



MINUTES OF THE CITY OF MIRAMAR REGULAR COMMISSION MEETING

January 27, 2016

7:00 P.M.

The regular meeting of the Miramar City Commission was called to order by Mayor Wayne M. Messam at 7:23 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 Darline B. Riggs
Commissioner Maxwell B. Chambers
Commissioner Yvette Colbourne

Upon call of the roll, the following member of the City Commission was absent:

Commissioner Winston F. Barnes

The following members of staff were present:

City Manager Kathleen Woods-Richardson
City Attorney Jamie Cole
City Attorney Alison Smith
City Clerk Denise A. Gibbs

PLEDGE OF ALLEGIANCE

PRESENTATIONS

Proclamation: Black History Month (*Mayor Wayne M. Messam*)

Proclamation: Police Chief Ray Black Day (*Mayor Wayne M. Messam*)

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

MAYOR MESSAM: Before you speak, Mr. McQueen, there've been members from the public, who have stated their name and address requesting to give their time. It's not a procedure that we grant, so if you could just state your issue for the Commission for public comment.

Craig McQueen, Miramar resident of 3581 SW 68th Terrace, spoke on behalf of fellow residents Bill and Carolyn Steers, Efirain Collazo, and Rene McQueen, who were present at the meeting and acknowledged that Mr. McQueen spoke for them on the matter of parking on the cul-de-sac, and as it related to the Code, Section 20-48. He distributed a handout to the City Clerk and Commission to aid with the clarity of his comments. The abovementioned residents lived in a cul-de-sac, as indicated in the photograph provided, in which there were four houses. He pointed out that the two end houses had swails, and the two middle houses had no swails, and if there was traffic overflow and there was nowhere else to park, people parked in the cul-de-sac. As a resident since 1989, he always had a car parked in the cul-de-sac, and there had never been an issue or problem, and as the Code, Section 20-48 stated clearly on Section D, parking in a public right of way: it shall be prohibited for any person to park any vehicle in any street to impede the flow of traffic or to interfere with emergency vehicles. He noted section K spoke about the blocking of someone's driveway, but there was no language pertaining to not being able to use the cul-de-sac. A cul-de-sac was somewhat unique, as it was a dead end with a circle, so people could easily come in and get out. Mr. McQueen said daytime traffic in their cul-de-sac consisted of two groups of people, directing the Commission's attention to his handout, where it stated one group was the United States Postal Service that accessed the area every day without an issue. The second group was their biweekly trash pickup, Wastepro, and they accessed the cul-de-sac to provide their service without any problems. After he moved in, two other neighbors moved in, one in 1997, and the other in 1998, and from 1997 to 2013, their cul-de-sac was unknown, and people parked in the cul-de-sac whenever necessary. If there was a family gathering at one of the nearby neighbors, they mentioned to the residents in the cul-de-sac that they were having an event and some of their guest would be parking in the cul-de-sac, but they would ensure that no one's driveway was blocked. He asked the Commission to look at item three in his handout, stating in 2013/2014 was when the subject issue began, and that item was a 77-page report from the City of Miramar's Code Enforcement Department that listed code violations for the property at 3591. Mr. McQueen indicated this was when the problems started, as the neighbor residing at 3591 got upset that he received citations for code violations on his property. No one in the neighborhood called code enforcement, but he claimed the neighbor at 3591 believed the situation had been created by neighborhood action, so he began calling code enforcement to complain about what he felt were issues on his neighbors' properties. He referred to item four as evidence of these complaints by the resident of 3591. For example, one of his complaints was about trees on a neighbor's property, and the City's tree expert stated the trees were not a problem and were within code, and excessive trimming could

damage them. He said the resident of 3591 then complained about stains on the sidewalks and, as the pictures he provided showed, there were no stains on the sidewalks other than those found on the sidewalk in front of the 3591. Mr. McQueen intimated, when no citations were issued from the efforts of 3591, the next complaint was about trash cans being placed in the cul-de-sac, until code enforcement informed him that, as there were no swails at two of the homes, the only place to put the trash cans was in the cul-de-sac, as long as no one's driveway was blocked. The report showed that the only trashcans code enforcement found in the cul-de-sac at the time of their inspection were those belonging to the resident of 3591. He said the next set of complaints had to do with parking, as item illustrated, and the police department was called 25 times regarding parking, and each time the officers noted in their reports, as shown by items 4a, b, and c, that no driveway was blocked, there was no impeding of vehicular access, the complaints were only about parking in the cul-de-sac and the Code, Section 20-48 was used by the complainant to substantiate their position. It became such an irritant, that the police ruled that no one could park in the cul-de-sac, and this was due to the complaint of one person, and this was unfair.

MAYOR MESSAM: Mr. McQueen, if you can make your requests, so we can move on.

Mr. McQueen thanked the City Commission for allowing him to speak. He stated the situation went to the point of the resident of 3591 approaching people about parking in the cul-de-sac, which was a very dangerous action, and he asked the police department to direct the neighbor to cease this action. The officers informed the resident at 3591 that he could not go about telling people they could not park in the cul-de-sac. He noted his handout included a Code Enforcement statement about the resident at 3591 going to several addresses, taking pictures of people's homes in search of code violations. The residents whom he spoke for and he were simply asking the City Commission for a review by City staff of the Code, Section 20-48, as they thought the application of the ordinance as written supported their position; it did not prohibit people from parking in a cul-de-sac, and the language of the ordinance should dictate the actions of the police. The residents who had been parking in the cul-de-sac for many years without complaint should be allowed to continue doing so.

Robert Nicholson, Miramar resident of 3591 SW 68th Terrace, urged the City Commission to have staff review and enforce the Code, Section 20-48, as his issue was never about cul-de-sac parking, rather it was about his driveway being blocked by garbage cans and vehicles. He believed the police reports noted this occurrence each time they answered his complaints. On the issue of being fair and equitable, he received a letter from Code Enforcement stating that the tree he complained about was a hazard. He mentioned if the Commission were to visit their neighborhood, they would witness three 100-watt bulbs shining into the windows of his house. There was also an issue of trespassing, as on July 2, 2013, when the subject situation started, a statement was made about someone trespassing on his property twice a week, and he needed the law to be fair, as it took 15 months for the person he accused of trespassing to be cited for parking and blocking his driveway in the cul-de-sac. He claimed never to have

approached anyone about parking in the cul-de-sac, rather the letter sent to the residents was in reference to blocking his driveway and harassing him. Mr. Nicholson noted he would leave a video with the law enforcement personnel present, so they could decide who was in violation. He sought only to live in his home peacefully, but he was constantly harassed by a code enforcement officer with citations for small issues; he stated he had video of the same officer spending 40 to 60 minutes “lollygagging” in the cul-de-sac, when she should just do her job and leave. He praised all the City’s police officers, as they had supported him, but he wanted them to be fair. Because one of his neighbors was a law enforcement officer with Miami, he was not above the law, and it seemed as though this was what the matter was about, favoritism with code enforcement and some of the police officers.

MAYOR MESSAM: Typically, during public comments, we reserve comments, but this is an issue that the City’s administration and, perhaps, some of the Commissioners, at least, I’m aware of this issue. Internally, we are working to respond with a solution regarding the issues that have been raised tonight, and you both will be contacted in terms of what will be the next step. Obviously, this is not the forum to solve the issue between two neighbors, but we do appreciate both of you taking advantage of the public forum process to communicate your positions, so I respectfully thank both of you for coming forward tonight.

Roland Abel, Miramar resident of 7606 Harbor Boulevard, felt members of the public should not only attend Commission meetings to complain, as when something was done well, they should come and acknowledge and appreciate the City’s actions. He complimented the City on the lighting of Fairway Park, stating he was unsure how many people had the chance to drive by the Park when the lights were on, noting it was one of the best lit and most beautiful parks at night in the City of Miramar. The only downside he foresaw was that when others drove by and saw the park at night, they would be pressuring the City to do the same at their neighborhood parks. He was unsure which City department was directly responsible, but he wished to say the lighting was absolutely beautiful.

