. So, whatever financial position this City is in, the responsibility and the buck stops with us because we adopt that budget. Every year the Manager proposes a budget in her best estimation along with her staff on what resources are needed to provide a level of service in this City. Now granted, we may not all agree with every respective department's desires or needs to provide their work for the City, but the Manager presents it. We have had independent consultants give us algorithms and scenarios based on what revenue we would collect and where we need to be to prepare for a rainy day and where our millage rate should be set and the Manager gives a strong recommendation on where that millage rate should be set and it comes to the Commission and the machetes come out and we adopt it. So, we own that budget. I don't think we can blame the Manager, we can only blame the Manager for proposing a budget for how she sees where the City should go, which is her responsibility. We don't have

to agree, which we have not, and we have what we have. I think we all can agree that is a fair assessment in terms of the budget because what we adopt is our budget. I think to say that nothing is being done in East Miramar is not accurate, just my perception. I think we are closing on about \$100 million of infrastructure, recreational and all types of projects. You drive down Miramar Parkway right now and you have residents calling every day about the debris, the dust, the construction, the disruption, why my driveway is broken up, there is potholes, there is all kinds of things going on. We just adopted today, another set of homes getting their embankments done. So, I just say that the characterization that nothing is being done is just not accurate. Can more be done? Of course, more can be done but to say nothing is being done I just think is an exaggeration and I have all respect for my colleague, that who, I think, is just making a point in terms of her position. It's not anything personal, I'm just expressing how I see things. To say that what is happening right now allows the Manager to walk out here with a sense of pride and dignity, if that's pride and dignity I hate to see what embarrassment, disgrace, anger, would feel like. Truly. Just my estimation and just my perspective. The elephant in the room, why is there so much effort to remove the Manager? I will let our residents answer that question and ask those questions. I was taught one thing, I don't judge a person's heart, motives, intentions, I only can judge what is said and I can only judge what is done. So, I don't judge my colleagues, I just only respond to what is said and what is done. I leave it to the residents to decide. I also join Commissioner Barnes in saying that this City better wake up, the residents, the voters, better wake up very quickly, very quickly, because there are efforts, there are efforts to control this City that you need to pay attention to, you really need to pay attention to because if you don't what we are discussing tonight will not be the last. But in anything, I never like to end a conversation on a downer because I believe in hope because 50 years to day when an assassin thought that he was doing when he took the life of Dr. King, that he would snap away hope on a movement for equal justice and Civil Rights only magnified and intensified the movement. I don't know where tonight will end, whether the Manager goes or whether the Manager stays, that is still up for debate, but I would like to say to the Manager that I respect you. It takes a strong woman, a strong person to endure what you have endured and I respect you for that. I made one commitment to you when you were hired and I will remind the others again, the Manager was not my first choice. I asked the Manager to be fair, to make decisions what's best for this City, do not buckle under pressure on anything you think is questionable, I made note of the fact that she was a black City Manager, a female City Manager, and failure for our City was not an option and I commit to do whatever I can to support this City through your Administrative leadership and I thank you for your work and your service and the way you have carried yourself through this process. Okay, I think we have all had an opportunity, and I'm not saying we are not having an additional discussion, but we have all had our initial opportunity to make some remarks. Commissioner Chambers has accepted the Manager's demands and says that he is in agreement with her demands to accept the full back pay set as of October 1, 2014, which would then have set her salary at \$221,671 with a 2.5%

cost of living adjustment COLA per year of her employment in the amount of \$113,193.12 of back pay that she has demanded that will also set according to her pension, whatever the corresponding base pay would be according to her pension. That's what her demands are. Additional costs and fees to the City that should not necessarily have been done. I am going to allow the public to talk in a minute, I'm just letting you know where we are right now in the discussion. Commissioner Colbourne has also agreed to this. Commissioner Riggs currently, right now, is at Option 2 and has not agreed to the back pay if I am correct on what she stated. So, at this time, I'm going to bring it back to the Commission. At this time, I'm going to allow a couple of folks from the public that did want to have a comment.

DEBRA SCIALABBA: Debra Scialabba, 6490 SW 26<sup>th</sup> Street. I'm going to read this fast, this was going to be for April 18<sup>th</sup> so I would like to give this to City Clerk, Ms. Gibbs, so that she has this. So, I know it's all in a day's work; however, I want to bring this to your attention. Through a coordinated effort between Kathleen Woods-Richardson, City Manager, Chief Dexter Williams, Fire Rescue, and Bissy Vempala, Traffic Engineer, an attempted suicide was thwarted, it never happened. This critical intervention occurred Monday, March 19<sup>th</sup> at approximately 11:30 a.m. at the cage enclosure over the pedestrian crosswalk going east south Miramar Parkway on the side of Vernon E. Hargray Youth Enrichment Center towards Shirley Branca Park at SW 69<sup>th</sup> Avenue and Wildcat Way. If you know that area and you walk that area you would know that that drop is dangerous, there is trees, it is a deep drop down there, he definitely could have killed himself. A resident called and said he had a knife and was going to kill himself. He had climbed up on top of the cage enclosure and one of our Officers had developed a rapport with this individual and was called in. While I'm telling you this, remember everything is going on simultaneously. Between his life problems overwhelming him, the drugs he was high on, consuming him, he displayed erratic, irrational, agitated, belligerent behavior. It was hot and he was sweating profusely. During his crisis he kept yelling multiple times to the Officers, "Shoot me, go ahead shoot me, kill me". He had intermittent periods of lucidness and he eventually dropped his knife. The drugs took control and he escalated back into an erratic, irrational, agitated, belligerent state again. Police couldn't use a taser on him or use rubber bullets or any other thing but in the event that he might fall to his death below. The only alternative was to talk him down. Both Chief Williams and Fire Rescue Battalion Chief Scott Pratt, both had to operate their command posts out of their vehicles. With any crisis intervention, other agencies are always contacted and that is imperative to the specific need at the time whatever crisis is going on. In this instance, Broward County Tech Response Team was called. The County, obviously, was planning to put new cage enclosures over the crosswalks. This went on for approximately three hours in the hot sun. Officers were eventually able to talk him down and he was baker-acted for 48 hours because that's the law, 48 hours, that's it. There is a high potential for him to repeat this behavior. Hopefully after this critical incident the County will expedite the installation of new enclosures, something that may prevent someone from climbing up on top of that. I would like

to talk about residents, including myself, that are concerned for quite some time about the increase in the frequency of the planes for North Perry Airport flying very low over our homes.

MAYOR MESSAM: Thank you, Ms. Scialabba, that's your time.

DEBRA SCIALABBA: Okay, but we need a command post, a vehicle command post for the City to operate effectively.

MAYOR MESSAM: Thank you.

ALISON ADAMS: Good evening, Alison Adams, 7211 Fairway Boulevard, Miramar, Florida. Good evening, Mayor, new Vice Mayor, fellow Commissioners, City Manager, attorneys. They say I always start that I've been here for a long time but I have. I attended the last Commission Meeting for the first time in a long time and I dare say that what I saw displayed on this dais was less than one of the commendable moments in our time that I have been attending these meetings. I understand that we might have differences but I also understand that there is a time and there is a place and there is a process. As to the execution of that process, that entails know how, dignity, respect. I have never felt so low in any of the times that I have been visiting this Commission than last time I was here. This was the last Commission in the month we celebrate Women's History and I saw the efforts of a first black female Manager of this City being dragged across this dais. Not only was it low, it's a sad moment for this City. I am wearing a shirt because I work here at the City. We launched initiatives today with women and men that are proud of the City we work in because they are under the guide of the individual. Yes, everything might not be perfect but there is a time and place for everything and there is a way in which you do it. And the way in which we did it, even if I agree or disagree with you, there is a way to get things done. Like any of you would like somebody to treat you, follow the golden rule, "Do unto other as you would have them do unto you" and what you don't like for yourself, do not do it to others. If there is a problem with the City Manager, handle your business behind that wall before you come out here in front of us, the residents, and air any kind of laundry you have out here, because we vote you in so you can represent us with dignity and just how we expect you to respect us, your fellow man should be treated with dignity. When I walk away from this podium I might have a mark on my back but I will not stand for my City that I have lived in all these years and collaborated on efforts in this City on and be dragged through the mud because we can't get our act or the people we vote for can't handle your business in the back of the room before you come to me as a resident and a taxpayer. It is unacceptable. I am not saying what concerns you have are not correct but there are ways to get it done.