Mary Raynor, Miramar resident of 6100 SW 21st Street brought three issues to the Commission’s attention. The first was that, effective March 1, 2016, the City was now charging a two-percent charge on credit card payments, and this had been included in the City’s Fiscal Year (FY) 2016 Budget. She asked why residents were now being charged the two percent, believing this was what was called double dipping, and this was a matter that needed to be looked into, as she recently received numerous calls from residents on this matter. Secondly, public safety was most important for residents, so she questioned why the construction of the police substation in east Miramar had been delayed for two years, as the Civic Center was not being used, and she understood the PAL facility had been torn down. Thirdly, she noted some City employees were overlooked for promotion into higher positions, while others were simply put in higher positions without seniority, etc., and something had to be done about treating City employees fairly. She did not believe this was the current practice.

CONSENT AGENDA

Commissioner Colbourne pulled items 6, 8 and 11.

Commissioner Chambers pulled items 7, 8, 9, 10, 11, 12 and 13.

Vice Mayor Riggs pulled item 12.

Mayor Messam pulled items 2 and 8.

On a motion by Commissioner Colbourne, seconded by Commissioner Chambers, to approve Consent Agenda Items 1a, 1b, 1c, 3, 4, 5 and 14, the Commission voted:

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

1a. Minutes of the State of the City October 1, 2015

Approved

1b. Minutes of the Special Commission Meeting of November 23, 2015

Approved

1c. Minutes of the Regular Commission Meeting of November 23, 2015

Approved

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MAYOR MESSAM: Before we go down into the items that were pulled out of Consent Agenda, I did omit a presentation by Business First Survey Results by PMG Associates, so I do want to take the opportunity to bring them forward, so they can give the presentation prior to us going to the agenda. I apologize for that omission.

Presentation: Business First Survey Results by PMG Associates, Inc. (*PMG Associates, Inc., Vice President Phil Gonot*)

2. Temp. Reso. #R5965 approving and adopting the planning document/preliminary design report for the **East Water Treatment Plant Renovation Project** pursuant to Chapter 62-552 of the Florida Administrative Code. (*Utilities Director Hong Guo*)

MAYOR MESSAM: I pulled this item. I don't have a full presentation request for this, but I would like though, however, for you just to give a summary for this item with the East Water Treatment Plant Renovation Project, just because our neighbor has often said that a lot of emphasis is not being made into the east. And we just want to communicate to the residents of an exciting project that is taking place on the east side of town that directly impacts the residents and the businesses on the east side of Miramar.

Utilities Director Hong Guo gave a brief overview of the subject resolution, as detailed in the backup. The City Manager recommended approval.

MAYOR MESSAM: What is the anticipated construction schedule for when this project is to be completed?

MS. GUO: The project right now is in the design phase. By the end of this year, we should have a full contract firm construction cost, and come back to the Commission for approval. The construction is going to take two years.

MAYOR MESSAM: So, in essence, on the east, they will have a newer, basically brand new water treatment plant, with clean, fresh water, even with, at least, newer technology than the west treatment plant? It's the same but new components?

MS. GUO: Correct.

MAYOR MESSAM: The reason why this is so important is because when you're talking about economic development, redeveloping our historic side of town, you have to have infrastructure in place. So now, when developers are looking at potential investment opportunities, knowing that the City is building a brand new or totally renovating its water treatment facility, they can develop their projects with the confidence that they have high grade, quality water. And they can market that to their potential property buyers, as well as tenants, and this is very key in terms of investment. And, finally, the financing mechanism. Due to the fact that utilities is an enterprise fund, it operates totally and separate from the General Fund, because that's where the taxpayers pay taxes to operate any operational cost for the City. Utilities is an enterprise fund, and it operates solely within the resources that it generates from producing water supply, as well as fees it charges for sewer. And, using the State Revolving Loan Program is absolutely the most fiscally responsible way to financing these expensive projects, because it's going to cost us over \$20 million for us to renovate this facility.

MS. GUO: The final construction cost is in the development stage, and we anticipate we're going to be much lower than the \$20 million.

MAYOR MESSAM: That's even better, even better.

MS. GUO: But we are approved up to \$20 million, but the actual final agreement for the loan will be based on the actual construction cost.

MAYOR MESSAM: Okay, great. Are there any questions? Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: Good evening Director Hong, how are you?

MS. GUO: Good, thank you.

COMMISSIONER CHAMBERS: This has been one of my biggest concerns before I got elected here. I'm very happy and excited that we're moving forward trying to get this done, and I wanted to commend the utility workers, you and your staff, and the people in the trenches 24 hours trying to keep that water plant going, and providing us with safe, drinking water. Even though it's an older plant, the water is better than bottle water, and I truly mean that it is, and it's not an easy task to keep that plant going. There's some work, so I want to commend you and the men and women in the trenches keeping it going when the work to that water plant. However, I'm still a little disappointed that when we had the opportunity to build up that water plant for cash, we didn't do it at the time, even with the reserve that we had, and the \$60 million that we borrowed, we still didn't do it. I don't want to keep going back there, but we're where we are now, and I'm hoping that we can bring the cost down. That's going to be an issue for me, and I now we're trying to borrow more than we, well, what we're applying for is more than what we're going to need to build that plant, so I'm going to be watching, and I hope we can get it down to where a minimum cost. We have to really do due diligence and shop, and make sure the contractor doesn't overcharge us.

MS. GUO: That note is well taken, and we work very closely with the contractor and designer. We try to use innovations through the design process, whatever we can see the possibilities to save money, we definitely will do that. That's why our staff is on top of the task. We don't let the contractor or let the designer run the project, we are very much involved; that's the reason we select design/build. Actually, it's a progressive design/build. We're going to work closely with the design engineer and the contractor, making sure we spend the money most cost effectively.

COMMISSIONER CHAMBERS: Right, and I will be forwarding some of my concerns, in terms of pricing to you or the City Manager. From my understanding, we're borrowing the money, correct?

MS. GUO: When we did a restudy, including this project, it was balanced with a cash fund and also borrowed money from the SRF. We're not going to borrow more than we need to borrow, that's for sure. We do have some cash we can use, but the State Revolving Loan right now is less than two percent, and we can use our cash for some other needed projects, because with a small project, it doesn't make sense to borrow money. So if we can borrow money for these major improvements, we can free our cash for some other pay-as-we-go projects, like our vehicles need replacement, we have some ongoing equipment replacement. Each one of those could cost a couple hundred thousand dollars on an annual basis, so those kinds of needs is going to be covered by the cash. We are very healthy in cash in the utility financing, and I'm very confident with that, but this project, as I said, we were approved up to the amount, so why don't we take that and (unclear 1:04:40) for that.

COMMISSIONER CHAMBERS: What I was trying to get at is that even though we're borrowing the money at a low interest rate, two percent, I believe, we're going to have to pay it back. That's a lot of money, and it's two percent, and two percent on a lot of money adds up, so I just wanted the residents to be aware that it's not free money we're getting, we're going to have to pay it back. Even if it's interest free, we still have to pay the money back, so that's what I was trying to get at. Thank you so much.

MAYOR MESSAM: And for clarity for the residents that the utility fund is a self-supporting fund, and it's not supported by the General Fund, which the 2013 Revenue Bond supported capital projects associated in the General Fund, so these are two separate funds. This is not funding options. The 2013 Revenue Bond would not even be in consideration for funding the water treatment plant or any utility asset, because it's a separate utility fund. So I just want to be clear, so it clears up any misunderstandings, in terms of what options the City has in terms of financing projects. I do commend, as stated earlier, staff for taking a very conservative approach, in terms of using financing vehicles to upgrade needed assets on the City, without having a deleterious effect, in terms of increasing rates for our end users, which are our businesses and our residential community, so I commend staff for that. But I just wanted to make that clarification, because it comes up a lot on the dais, and I just want to make sure that the residents understand that infrastructure improvements that include utilities are totally self-supported and funded through the utilities fund as a separate enterprise fund. Thank you so much. If there aren't any other comments or questions, I'll entertain a motion.

COMMISSIONER CHAMBERS: I think there's no misunderstanding. What I clearly ask is that the money we're going to borrow, we have to pay it back. I understand it's an enterprise fund. The utility is the only thing in the City of Miramar that makes money. We generate a lot of money from the water plant and the sewer, so it's not a misunderstanding or anything. We know we're borrowing that money to upgrade the water plant, and we're going to have to pay it back. It's simple. Thank you.

MAYOR MESSAM: Can I have a motion, please?