MAYOR MESSAM: Thank you, ma'am. Are there any other members from the public that wish to comment on this item? Alright. Seeing none. To move this

issue, what I would like for us to do and I recognize your arm Commissioner Chambers, one second, is the separation agreement is before us. Now, this Commission, to move the item, the Manager's position, as stated by the attorneys, that she wants the back pay based on the terms that's in the agreement under Item F, which is the back pay from 2014. So, we have two Commissioners that are in agreement or have stated that they are in agreement with it and one Commissioner that wants a lesser amount. So, we need to reconcile that. First, I have Commissioner Chambers, then Commissioner Riggs, then Commissioner Barnes. If we can have our discussion, if we can guide our discussion around coming to that ...

COMMISSIONER RIGGS: What you don't understand, I am willing to accept Option 1 so we can move forward. Save some time.

MAYOR MESSAM: Commissioner Chambers, you still have a question?

COMMISSIONER CHAMBERS: I had a few comments but I can say it later. Remember when I spoke with the attorney what was not included was the car stipend, attorney's fees.

CITY ATTORNEY COLE: There is no issue with attorney's fee; everyone is paying their own attorney's fees.

COMMISSIONER CHAMBERS: Okay, so, I'm okay. I'm good to go.

MAYOR MESSAM: Commissioner Barnes.

COMMISSIONER BARNES: I would like to join those who agree to pay the City Manager the full sum.

MAYOR MESSAM: Okay, so, at this point we would need a motion.

COMMISSIONER CHAMBERS: Motion to approve.

COMMISSIONER RIGGS: Second.

CITY ATTORNEY COLE: One other item in the Resolution is appointing an Acting City Manager so you will need to fill that in as well.

MAYOR MESSAM: At this time, at this point, based on the current staff, I would recommend that we, as an Interim City Manager, just have Michael Moore as the Interim Manager and then we make a decision in regard to the process to select a permanent Manager.

VICE MAYOR BARNES: Agreed.



COMMISSIONER CHAMBERS: Mr. Mayor...

MAYOR MESSAM: Yes, Commissioner Chambers.

COMMISSIONER CHAMBERS: I also would like to recommend...

COMMISSIONER COLBOURNE: Can I ...

MAYOR MESSAM: Commissioner Chambers has the floor, Vice Mayor. I will allow you to talk. Commissioner Chambers.

COMMISSIONER CHAMBERS: Commissioner Riggs stated that she would like someone that knows the City and lives in the City; we have someone who has been in this City for over 20 years, has worked for the City of Miramar for more than 20 years. I have been out there in the trenches with this person during Hurricane Irma. With all the employees, I have seen what each person has done over the years since I've been here, even before I got elected, so at this point, I really would like to nominate Mr. Whittingham Gordon from the Utilities Department to be the Interim City Manager.

MAYOR MESSAM: Any other comments?

VICE MAYOR BARNES: Just to ask our City Attorney to suggest, recommend for us that we understand that there are certain procedures, certain protocols that are usually followed under these circumstances as in people who are already in succession in that particular job function please.

CITY ATTORNEY COLE: From a legal standpoint, the Commission obviously can choose whoever you want. There is no legal answer to that. Usually, it is someone in-house who is in a high level but it can be anyone, it is really up to the City Commission. There is no legal answer to that question.

COMMISSIONER CHAMBERS: Mr. Mayor, if I may, what I've noticed over the last three years since I've been here, there is a drop in moral with the City employees and we want someone who knows the City, knows the employees, who can get us back on track, because employees are the first line to our residents. So, in my estimation, in my judgement, we want to move the City of Miramar forward and we can't move forward without our employees being happy and wanting to contribute and make things work. That's where I'm at. I want to move forward.

MAYOR MESSAM: You are nominating Whittingham Gordon. Are there any other recommendations or nominations? There is none, so we are closing that. I have heard from you a couple of times Commissioner Chambers, I'm asking other colleagues if they have – I'm giving them an opportunity, I'm just making sure they

have an opportunity.

COMMISSIONER CHAMBERS: I wanted to mention that at the appropriate time I will make a motion for Mr. Whittingham Gordon. I believe he is the best choice at this time and we would like to move on that.

MAYOR MESSAM: You got a comment, Commissioner Riggs?

COMMISSIONER RIGGS: So, we have two people? Is that what we came up with?

MAYOR MESSAM: Well, I suggested Michael Moore because he was in his capacity as the current Assistant City Manager with operations just for a temporary, for a temporary, so that we could then hold a discussion in regard to what do we want to do moving forward. I've worked with, and again, this is not against Mr. Moore or Mr. Gordon, regarding the position. It's just a matter of a stop gap for this item and then we would discuss, as a Commission, how we want to move forward. So, I would say with the nomination of Mr. Gordon, I know Mr. Gordon, I have a lot of respect for Mr. Gordon in terms of his tenure of the City, I think there was some, I think there would need to be some, you know, discussion, and I think the process to evaluate what we are looking for in a City Manager would allow that discussion. So, that's where I'm at at this point in terms of my initial thoughts.

COMMISSIONER CHAMBERS: And I think in keeping with our previous City Manager who came up through the ranks of the garbage department and was very successful and Mr. Whittingham Gordon came up through departments here and he has proved himself. I think we would not lose on this nomination, I think we will be just great moving forward. Based on where we are today and where we need to be, we need to have someone who is just going to continue provide a quality of service as a City Manager and to bring the dais back together, which was at loss, and to bring the employees back together. That's where I'm at. Mr. Michael Moore, I have no issue, he is great, he is wonderful, he is still going to be here but I think Mr. Gordon is the right choice at this time and I'm sure my colleagues, when they take a look at the history, they will agree with me.

COMMISSIONER RIGGS: May I? One quick question.

MAYOR MESSAM: Actually, I have Vice Mayor Colbourne then Commissioner Riggs.

COMMISSIONER RIGGS: That's fine.

COMMISSIONER COLBOURNE: Thank you, Mr. Mayor. While I think both candidates are great, I would like to give an employee, such as Mr. Gordon, an opportunity. He has, I've known him professionally with the City for many years

and the Utilities Department is our major function here in the City of Miramar. I think he would represent the City well.

MAYOR MESSAM: Commissioner Riggs.

COMMISSIONER RIGGS: Are you suggesting the Assistant City Manager Moore temporary until we actually hire a City Manager or until you said something about revisiting?

MAYOR MESSAM: I think until revisiting. This is just to bridge us to getting our bearings. We just had an exhausted discussion about the resignation of our City Manager and I just think to just to select a permanent Interim Manager immediately following without having some discussion in terms of what we are looking for in terms of transition, whether it's for, there should be expectations and a process even for Interim, even for interim. So, in my thought process in regard to just temporary, I'm talking a matter of weeks. We need to be scheduling our next Workshop within the next week or two to kind of talk about this next session then we establish who we are going to have in an Interim process to finalize our ultimate process to how we would select our City Manager. This has nothing, again, with all due respect, this has nothing to do with the qualifications of Mr. Gordon and his abilities, his tenure here in the City. He has been a great Administrator in his role with the Utilities Department and if his desire is to be the City Manager or Interim City Manager, that is something obviously on the table for discussion. But I'm just saying in terms of our succession for a matter of months for us to decide on what will be our next decision. If we are really showing the residents that, okay, we want a clean slate, we want to start a new process and if there is questions about any discussions, any dealings, and all of these things, that puts that to rest because there is an open discussion in public by the Commission stating our priorities, stating a process in which we will move forward with the City in regard to who would be the City Manager and I think that will gain some confidence from the public in the process. That's just my opinion. It takes three to make a decision. Alright, if there is a consensus to move forward in either direction, we move forward. I just think for us to not have a discussion about what we are looking for for the Interim Manager, to decide on where we are going to go in our next process, which ultimately, we need to hire the City Manager, the permanent City Manager. That's what our City is looking for, that's what our residents are looking for, that's what our hardworking staff is working for. Think about this. One department and all departments. So, I'm just saying that for the public to have confidence in this process, because there are a lot of questions about what happened with the Manager, there is a lot of questions about whatever decision we make next, so our next decision needs to be a decision that is discussed in the public, discussed in the open, so that the residents can see that the Commission has discussed how we will move forward as a City. So, when I say that for a short period, it is just naming the short period for us to determine our next steps.