On a motion by Commissioner Chambers, seconded by Vice Mayor Riggs, to approve Resolution #R5965, the Commission voted:

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

Resolution No. 16-50

3. Temp. Reso. #R5974 approving the purchase of **IONMIS servers** for the new **Police Headquarters Facility** from Communications Supply Corporation, utilizing NPPGov Contract No. VH11199 in an amount not-to-exceed \$101,424. *(Procurement Director Randy Cross and Information Technology Director Clayton Jenkins)*

Resolution No. 16-51

4. Temp. Reso. #R5956 authorizing the donation of \$10,000 in State Law Enforcement Trust Funds to support the **Miramar Police Athletic League**. *(Interim Police Chief Dexter Williams)*

Resolution No. 16-52

5. Temp. Reso. #R5957 authorizing the purchase and installation of add-on equipment for the **spacesaver lockers** and **high-density shelving units** for the new **Police Headquarters Building** from Patterson Pope, Inc., the lowest priced responder to Request for Quotation No. 15-PD03, utilizing Federal Forfeiture Law Enforcement Trust Funds in an amount not-to-exceed \$18,223. *(Interim Police Chief Dexter Williams and Procurement Director Randy Cross)*

Resolution No. 16-53

6. Temp. Reso. #R5953 approving the purchase of **citywide communication services** from Verizon Wireless, utilizing State of Florida Agreement No. DMS-10/11-008C in an annual amount not-to-exceed \$267,220 for Fiscal Year 2016. *(Procurement Director Randy Cross)*

MAYOR MESSAM: Would you like a presentation, or do you have a question?

COMMISSIONER COLBOURNE: Not a full presentation, although that may take less time, but it sounds like this is a good item, it's a good thing that you're doing. It is a savings from what we have spent the last couple of years, is that correct?

MR. CROSS: Good evening, Mr. Mayor, Madam Vice Mayor, Commissioners, Randy Cross, Procurement Director. The price is set on a year basis off the State of Florida contract that we're using. Really, it's going to fluctuate based upon the usage we have, if we hired new employees, or signed new devices to employees, or replace new devices. So some years where devices are older or being replaced, they're on a contract, then we might spend more money that year above the regular rate that we pay. But, over the last year, year and a half, Verizon has worked very closely with us to make sure that wherever we can save money by using plans that are more cost effective for us based on the utilization, they direct us on that, so that we try and save as much money as we can, so we're not spending four devices that aren't being utilized.

COMMISSIONER COLBOURNE: If I do, I understand this item correctly. Currently, we have several different companies that we receive service from? With this item, we'll only have one provider?

MR. CROSS: We will continue to use Verizon, AT&T, Sprint, and T-Mobile.

COMMISSIONER COLBOURNE: We will continue to use several others?

MR. CROSS: The majority, the lion's share, about 80 percent of the lines that we have is on Verizon. Since this item is above \$150,000 for citywide use, it requires Commission approval. The other carriers don't get up that high.

COMMISSIONER COLBOURNE: So we will continue to use other providers? We're not consolidating?

MR. CROSS: Correct.

COMMISSIONER COLBOURNE: The only other question I have, by using the State contract, the State contract, what is it, four years old? And if they renew the contract, it will be maybe ten years. It seems like we have new technology all the time, and I'm just wondering is getting into a contract like that? Has the technology changed in the last four years or even between now and the next six years. Should we be looking at putting out, so that we can see what new technology there is, and maybe get better rates.

MR. CROSS: The current contract was awarded by the State in 2010. It expired, I think, I 2015. They're on renewal right now, which expires in 2017, so we have this year to figure out what we're going to do. As far as whether or not we'll bid it out, or whether or not we'll recommend staying with the State, if the State does a new bid, or they extend the contract further. The contract does provide for updated lists on a very frequent basis with all the products that are being offered with all the carriers on the contract, so we're not using—we're not purchasing devices that are five years old when the contract was awarded. Each year, as the carriers come out with new lines, they update the types of products we're allowed to purchase, so we still get the newest iPads, iPhones, Android devices, air cards, GPS devices, we're still using the latest technology. In fact,

their technology on their network doesn't really work well with the older types, so in order to get the best use of the technology and service, we have to have the newest tech to stay up with the—and this contract allows for that.

COMMISSIONER COLBOURNE: I did see that they were charging for roaming within the United States, or even locally, and that concerned me, because I thought under more recent plans, it seemed like that's not usually a charge anymore.

MR. CROSS: Yes, they're a nationwide provider, so there shouldn't be roaming. If there is roaming, it might be an issue with the device not picking up the network or something like that. We usually work with them. If we find that, they'll usually work with us to reverse those charges. Usually that only occurs if someone travels outside the country for work, something like that, where we'll have that as an issue.

COMMISSIONER COLBOURNE: Thank you.

MAYOR MESSAM: Thank you, Commissioner Colbourne. If there aren't any other questions? Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: It's not a question. I just want to agree with Commissioner Colbourne. I'm hoping that next time we can look at more savings. I'm really looking forward to you guys trying to go out and get more competitive bids, and see if we can save some more money. Thank you so much.

MAYOR MESSAM: Thanks, Commissioner Chambers. If there aren't any more comments or questions, I'll entertain a motion for approval?

On a motion by Commissioner Colbourne, seconded by Commissioner Chambers, to approve Resolution #R5953, the Commission voted:

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

Resolution No. 16-54

7. Temp. Reso. #R5968 approving the award of Invitation for Bid No. 16-002, entitled "**Miramar Parkway Berm Landscape Improvements**", to Arazoza Brothers Corporation, in an amount of \$65,129; authorizing the City Manager to execute an appropriate agreement with Arazoza Brothers Corporation. *(Procurement Director Randy Cross and Public Works Director Thomas Good)*

MR. GOOD: A grand good evening to all. Thomas Good, Public Works Director. Is there a need to see the presentation or are there questions?

COMMISSIONER CHAMBERS: Not sure if I need you, Mr. Good, but me pulling this item is more for my colleagues. I think this item came about back 2014, and I think times has changed, and I see this item as more of a want than a need, and I was wondering if we could hold off on this project, and move this money someplace else that's more needed. Because the budget issue that we're facing right now, I know for a fact, I drive that way every day, if we move along with this project, I think we're still going to need to redo it again. So I'm asking my colleagues to take a look at it and see if we could hold off, and maybe shift this money someplace else where it's needed, the fire station or a more useful need in the community. That's all I'm asking for, thank you.

MAYOR MESSAM: Director Good, can you explain what this contract is, give some background, in terms of this contract.

MR. GOOD: Sure. So this contract is to correctly refresh the berm that's on Miramar Parkway, generally located between Flamingo Road and about 139, 145th, somewhere around there. This berm has been in existence probably since that road has been built. We have experienced a loss of material over the years on that berm. The other thing typical with berms is that we're also losing the mulch line, which, pretty soon, we're not going to have any grass, because the mulch line will have reached the bottom of the berm. So the refreshing it will be replacing some of the missing material, bringing the mulch line back up to be just underneath the tree line, and to do some of the irrigation repairs, to make certain that we're irrigating all of the berm, keep it nice and green. This is a marquis berm view for us, because it really is, pretty much, an entryway to the City when you're coming off of 75. We want to keep the aesthetics in a very good shape, because it does represent the City. It's the first impression coming off of 75.

MAYOR MESSAM: Commissioner Chambers.

COMMISSIONER CHAMBERS: From what I see in east Miramar, there's a lot of residents that lost their property to canal erosion, and this berm, maybe I'm wrong, but I don't see, there's no homes right next door where they're losing property. You think we can come back and redo this at a later date. I think we should really rethink this one and focus the money somewhere else that really, really need it, so that's just my observation, and I'm hoping that this dais can take a look at that, if you want to pull the item or vote on it tonight. I just think we should really focus this money someplace else. Thank you.

MAYOR MESSAM: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Thank you very much, Mr. Mayor. The City also has another project, a beautification project, that's been talked about for some time, but it has not yet been implemented. The beautification project is for the east side of Miramar, and it goes all the way, I believe, to 57th Avenue, and it includes Miramar Boulevard. On Miramar Boulevard and University, in particular, there is an area that the

City maintains that is really unsightly. I do believe that's part of that project as well, and I'm just wondering if certain projects seem to take priority over others, and I have not seen that beautification project for the east side that has come to fruition. So I'm just wondering if we can maybe combine this, or when can we see that east side beautification project in place?

MAYOR MESSAM: Do you have a schedule, as Commissioner Colbourne raised the question of, the Master Beautification Project I think Commissioner Colbourne is referring to?

MR. GOOD: The answer is yes. The larger beautification project, as Commissioner Colbourne has referenced, it does incorporate Miramar Parkway, essentially, from 64th Avenue up to Palm Avenue, and it incorporates Miramar Boulevard from University Drive to Palm Avenue, and then it incorporates a section of 57th Avenue. We had moved with a consultant who did a conceptual design for the City and, as we were going through the design, there was a concern that the impact of the landscaping may not have been enough, so we were requested to review that and see what else we can do to make that enhancement have that powerful effect that's been anticipated. So, in that process, there were some other things that occurred. For instance, several months back brought before this Commission, we had a grant of \$100,000 that was being provided to us by the State, FDOT, and we had to match that with an extra \$100,000. So we took the Red Road piece, because that was the only piece that we could use as part of that grant, because Red Road is a State road, so the State won't not give you money unless it's on their roadway. So we accelerated that piece of that project, and that project, what happened is, it got all designed, and when you go through the State, it's a very tedious process, because when you use state money, they're very specific about how you use it. So we had a project done or designed, and we actually went out to bid. And when we went out to bid, it came back twice as much as what we anticipated. We had a cost estimate of \$200,000, came back at \$400,000. So we went back to the State, saying this is a lot different than what we anticipated. They said, yes, we didn't expect that either. So we are now in the process of going back with the FDOT and to our consultants to redefine how that project is to be let out, because we understand that the hardscape components of that landscaping piece was a driving factor in the cost, so we wanted to break that out, and break it out just strictly with landscaping and strictly with hardscaping. So you're going to see pretty soon, it will be out to bid again, and we'll have it as alternates, where landscape component of it, the hardscape component of it, so that way we hope to get a better response, and get it within the budget. We won't have to hunt down some dollars. Remember, the City is only spending \$100,000 of that. Another thing that took place was that on Miramar Parkway, between 64th Avenue and 68th Avenue, there was a complete streets concept that was presented to the MPO and, as you're aware, Commissioner Colbourne, we had submitted a TAP application, which was a form of a grant, again, through the MPO, in order to receive money, and we were able to receive close to a million dollars; I'm not certain of the exact numbers. What happened is that us receiving those dollars now told us that we need to take this section out of the scope of the beautification project,

because now it's a little bit different. It's not just a landscaping plan, it's a streetscape plan, where you have bike lanes and curbs and gutters, and other kind of elements that are to encourage a new form of modal transportation. So we had to take that piece out. We're now back to the consultant, saying, "Okay, everything that's left now, again, we need you to come back, and we need you to finish the design work for what's from 68th to Palm Avenue, and the other piece from Miramar Boulevard. So we currently have that process back on track, and so we're going to be presenting that piece of it as well for consideration to move forward. So it's all working out, it's just a lot of moving parts in this beautification process.

COMMISSIONER COLBOURNE: Obviously, because this process started about two years ago, so we're two years in designing, and for one reason or another, we're taking out a piece of it, or we don't have to do this, because it's on another list, but that list is not going to take effect till 2018, 2010, so we're just kind of moving it back, rather than actually addressing the issues on the east side that it was intended to address. So I really would like to see that project move forward. I remain puzzled that we would take out pieces of it, and I think that's why you hear, often, when we say people are saying they're not getting any attention on the east side. We have plans, as a Commissioner here, we have things that are set in place to happen, and I know we're doing a whole lot on the east side, and I know there are a lot, the east side is on the plans in all different areas. They're different things, as well as the west side, but we continue to move things back, or prioritize other things, and sometimes that is what other people are seeing and thinking, oh, we're not doing enough on the east side. So I appreciate you explaining why it seems that way, or why this project comes through before the rest of the project on the east side, but I would like to see that project move forward.

MAYOR MESSAM: Thank you, Commissioner Colbourne. Director Good, in terms of some of the comments from Commissioner Colbourne in regards to some of the sentiments, I think when we communicate properly the plans, the expectations, the schedule of these projects that we can get to the community, it helps to be able to put things into perspective. In our meeting today, I covered this and discussed this with you, because the first question I asked was what's the status of the beautification projects on the east. So, based on what you've stated, you're saying that had the City moved forward, and let's say, for example, did the beautification from the medians from 64th to 68th street, that shortly thereafter, because we have the complete streets project, monies invested to put in brand new landscaping would have to be ripped up, because the street project, the street improvement project? Is that what you're saying, and that's why it was pulled out? I think that's what I heard, but is that what you were saying? That section from 64th to 68th certainly would have received the modification, and certainly there would have been some removal and new installation. I don't know that it would have been every single thing, but it would have been an impact. You would have spent dollars that would have probably not have been able to stay there for the duration.

MAYOR MESSAM: So what that communicates to me is that instead of installing new landscaping that would either completely or partially ripped up for new construction, that

it's not necessarily the best use of dollars. So I kind of understand that. But getting to some of the points that Commissioner Colbourne was stating is that staff as the expert, staff as the professionals that are dealing with our consultants to plan and schedule this, you understand, you see, you know how the pieces fall into place. But it stops there. It has to be communicated to each of us on the Commission. Then, therefore, also communicated to the residents, so that residents can understand why things take place. I think that when we do that, it does not fall into the narrative that not enough is being done to the east. Because I think residents, if they're communicated to, if they're shown when these projects are coming online, and if there's some circumstances that interrupts that planned schedule, and it's communicated properly, I think residents will understand reasonable circumstances. But when it's not communicated, and it continues, or if we don't understand what happens, then you get those kind of comments. Only can speak for myself, but I just want to encourage us, as a city, to continue the efforts of ensuring that the Commission understands what's going on, the residents understand what's going on, so that residents can really see that there is a tide turning in the City in terms of ensuring that emphasis gets put into the east, that resources get placed in the east, and they can have a level of expectation of when they're going to take place. Yes, Commissioner Chambers, and I'll entertain a motion if there are no other comments or questions on number seven.

COMMISSIONER CHAMBERS: I have two comments. First, I want to ask that we don't deviate too much from the items in front of us. And I want to say what bothered me with this item is I live on the west side, I have to pass here to go home at night or day, and what I'm looking at here is this project is going to be done with the CIP money. So I'm a little troubled that we're going to use funds that we borrowed to do this small project. That's not, I don't want to say necessary, but something that could wait. I know for a fact that if we move these funds someplace else, we might be able to get this project done a lot cheaper, so that's just my concern, and I hope that we can move this item tonight. Thank you.

MAYOR MESSAM: What's the funding source for this project?

MR. GOOD: This is a General Fund funding source.

MAYOR MESSAM: So this is coming from the General Fund? This is not borrowed money?

MR. GOOD: This was approved.

MAYOR MESSAM: This was approved in the budget process out of the General Fund, part of the budget.

MR. GOOD: Right.

MAYOR MESSAM: Not associated with any bond or loan money, correct? Thank you.

COMMISSIONER COLBOURNE: A question. Was this project requested by the community or by a Commissioner or how did it come to be?

MR. GOOD: I believe that this project came up during the development of all the landscape beautification process, and the concepts that were coming up. There were a lot of people that were asking for the enhancements. Then there were different funding sources, in which this one here was not very expensive, considering the fact that citywide landscape beautification is very expensive. So it was put on as a separate track for improvements, and so it was requested by that whole process for landscape beautification, where all that information coming to the Commission.

MAYOR MESSAM: Vice Mayor Riggs?

VICE MAYOR RIGGS: If the money is not used specifically for this project, are there any restrictions as to what it can be used for?

MR. GOOD: I would defer that to the budgeting folks, because if it's not used, it is a General Fund.

VICE MAYOR RIGGS: No restrictions. I heard you.

MR. GOLDMAN: David Goldman, Management and Budget. There's no restrictions to these funds, it's General Fund money.

VICE MAYOR RIGGS: Thank you.

MAYOR MESSAM: We've kind of spent some time on this, and we've heard all of our comments. City management is requesting approval for this item, number seven. I'll entertain a motion at this time.