CITY ATTORNEY COLE: If I can just clarify, this is not for an Interim City Manager. This is for an Acting City Manager. So, this is really just for a temporary period for someone to act in that position until the statutory time periods elapse, which will be somewhere between ten days and one month. At that point, if you want, you can appoint either an Interim or a permanent but for right now, all you are doing is appointing someone who is going to act as a City Manager for at least the next two to four weeks until the documentation is all finalized based on the statutory periods. This is an Acting City Manager, it is not Interim. I just wanted to make sure everyone understood that.

COMMISSIONER CHAMBERS: I'm hearing two things. The attorney is saying one thing on acting and based on the Mayor's comments, he is saying that we are hiring somebody permanent. Is that what you are saying, Mr. Mayor?

MAYOR MESSAM: What's that?

COMMISSIONER CHAMBERS: You said we are hiring somebody permanent, is that what you are trying to say?

MAYOR MESSAM: No, I was clear with what I said. What I said was that we just discussed the Manager's resignation item and, whether it is Interim or Acting, it's just semantics. I am saying I just think it is prudent in terms from a process, from an organizational process of a City, even it is temporary for the 21 days to lapse, is it common sense to hire someone who is not at the Assistant City Manager level or Deputy City Manager level, that is following the same mode of operations that the City goes through to place someone. I think it's unfair. I'm not saying that he is not capable, I think it is unfair to put an Assistant Director of Utilities into the Acting Manager position to act as the City Manager during this process while we determine our next steps. I think it is unfair to put him in that situation. I'm not saying he is not capable, I'm not saying he is not qualified, I just think it's not fair to put him in that process. Of course, I'm sure he would take it, I'm sure he would take it, but I'm just saying in terms of we – it is more than what we want on this Commission. We have to think about the confidence of our community. We have to think about the confidence of our electorate. We have to think about the confidence of our business community. If it looks like we are running a monkey show up here, you know what, these companies are here today but they could be gone tomorrow.

COMMISSIONER CHAMBERS: I'm not no monkey, Mr. Mayor. I'm definitely not a monkey. I might be dumb but I'm not a monkey okay?

MAYOR MESSAM: I did not call you that, I did not call you that, Commissioner. I'm just saying, I used it as a matter of speech ...

COMMISSIONER CHAMBERS: That's a term when they describe some people

but I'm not ...

MAYOR MESSAM: I allowed you to speak.

COMMISSIONER CHAMBERS: What I'm saying here is ...

MAYOR MESSAM: I have not recognized you, Commissioner Chambers. The order on the list is Commissioner Barnes has been waiting, Vice Mayor Colbourne, Commissioner Riggs, then Commissioner Chambers.

COMMISSIONER CHAMBERS: I made my request first.

MAYOR MESSAM: Well, actually, you are before Commissioner Riggs. Commissioner Barnes has been waiting. Commissioner Barnes, you are recognized.

VICE MAYOR BARNES: I have asked a number of questions over time and I have one more at this time. We talk about – I have talked about what we have done to the reputation of the City. Why in God's name do we want to add to it? Why do we want to make it worse? The reality is that Michael Moore is closer to the reality of being a City Manager than Mr. Whittingham, there is no question about that. So, if we are not being arbitrary, and I'm using the word again, malicious, if we are not being mean spirited why is there even a question? Michael Moore has been an Assistant City Manager unless we don't think that means anything. Unless we are convinced that he never learned anything in that position he has held. Unless we haven't heard of his voice during the same hurricane that has been mentioned before. Is that of no value? Do we simply want to arbitrarily thrust the responsibility of managing this City to someone who is grounds below that level of responsibility on accomplishment just to prove a point? Good God.

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

COMMISSIONER COLBOURNE: Thank you, Mr. Mayor. I hate for us to ruin the reputation of three individuals, not just one, but add another two individuals to it. Using terms like monkey show, it's just getting worse with the personal attacks. I just asked if you would please stop the personal attacks but it's just getting worse. The task at hand is for us to go ahead and assign someone. The City Attorney says that person would be there probably a maximum of 28 days and then from there we have to make a decision again. Is that correct? City Attorney, is that correct?