On a motion by Commissioner Chambers, seconded by Mayor Messam, to approve Resolution #R5968, the Commission voted:

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

Resolution No. 16-55

8. Temp. Reso. #R5972 approving the award of Invitation for Bid No. 16-001, entitled "**Historic City of Miramar Drainage System Improvement Project (Re-Bid)**", Lot 2, to Landshore Enterprises, LLC d/b/a Erosion Restoration, LLC., in an amount not-to-exceed \$213,337, and allocating a 10-percent construction

contingency allowance of \$21,334, for a total contract price of \$234,671; authorizing the City Manager to execute an appropriate agreement with Landshore Enterprises, LLC d/b/a Erosion Restoration, LLC. (*Public Works Director Thomas Good and Procurement Director Randy Cross*)

MAYOR MESSAM: I pulled this item. I'm not sure if anyone else pulled it, but the reason why I pulled this item, it's kind of a double-edged sword. This is a blessing that we're finally about to begin some canal stabilization, and I've always supported the narrative that I believe the City should take, and that is one Miramar, and not putting any neighborhood against another neighborhood, because we're all one city. And, as this is moving forward, I had a question in regards to, the Miramar Park Homeowners' Group have been a champion in regards to sounding the alarm of degraded stormwater management systems in our city, particularly in their community, even though there are other communities that also have, or neighborhoods that have canals that have some significant erosion. I just want staff to be able to explain why this project is coming first, in the efforts in regards to why the first set of projects aren't starting in the Miramar Park Homeowners' Association, because I think they deserve an explanation in terms of the sequence of events, and when will the next phase begin in their community.

MR. GOOD: I'd like to give the presentation. It will probably answer all the questions.

MAYOR MESSAM: Yes.

Mr. Good reviewed the proposed resolution, as detailed in the backup. The City Manager recommended approval.

MAYOR MESSAM: Thank you, Mr. Good, for the presentation. This item is very important to me, because when I was first elected in 2011, and talking with residents, which happened to the Miramar Park Homeowners' Group, that was the main issue that was very important to them. This item was on the Consent Agenda, which probably would have passed with the consent of the Commission, and then work would have started. Then neighbors know neighbors. Again, one of the communication issues in terms of explaining the process and the sequence of how things will transpire. I don't want to beat a dead horse, but I just want to emphasize that communication from staff regarding these important issues, when we know, there's been countless presentations that staff has done with community organizations regarding embankment restoration. So, again, staff feels, great, we got a part of it going, progress is being made. However, there's a disconnect with the community, so it's very important that we continue to stay connected with the community, so they can understand. And those members in the audience who have seen the presentation now have a level of assurance that when their neighborhood will be addressed and, again, that they're not being placed, necessarily, on the backburner, so thanks for that comprehensive explanation. Any other comments? Commissioner Colbourne and Commissioner Chambers, working our way down.

COMMISSIONER COLBOURNE: Thank you, Mr. Mayor. I pulled this item as well; one, because it is very dear to me, it is an important item. It's an item that I've had extensive conversations with staff on, and it's also an item that I did want the public to know that it is happening, because it is something that's important in our community, and it hasn't been addressed in this forum, to my knowledge. This is probably the first time that lake erosion has been addressed, at least in the last five or ten years or so, that I've seen anyway, especially on the east side. But it is something that, it is a problem that is experienced throughout the City. It's not just the lakes that the City maintains, it's also the canals that are the responsibility of South Broward Drainage District, and I'm really happy to see that our city is taking care of the canals that they are responsible for, and assisting with lake erosion. I would really like to see South Broward Drainage District do the same with the other lakes in our city, where our residents are also experiencing similar problems with erosion of their properties. We've talked about this. So my question to you is, you speak about State appropriations, State funding, is this funding that we can also get, as a City, for lakes that we're not maintaining, or is it funding that the South Broward Drainage District can also get so that they can assist residents who have similar erosion problems?

MR. GOOD: The State appropriation that we received is specific for the City and the City-owned assets, so we couldn't do anything that's not owned by the City.

COMMISSIONER COLBOURNE: When you say State appropriation, is it a grant, is it a loan, what are you referring to?

MR. GOOD: Every year when the State Legislation goes into session, you have your projects you request to have considered in their appropriation process, when they're doing their budget, and that's what I meant by State appropriation. So to answer the second part of the question, certainly, the South Broward Drainage District is eligible to apply for those appropriated funds as well, just as with any other State-sanctioned government agency could.

COMMISSIONER COLBOURNE: What do we need to do, as a city, to get the South Broward Drainage District to act upon that?

MR. GOOD: Make a request.

COMMISSIONER COLBOURNE: We need to make a request?

MR. GOOD: To the Executive Director of the South Broward Drainage District.

COMMISSIONER COLBOURNE: If It's okay with this Commission, I would really like your agreement, so that we can ask our City Manager to pursue that, and work with South Broward Drainage District, so that they can also do the same thing, seek these appropriations, seek money from the State, so that they can address the other lakes throughout the City as well.

MAYOR MESSAM: I think we have consensus from the dais to seek those funding options, and the City Manager can report back to us, in terms of the specific requests.

COMMISSIONER COLBOURNE: Yes, I appreciate that. Again, this is a great project, I'm really happy to see that this is happening in our city, and I look forward to others coming forward, and to South Broward Drainage District stepping up as well.

MR. GOOD: Thank you.

COMMISSIONER COLBOURNE: Thank you.

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

COMMISSIONER CHAMBERS: First, let me state the correction. Let the record reflect that Commissioner Chambers was the one who pulled this item first. Mr. Good, when I first came on board in March, I think April I went out and met with a few residents were complaining about erosion.

COMMISSIONER COLBOURNE: Not that it matters, but I did.

COMMISSIONER CHAMBERS: I forwarded you a list of some residents, and I know you met with me, and at the time we couldn't get the money to get it going, so you went out and seek this. I want to thank you so much. But let me ask you real quick, I don't want to take too much time. You know the property out there. How much does it cost to do one property, like one resident's home? \$5, \$20, just a number?

MR. GOOD: Well, what this current bid is, approximately \$15,000 to \$20,000 per home, and we're looking to try to even reduce that even more.

COMMISSIONER CHAMBERS: There goes my point. I don't want to drag this on, but we got \$65,000 here, and let's say \$20,000 to do one home, so we could have add that \$65,000 to this \$234,000, and we could have done three more homes. That's my point. Thank you.

VICE MAYOR RIGGS: Once this is approved, what's the length of time for completion for Lot Two?

MR. GOOD: I believe that the contractor has indicated that it would take them approximately two weeks per home to do the fundamental work, which would be to put the bags in, and to stack them in an appropriate way. And then it would take them a little bit more time to come back in and put the dirt and the sod back down on top of that. So, if I had to guess, because the schedule is not quite so clear-cut, but if you

wanted me, per home, how much time it would take, I would say three to four weeks per home.

VICE MAYOR RIGGS: And this includes 19 homes, if I'm correct, right? Is it 19 homes in Lot Two?

MR. GOOD: No, I believe it's 13, if I'm not mistaken.

VICE MAYOR RIGGS: Thirteen? Okay, thank you.

MAYOR MESSAM: Again, thanks, staff. This is years of work, years of work coming together, and putting solutions together, instead of just when not being able to do 119 all at once, but continue to move the process forward. We finally can say that we are getting work going on. And, as I said earlier today in our meeting earlier today that, at least from my involvement since 2011, we've been going, having meetings after meetings, getting the community together to come up with some uniformity and the solution, knowing that it's hard to get the community to settle on a decision. To come up with this method, with the support of the community, and the involvement of the community, so we're definitely excited that this project is moving forward, and we'll continue to communicate with the residents, in terms of as the project continues to progress, what homes will be dealt with next. At this time, I'll entertain a motion.

On a motion by Commissioner Chambers, seconded by Vice Mayor Riggs, to approve Resolution #R5972, the Commission voted:

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

Resolution No. 16-56

9. Temp. Reso. #R5942 approving the second renewal of the **landscaping, irrigation maintenance and litter control services agreements** with Prestige Property Maintenance, Inc., in an annual amount of \$424,948, and Landscape Service Professionals, Inc., in an annual increased amount of \$214,052, for a combined annual amount of \$639,000, for the one-year period commencing on February 28, 2016. *(Public Works Director Thomas Good)*

MAYOR MESSAM: Who pulled this item? Commissioner Chambers, do you need a presentation or you have questions?

COMMISSIONER CHAMBERS: I don't want a long presentation; I think we have to go home tonight. So real quick, just in a few words, I just want you to explain to the

listening audience and the people at home, just real short and quick, Mr. Good. Thank you.

Mr. Good gave a brief overview of the subject resolution, as detailed in the backup. The City Manager recommended approval.

COMMISSIONER CHAMBERS: I'm going to be okay with this item, and I just want to state that next year, when we go out, we're going to try to look for a better deal, but I'm okay approving this item tonight. Thank you.

MAYOR MESSAM: Can I have a motion to approve?

On a motion by Commissioner Colbourne, seconded by Vice Mayor Riggs, to approve Resolution #R5942, the Commission voted:

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

Resolution No. 16-57

10. Temp. Reso. #R5969 approving an additional services fee for Walters Zackria Associates, PLLC, for **additional design services** for the **Adult Day Care Center**, in an amount not-to-exceed \$70,632; authorizing the City Manager to execute a first amendment to the existing Project Authorization Agreement. *(Construction & Facilities Management Director Luisa M. Millan)*

MAYOR MESSAM: Who pulled the item?

COMMISSIONER CHAMBERS: Yes. I don't need a presentation. But I just have questions. My concern with this item is, is this an additional design fee from what I'm seeing?

MS. MILLAN: This fee is to compensate the consultant that originally did the design work for changes to the original scope. He was contracted for a specific sized facility, and during the design process, and based on the needs of the facility, it increased, so he's due that additional payment for the additional work that he performed.

COMMISSIONER CHAMBERS: What's the square footage of this building?

MS. MILLAN: Right now, it's 3,800 net, meaning air condition space, it's about 5,300 gross.

COMMISSIONER CHAMBERS: I just want my residents to know that this was a bad deal from the beginning, and it's not your fault. I hope we can make some changes in how we negotiate these contracts, because these numbers is way overpriced in terms of the design fee for 5,300 square foot or 3,800, so that's just my concern. I think it's really, really out of whack, and it's something that we're going to have to take a look at here as a city for our residents. And so I'm going to be voting against this item, not because I'm agreeing with the project, but because of my concern with the money that we're spending. I just want you to be aware of that, so it's a concern to me, thank you.

MAYOR MESSAM: Are there any questions? If not, entertain a motion on the item?

On a motion by Commissioner Colbourne, seconded by Vice Mayor Riggs, to approve Resolution #R5969, the Commission voted:

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

Resolution No. 16-58

11. Temp. Reso. #R5971 approving an additional services fee for CPZ Architects, Inc., for additional design services for the **Amphitheater at Miramar Regional Park**, in an amount not-to-exceed \$91,622; authorizing the City Manager to execute a second amendment to the existing Project Authorization Agreement. *(Construction & Facilities Management Director Luisa M. Millan)*

COMMISSIONER CHAMBERS: Once again, my same concern. To me, price gouging, so I can't fix this right now, I just want my residents to be aware we've been overcharged, so I'm out.

MAYOR MESSAM: Commissioner Colbourne.

COMMISSIONER COLBOURNE: Yes, I just had a question. On the second page of the memorandum, it talks about an award of \$377,000 from Broward County Tourism Grant, and I don't recall that coming before us. It seems like it was recently approved in November. Is that going to come before us? I don't recall us ever announcing that to the residents. Is that something that comes back to us? I do recall us doing an application for it, approving an application for it some time ago?

MS. MILLAN: I will defer that question to Mr. Hargray. He's more informed on that subject.

MR. HARGRAY: Vernon Hargray, Operations Manager. We applied for a grant with Broward Tourism, and in November, late November, we got news that it was approved

for \$377,000. In that process, what we have to do is we have to sign an agreement with them. I talked with the grant administrator, as well as Earl Bosworth, the Director, probably about two days ago. He told me that they were trying to do two or three other projects, the grants and applications together, and that's the only reason that they had feel back. But it has been approved by the County. We will have the monies, it's just a process of us signing the agreement.

COMMISSIONER COLBOURNE: Well, it's a good thing, if the City receives a grant for \$377,000, it's a good thing. I didn't recall it being announced, or I didn't receive anything on it. So I just wanted to bring that out. Thank you.

MAYOR MESSAM: Thank you, Commissioner Colbourne. There's a comment regarding to price gouging. Can you explain the reason for this item and this cost?

MS. MILLAN: Luisa Millan, Construction Facilites Management Director. The reason that we're paying these additional services to the consultant is based on the result of the GMP. In other words, the original design for this project went out to bid. It came way over bid, and we could not afford it, so we went out as a guaranteed maximum price contract, and we selected, and the Commission approved that selection. We sat down at the table and negotiated with that selected contractor, as well as with the architect of record, the one here, CPC Architects, and we value engineered that project to meet what this City Commission approved, which is the \$5.7 million project. As a result, those original drawings need to be revised in order for us to obtain a building permit, and that is what we're paying this consultant for. Not redesign so much, as to revise the documents to reflect what is part of the \$5.7 million bid in the new scope.

MAYOR MESSAM: What was the original bid?

MS. MILLAN: The original bid that came in was \$9 million. Right now we awarded it at \$5.7 million, including the canopy, which was not part of the original bid.

MAYOR MESSAM: So meeting the desires of the Commission in terms of, and we don't have to rehash history in regards to the political football process that took place with the passage of the amphitheater. As well as directive from this Commission to repurpose bond monies and bringing the project in line was also a contributing factor in terms of the scope of work, moving it to make it within the Commission directive?

MS. MILLAN: That's correct.

MAYOR MESSAM: So instead of being faced with a \$9 million cost bid, the design revisions to bring the project within line with the desires of the Commission is the result of this additional cost?

MS. MILLAN: That's correct, Mr. Mayor.

MAYOR MESSAM: Now will we have to go to the General Fund to fund this? How will this be paid for?

MS. MILLAN: This is being paid for out of the revenue bond.

MAYOR MESSAM: And in terms of the grant funding, what will be the use for the grant funding towards this project?

MS. MILLAN: The \$377,000 that we received from Broward Tourism will be utilized to pay for these additional fees. The remaining balance will be used to add new permanent restrooms throughout the park that will service the amphitheater, as well as the other park activities.

MAYOR MESSAM: Thank you. Commissioner Chambers.

COMMISSIONER CHAMBERS: This can be quite simple, but we choose to make this thing complicated for our residents. The process that we use here is very flawed. Let's say, for instance, in the public, someone wants to build a facility like that, and they go out and solicit bids from four or five different contractors, or the architect, they gave a price, and the price per square foot usually somewhere between two or five percent, which is reasonable. Now, for the City, we're coming in at maybe ten, 12 percent, because we set the numbers before we go out for bid, that's how it works here. So once we set that number, the contractor already knows the numbers that we set, so they work within that number. So if you're buying a car that's worth \$20,000, and they're selling it to you for \$9 million, it's overpriced to begin with. So if there's a fee attached to that \$9 million, it's going to increase from what the fee from the \$20,000 would be. I don't know if I'm explaining it right, but that's pretty much what it is. When I have more time, I'll explain it to my residents. This is overpriced, bottom line. I don't know if somebody else wants to break it down can break it down more simply than I have, but it's just the way that I see it. Anyone in this business, me as a cabinet maker, had some sense as to industry, the trade, how it works, I'm kind of familiar, myself, with the cost when it comes to designing, so this is a designing cost, and a change order. It's ridiculously overpriced. Am I going to vote for the item? No, but it is what it is at this point. I just want to be clear on that, so everybody know where I stand with this issue of being overpriced. Thank you so much.