CITY ATTORNEY COLE: You will – you are going to have the Acting City Manager for at least two to four weeks.

COMMISSIONER COLBOURNE: You are saying we have to have an Acting City Manager tonight? That is the rules?

CITY ATTORNEY COLE: Yes, you need to have someone who is going to be acting in the position for at least the next two to four weeks until the documentation and the statutory periods pass. At that point, you can then have a permanent City Manager, an Interim City Manager, you can decide whatever process you want to do. It's completely up to you what you want to do at that point. But you do need to choose someone today who is going to act for the next two to four weeks at a minimum as the City Manager.

COMMISSIONER COLBOURNE: Okay. Again, I think Mr. Gordon is able to do that job. We have individuals in the City Manager's Office that he can work with. The individuals in the City Manager's Office, I won't go through their resumes, I don't have them in front of me, but I do believe that Mr. Gordon deserves the opportunity just like other individuals have been given the opportunity to move up and continue to serve this City and I think acting in that role with the support that he has is a good thing. We have, I guess, we have a month, 20 something days to give him that opportunity to do so. Does someone need to make a motion? Is that something I can do or we are not there yet?

MAYOR MESSAM: There are still speakers that are still waiting to speak.

COMMISSIONER COLBOURNE: Okay.

MAYOR MESSAM: Thank you, are you complete, Vice Mayor?

COMMISSIONER COLBOURNE: Yes, thank you.

MAYOR MESSAM: Commissioner Chambers, you are recognized, sir.

COMMISSIONER CHAMBERS: Thank you. I'm going to say it again. Mr. Gordon works for the City more than 20 years. Doesn't that count for something? He lives in the City for more than ten years, he has gone through schools, he got the credential, he got the experience. I'm not saying Mr. Moore can't do the job, of course he can but we are changing from one regime, we need to move forward and create some stability. We need to show the employees that we are changing and we need change. That's where I'm at. Okay. When the previous process to get a City Manager was done, out of all the finalists, Ms. Richardson was the least qualified on paper. Not saying she couldn't do the job but when you look at all the record of maybe seven people, she was at the bottom but yet she got the job. Can somebody tell me I'm lying? I'm not. Okay. For someone to say we are going to give someone who has worked for this City, I've been out there in trenches with Mr. Gordon and, shall I say his troop? The people that he supervises, responsible for and he showed the perfect time. He has done his job and has been respected

among all the City employees. I've gotten to know him and respect him. He lives in the City of Miramar for many years; everybody likes to say how long they live here and where they live, okay. He does. So, give me a break, okay. I've only been here ten years. He has been here 20 some odd years, maybe 30 years, I'm not even sure, I know it's way more than 20 years. So, if we are going to go back and forth and the monkey business and all this, this is how we got here, by the Director and some of the Assistants, they failed Mrs. Woods-Richardson and this dais has failed the employees. They come to us time and time again looking for help, we have not stepped up and helped them. This same dais here and finally, I think I would agree with Vice Mayor Barnes, this dais is too black so we need to bring Lori Moseley back. Thank you.

MAYOR MESSAM: You tried and it didn't. Commissioner Riggs, you are recognized.

COMMISSIONER RIGGS: Thank you, Mayor. I guess I am the deciding vote. The facts are Assistant City Manager Moore does have the experience in this capacity. My only hesitancy is the fact that he doesn't live in our beautiful City; however, it is temporary, so I would support ACM Moore to be our temporary City Manager.

COMMISSIONER CHAMBERS: Sometimes one of the elected fly and we are going to find themselves on a two-side and sometimes we are going find ourselves on the three-side. That's the way things work. We are not in Russia. This is a democracy. This is a process.

MAYOR MESSAM: Commissioner Chambers, order, Commissioner Chambers. Alright, so after discussion, it is the consensus for Mr. Moore to serve as the Acting Manager and I would recommend that we schedule a Workshop before, do we have a Workshop scheduled before our next Commission Meeting?

COMMISSIONER RIGGS: I thought we had one next week. No?

COMMISSIONER CHAMBERS: No Workshop.