MAYOR MESSAM: Well, I'll break it down, and I'll explain it. As a certified general contractor of the State of Florida who understands and has experience as a commercial builder. Whenever a contractor is bidding for work, they will know a public entities plan or proposed budget for a capital project, but because it's a competitive environment, if I rely on the owner's budget cost, I could be potentially outbid, or I could put myself in peril, because the design documents, the specifications, could cost much more than the owner's proposed budget. You don't know what your competitors are going to bid. The project came in at \$9 million on the initial bid. Staff did the process to reduce scope, to remove design elements from the amphitheater to make the project more affordable to

the tune of the bringing the project down \$4 million less, with working with the Construction Manager, value engineering elements, which removed the permanent restrooms, removed backup house structure, which brought us to the more affordable price that we have now. To make that possible, the Construction Manager needs construction documents to be able to build the new scope. To get the design documents, the new design documents, the design consultant needed to make revisions to the prior design work, which is what we're approving tonight. What I do have an issue with is the contract that the City has with some of these architectural consultants in terms of fees being paid based on the bid price. We should have a negotiated CCNA laws in the State of Florida allows for professional consultants to negotiate with public entities in a fair manner to pay for services rendered, and our architectural contracts with our design consultants needs to be revisited, and not have compensation tied to the bid price that contractors will bid on those drawings. It should be negotiated, their fees, their construction administration costs for oversight of the project should all be negotiated and should be independent of whatever contractors bid, so that you get more competitive pricing. And that will be the recommendation that I would suggest for staff and the City Attorney, because the City Attorneys are also involved in this process, so that we are also making sure that we are putting the City in the best position to get the most competitive pricing. But to add perspective on the process, this was a long process. The amphitheater should already be open by now. But because staff, responding to the old Commission, and now the new Commission, those decisions have cost implications. You can't just make a decision and all of a sudden change your mind and want something else, and then now when it comes back, and then now there's a bill, and we're saying that there's an issue. Decisions we make have consequences. And that has nothing against the comments that have been made prior. I don't necessarily disagree in terms of any of my colleagues understanding of this process, I'm only voicing my understanding of the process, so I want to make that clear. And I think that staff, given the circumstances in which you've had to make decisions, and in terms of ensuring that staff is delivering the intent of the Commission, I think you've done an exceptional job, in terms of bringing the cost down for this project, and putting it in a position, so that it can move forward, and I applaud your efforts, in terms of what you've had to go through over the last two years to get us to where we are today. And the area of opportunity that I would recommend, is that we change the architectural contract, or the consulting contract, design consulting contract between architect professionals or professional services and the City, and make compensation independent of the bid price, and not a percentage tied to the bid price. Thank you. One final comment, and we'll move this item forward. Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: Correct me if I'm wrong. I just want to explain to some of my residents, who probably only gone to Sunday School, like I have. This design fee is only for the blue print and the change of design. That doesn't have anything to do with the construction itself, am I correct?

MS. MILLAN: That's correct, it's only to modify the contract documents to reflect what the bid price includes.

COMMISSIONER CHAMBERS: So I'm right, this is just for the design and the blueprint.

MAYOR MESSAM: For the changes.

MS. MILLAN: Right.

COMMISSIONER CHAMBERS: Let's call it the blueprint. A lot of people are familiar with the design.

MS. MILLAN: Print and specification.

COMMISSIONER CHAMBERS: Right, specification. Thank you.

MAYOR MESSAM: Is the design work tied to the percentage of the bid cost of the project?

MS. MILLAN: No.

MAYOR MESSAM: As explained, because that's what was told to me today, especially for the adult daycare.

MS. MILLAN: For the adult daycare, yes, but not for this one.

MAYOR MESSAM: So for the additional work. So, consistent with the scope of work changes, because of the cost for the project was a direct result of bringing the cost of the project down, the amphitheater was basically, stripped of many elements to bring the cost down, and we're paying for the additional cost for that additional work?

MS. MILLAN: Yes.

MAYOR MESSAM: But our boilerplate design contract for most of the work, prior to you coming to the City of Miramar, the compensation for design consultants are tied to the bid price?

MS. MILLAN: A lot of the contracts are, yes, the old contracts. We started to evaluate how the contracts are written, and we've been working with the City Attorney's Office, and we're trying to draft a brand new agreement that will be a standard agreement; it's not based on a percentage design fee based on bid price.

MAYOR MESSAM: But our current contract does?

MS. MILLAN: Not all of them, but the majority of them were that way. Not anymore. We don't do that. We negotiate each and every contract with the consultant based on the scope of services that we're requesting.

MAYOR MESSAM: Thank you.

COMMISSIONER CHAMBERS: Mr. Mayor, you're a general contractor, right?

MAYOR MESSAM: Commissioner Chambers, I would ask that, if it's not an issue related to the support or rejection of this item, that you direct your questions regarding to that item. I won't entertain personal questions.

COMMISSIONER CHAMBERS: I was just asking that, explain this very simple, so the people could understand what we're paying for, that's all I'm asking, instead of taking it in a direction to make it complicated. It's just really straightforward, and we have a flawed system here for a long time, so we're going to have to do something about fixing that, and I know you're standing there. It's not about you, I'm not, it's just the system and the money and the way I see it. I'm correct.

MAYOR MESSAM: Can I entertain a motion for this item, please?

On a motion by Commissioner Chambers, seconded by Vice Mayor Riggs, to approve Resolution #R5971, the Commission voted:

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

Resolution No. 16-59

12. Temp. Reso. #R5981 announcing **support** for Florida State Senator Maria Sachs' **Senate Bill 904 (SB-904)**. *(Mayor Wayne M. Messam)*

VICE MAYOR RIGGS: May I?

MAYOR MESSAM: Vice Mayor Riggs, please?

VICE MAYOR RIGGS: I pulled that item, just a quick comment, especially seeing that it's 9:45, and we're only on number 12, so I just wanted to show my support for this item. It's extremely important to me, because I've had some personal experience with family and friends being a victim of bicyclists' fatalities. So, even as a registered nurse in the emergency room, seeing so many victims, based on something that is so preventable. So I'm glad to see this happening. You kind of beat me to it. Full support.

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

COMMISSIONER COLBOURNE: Yes, thank you. Yes, I'm happy to see that this is being looked at at the State level as well, and I am supporting this item as well.

MAYOR MESSAM: Thank you, Commissioner Colbourne.

COMMISSIONER CHAMBERS: I pulled this item, because I'm wondering why it's on the agenda, and I know the Mayor is going to speak on it, but I'm just going to ask you to be brief, if you're going to speak on this item. Thank you.

MAYOR MESSAM: I'm so glad we're a family.

VICE MAYOR RIGGS: Yes, it is 9:45.

MAYOR MESSAM: Obviously, in the legislative process, it's always good to get local support on statewide issues, and one of our State senators, Maria Sachs, is presenting a bill to the State Legislature, which will require design requirements in our roadways for safe bicycle usage in traffic. So we have many bicyclists here in this community. When I'm on my many jogs and runs on the road, I've even violated their space in the bike lane when running, because the asphalt is just better than concrete. But this will say that the City of Miramar supports this item, and if passed, it will require engineers to incorporate these elements in our roadways, so the streets will be safer for bicyclists. It is the reason why I forwarded it to be approved by this Commission and, at this time, I'll entertain a motion for approval.

On a motion by Vice Mayor Riggs, seconded by Commissioner Colbourne, to approve Resolution #R5981, the Commission voted:

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

Resolution No. 16-60

13. Temp. Reso. #R5960 amending the **Qualified Target Industry Incentive** for **Project Blade**; providing for local financial support in the form of cash in an amount not-to-exceed \$27,000. (*Community & Economic Development Director Eric Silva*)

MAYOR MESSAM: Who pulled this item? Commissioner Chambers. Please be brief, sir.

COMMISSIONER CHAMBERS: I will. It's a good item, and I pulled it, because I just want a brief explanation for my residents as to what we're doing here, just be simple, quick, thank you.

Community & Economic Development Director Eric Silva briefly reviewed the proposed resolution, as set forth in the backup. The City Manager recommended approval.

On a motion by Commissioner Chambers, seconded by Vice Mayor Riggs, to approve Resolution #R5960, the Commission voted:

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

Resolution No. 16-61

14. Temp. Reso. #R5955 approving the purchase of **Fire-Rescue supplies and equipment** from the Broward Sheriff's Office in an amount not-to-exceed \$100,000 for Fiscal Year 2016. (*Fire-Rescue Chief L. Keith Tomey III*)

Resolution No. 16-62

End of the Consent

RESOLUTIONS

15. Temp. Reso. #R5959 authorizing the signing and submission of a grant application to the **Florida Department of Transportation** for Federal Grant Program funds, and the acceptance of funds and associated match requirements if the grant is awarded. (*Social Services Director Marva Ricketts*)

Assistant Social Services Director Justine Hoo reviewed the subject resolution, as detailed in the backup. The City Manager recommended approval.