MAYOR MESSAM: I think it's because of the nature of what we are dealing with I call for a Workshop before our next Commission Meeting to discuss our plan of action to find a new City Manager. If we need two hours, three hours, four hours, that's what we will do.

COMMISSIONER CHAMBERS: We are appointing somebody tonight.

MAYOR MESSAM: There is already consensus, do we have to actually vote for that?

CITY ATTORNEY COLE: You need to have a vote on the Resolution naming the, we will put in Mr. Moore's name since that was the consensus. You need a motion to approve the Resolution with Mr. Moore as the Acting City Manager.

MAYOR MESSAM: So we are clear, we are voting on the separation of the City Manager and accepting her resignation and naming Mr. Moore the Acting Manager. And for the public's information, that we will have a Workshop before our next Commission Meeting to discuss our plans and the process to select our new City Manager.

VICE MAYOR BARNES: Motion to approve.

COMMISSIONER RIGGS: Second.

MAYOR MESSAM: Record the votes.

CITY CLERK GIBBS: Vice Mayor Barnes.

VICE MAYOR BARNES: Yes.

CITY CLERK GIBBS: Commissioner Chambers.

COMMISSIONER CHAMBERS: Yes.

CITY CLERK GIBBS: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes.

CITY CLERK GIBBS: Commissioner Riggs.

COMMISSIONER RIGGS: Yes.

CITY CLERK GIBBS: Mayor Messam.

MAYOR MESSAM: Yes.

On a motion by Vice Mayor Barnes, seconded by Commissioner Riggs, to approve, the Commission voted:

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



**Commission Reports:**

MAYOR MESSAM: Commissioner Riggs, do you have a report?

COMMISSIONER RIGGS: Report. Can we come up with some dates for those pending Workshops? I thought there was a Workshop next week in reference to the Charter, MCC?

MAYOR MESSAM: I think that the hiring of a new City Manager probably would supersede all of those.

COMMISSIONER RIGGS: The summer is around the corner and I know we don't have meetings around the corner and folks will be out of the country so we have to schedule these before we go on summer break.

MAYOR MESSAM: Well, this is the first meeting in May. There is two weeks.

COMMISSIONER RIGGS: Okay. Just a couple of comments. In reference to all of this, this is not a black thing or a woman thing for me, I am not against black women, that is just ridiculous. I used to be where I wanted to do everything behind the scene and never bring anything in the public that would ever embarrass our beautiful City but; however, I find that didn't work and I wasn't able to accomplish much. What I also found was that the transparency that we promised to the community wasn't being provided doing everything behind the scene so we should do everything in the public, we have nothing to hide, I have nothing to hide. So, the way we are doing things is the way it should be done for those who need to be educated on that process. I would rather a governmental entity do things in the public's eye so everybody knows what's going on and is educated and no rumors are made up. So, this is the best way to do things. In reference to the standards, I think some of my colleagues' standards are too low for our beautiful City. I think we need to think about that and maybe raise our standards because I believe we deserve so much better than what we are getting and we also need to set that culture so that whoever comes next to be our City Manager understands that. We need to increase our level of respect that I see for this Commission, we have folks just rudely leaving in the middle of our meetings, that's rude and that is childish and it's not professional. We, ourselves, need to increase our standard so that others will up their standard on how they treat this City and how they treat this Commission and how they treat this community. With all that being said, like I said earlier, I don't have anything personal against our City Manager, I just wish that she worked a little bit harder for our beautiful City so I'm going to leave it at that. That's it. Thank you.

MAYOR MESSAM: Thank you, Commissioner Riggs. Do you have a report, Commissioner Chambers?

COMMISSIONER CHAMBERS: I'd like to say the way we got here to this point is that I think earlier the Mayor commented that we are trying to hijack the City and take it, I forgot the terms he used, but I think this was tried before back in May 2017 election. Mr. Putin tried to elect a few Commissioners were here but a takeover of the City of Miramar didn't happen; the voters rejected that. In addition to some of the Directors and ACM that guided Mrs. Woods-Richardson in the wrong direction, she had a Mayor that sometimes tends to speak too much or for too long and create divisiveness and that's why we are where we are at. But I must say we are going to move forward and we are going to make Miramar great again. Maybe I might ask, I don't know if tonight, a no-confident in our Mayor, a vote. At some point, I am going to make a motion to have a vote of no-confident. Maybe I won't do it tonight but I guess I will.

MAYOR MESSAM: Vice Mayor Colbourne, do you have a report?

COMMISSIONER COLBOURNE: Yes, thank you. I had a number of things but I think I should probably just move on. But I don't want to move on without acknowledging the 50<sup>th</sup> anniversary, the death of Dr. Martin Luther King, Jr. Today is his 50<sup>th</sup> anniversary, the assassination of Dr. Martin Luther King, Jr. He was a passionate but peaceful activist who advocated for Civil Rights and racial inequality. He did so through non-violence and civil disobedience. Five decades ago he marched for our Civil Rights and equality and today we are still marching. He brought us a good way on this journey. In his honor, now we must grab the baton and continue on his journey. I honor him today with gratitude for all that he has done. I am thankful to stand on his shoulder. I would like this Commission to sincerely just take a moment and reflect on some of the words that are being used when speaking to the colleagues, to the residents, and to our staff. If we had someone else call this Commission a monkey show, it would be in the Sun Sentinel tomorrow. So, I'm just asking to please reflect because as you are trying to drag other people down, it is going to be hard for you to go down without. So, please, please, reflect so that this Commission, this Commission can do better, that's all I'm saying. We can do better and I'm just asking for us to do so.

MAYOR MESSAM: Commissioner Barnes, do you have a report?

COMMISSIONER BARNES: No.

MAYOR MESSAM: Alright, thank you. I had a report but I'm not going to share it but I will make some comments. I think it's quite interesting that those who preach or those who claim and call on the Reverend Dr. Martin Luther King, Jr.'s legacy, just listen to your own words. Truth be told, the divisiveness, the chaos, and that all that has taken place on this dais you look in the mirror every day because you

know you are the source. The countless demands, the countless requests to be done behind Commissioners' backs to do things, think about those things. I don't have to say what they are. If you've done it, you know what they are. For the record, I did not call anyone on this Commission, I did not call this Commission a monkey show. What I said was we have to be careful on how we conduct ourselves on this dais because we don't want to be characterized as such. That's what I said. And I challenge anyone on this dais who has accused me of calling anyone outside of their name, has accused me of calling or saying any disparaging or any personal attacks towards them to bring up the record because I have yet to do so since I was elected to this Commission since 2011. That is the record. And I also think that it is very disingenuous to try to take the high road after you have thrown so many grenades. I am here to serve, I am willing to serve. I will accept whatever fate this City Commission decides upon the Manager just as I did with the last Manager. I will work with he or she, white, black, Latino, Asian, Martian, whoever we select, I will work with that Manager to make sure that this City is the best City that it can be. That has always been my commitment. So, I don't need to be lectured. If you are intending on directing those remarks to me and since you quoted a statement that I said out of the intentions of which I said it, my challenge to the Commission is that let's get to work, let's get to work. We are not going to always agree but there is a way to do things and we don't have to tear people down. I have not torn anyone down. I try my hardest as the Mayor of this City and as a Chair of this meeting to keep decorum on this Commission, to try to guide discussion and I will continue to do that. There is a lot that I can say but I don't because of this City, because I care how we are viewed in this City. Right now, we are not looking so great at all. So, you can sit here and make all these holier than thou comments, but people see through it, people see directly through it. You may fool some of the people some of the time but you are not going to fool them all of the time.

**City Attorney Reports:** None.

**City Manager Reports:** None.

**FUTURE WORKSHOPS**

<b>DATE</b>	<b>TIME</b>	<b>SUBJECT</b>	<b>LOCATION</b>
DATE & TIME TBD	-	Proposed Charter Amendments	Commission Chambers
DATE & TIME TBD	-	Blasting Advisory Committee	Commission Chambers
DATE & TIME TBD	-	Miramar Cultural Arts Center	Commission Chambers

**ADJOURNMENT**

MAYOR MESSAM: This meeting is adjourned.

The next regularly scheduled City Commission Meeting is April 18, 2018 at 7:00 p.m.

The meeting was adjourned at 10:28 p.m.

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Denise A. Gibbs, CMC  
City Clerk  
DG/cg