MAYOR MESSAM: Are there any members from the public who wish to speak on this item? Seeing none, bringing it back to the dais. Are there any questions, or I'll entertain a motion for approval.

COMMISSIONER COLBOURNE: Just a comment.

MAYOR MESSAM: Commissioner Colbourne.

COMMISSIONER COLBOURNE: This has been a very good grant for our city. I remember when we first started to replace buses with it, it's actually one that I had recommended the City to apply for, and it's just been a great grant, and we've been able to get it every year for the past three years, so I hope we do get it again this year to continue to improve our fleet for our seniors. If you'd like, I'll make a motion to approve.

MAYOR MESSAM: Seeing no other comments, I'll entertain a motion.

On a motion by Vice Mayor Riggs, seconded by Commissioner Chambers, to approve Resolution #R5959, the Commission voted:

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

Resolution No. 16-63

PUBLIC HEARING

16. **SECOND READING** of Temp. Ord. #O1624 amending Chapter 11, “**Business Taxes, Permits and Business Regulations,**” of the Miramar **Code of Ordinances** by repealing Section 11-33 “Interview and Investigation of Receipt Applicants; Duties; Fee to Defray Cost of Criminal History Form; Receipt Questionnaire Form”, Section 11-34 “Grounds for Denial”, Section 11-35, “Appeal from Denial of Receipt”, and Section 11-36, “Revocation of Receipt”, to eliminate the processing of background checks for new businesses as part of the business tax receipt application process; and providing for an effective date. ***(Passed 1st Reading on 11/23/15) (Assistant Finance Director Barbara Hastings)***

Assistant Finance Director Barbara Hastings noted there were no changes since the first reading, as detailed in the backup. The City Manager recommended approval.

MAYOR MESSAM: Are there any comments from the public on this item? This is the second reading? Seeing none, I'll bring it back to this dais. If there aren't any questions, I'll entertain a motion.

On a motion by Commissioner Colbourne, seconded by Vice Mayor Riggs, to approve Ordinance #O1624, the Commission voted:

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

Ordinance 16-03

- 17. **SECOND READING** of Temp. Ord. #O1629 **creating** a new chapter of the **Land Development Code** entitled **Chapter 1 Authority**; rescinding existing Chapter 1 Purpose and Applicability, and Chapter 3 Review Agencies, including the City Commission, Planning & Zoning Board, Development Review Committee and Community Appearance Board; adopting a new Chapter of the Land Development Code; providing for applicability, title and authority; providing that the existing zoning map shall continue in effect; adopting provisions related to interpretation and replacement of the Zoning Map; providing for the creation of and operative provisions relating to the City Commission, Planning and Zoning Board, Development Review Committee, and Community Appearance Board; and amending portions of Chapter 4 Comprehensive Plan, relating to application procedures, amendment procedures and grammar, and Chapter 8, Section 813 Community Appearance Board; renumbering and relettering provisions; providing for severability; providing for inclusion in the Code; and providing for an effective date. ***(Passed 1st Reading on 11/23/15) (Principal Planner Michael Alpert)***

Principal Planner Michael Alpert indicated there had been no changes since first reading. The City Manager recommended approval.

MAYOR MESSAM: Thank you. Are there any questions from the public on this item? Seeing none, bringing it back to the dais. Are there any questions? I'll entertain a motion.

On a motion by Commissioner Chambers, seconded by Commissioner Colbourne, to approve Ordinance #O1629, the Commission voted:

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

Ordinance 16-04

- 18. **SECOND READING** of Temp. Ord. #O1630 **amending** the **Land Development Code**; making findings; amending **Chapter 5, "Development Review Procedures"**; revising Section 505 relating to "Temporary Uses and Structures"; amending Section 508.14 relating to certificates of level of service compliance for parks and recreational areas; amending Chapter 7 "Use Regulations"; revising Section 705 relating to "Commercial Zoning Districts" requirements and Section 706 "Industrial Zoning Districts" requirements; revising grammar and inserting catchlines; revising uses, standards, and requirements; revising Section 713 relating to "Specific Use Regulations"; repealing Section 713.6 relating to child care centers and Section 713.14 relating to restaurants; revising Section 713.19

relating to fuel service stations with mini-markets/convenience stores; providing accessory use standards; amending Section 713.21 places of assembly and 713.22 pain management clinics, revising grammar; amending Section 715 relating to Transit Oriented Corridor Districts; amending development incentives; amending Section 715.3.3 relating to landscape standards; providing new standards for tree planters, planting strips, median trees, and street trees; revising Section 713.3.7 relating to development standards in Special District 3 (community facilities); revising graphics and tables displayed in Section 715.4.0 in the Transit Oriented Corridor District; amending Section 809.9 relating to gazebos and pergolas; amending Section 809.13 relating to utility sheds; revising section 809.17 regulations and including regulation of patios on fee-simple multi-family lots; amending Section 809.18 to include regulation of walkways on multi-family lots; providing for severability; providing for intent; inclusion in the Code; providing for interpretation; and providing for an effective date. **(Passed 1st Reading on 11/23/15)** (Principal Planner Michael Alpert)

Principal Planner Michael Alpert reviewed the changes resulting from staff recommendations at the first reading of the subject ordinance, and as indicated in the backup. The City Manager recommended approval.

MAYOR MESSAM: Are there any comments from the public on this item? Seeing none, coming back to this dais, any comments, any questions? I'll entertain a motion for approval.

On a motion by Commissioner Chambers, seconded by Commissioner Colbourne, to approve Ordinance #O1630, the Commission voted:

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

Ordinance 16-05

QUASI-JUDICIAL PUBLIC HEARING

City Attorney Cole explained Miramar's procedures regarding Quasi-Judicial Hearings, stating the rules applied to Item 19.

Those providing testimony on the following quasi-judicial item were collectively sworn in by City Clerk Gibbs.

- 19.** Temp. Reso. #R5976 considering an application for **extension of Site Plan approval for Sunset Lakes Center**, located at the northeast corner of Miramar

Parkway and Southwest 186 Avenue. (*Community & Economic Development Director Eric Silva*)

Community & Economic Development Director Eric Silva reviewed Item 19, as detailed in the backup. The City Manager recommended approval.

Alicia Lewis, the applicant's representative, explained the reason for the applicant's third request to extend the subject site plan, concurring with Mr. Silva's presentation of the site plan and the applicant's previous requests. The reason for the present request by the applicant was solely based on an access easement, as illustrated in the backup documents, that showed the applicant had no egress or exit from their property. She briefly related to the Commission a history of their efforts to secure an easement from the abutting landowners, noting first that they tried to negotiate with the Sunset Lakes Homeowners Association (HOA) to get access along 186th Avenue to get the egress. It had been approximately six years since their first conversations with Sunset Lakes HOA, and the process went nowhere. Their next effort was to negotiate for an easement by right through the area currently owned by the Calvary Church, and after going through 11 different offers with them, they reached an impasse at the end of 2015 that led to the applicant filing a lawsuit to be granted an implied easement, which would be on the Calvary Church property, and this was the current status as it was being presented to the Commission. Their site plan would expire if the applicant failed to provide the subject request to the Commission.

MAYOR MESSAM: Thank you. Are there any questions from the dais?

COMMISSIONER COLBOURNE: Yes.

MAYOR MESSAM: Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: Thank you. If we extend this, what do you expect to happen?

MS. LEWIS: Well, the lawsuit was initially filed in August of last year, so August of 2015. Motions have been filed back and forth and, hopefully, our goal is to have this resolved and settled prior to needing an additional extension, but we can't guarantee that. We've tried for six years to negotiate something with the neighboring HOA and with Calvary, and so our goal would be to have this settled, and not to have to have an additional request. But because it's in the midst of litigation, we can't necessarily guarantee that.

MAYOR MESSAM: I know this has been going on for a very long time. I think, initially, there was approval?

MS. LEWIS: Yes.

MAYOR MESSAM: From Sunset Lakes HOA, but there's been a change in the board, and it's just been a very difficult process, in terms of getting that approval. Regardless of whoever owns this property, the property is ready for development, and no matter who owns this property, and whoever has a conforming development to go there, this issue is going to persist until there's a solution to it. What has been the last communication with Sunset Lakes?

MS. LEWIS: I believe the last communication with Sunset Lakes was in August of 2015. We reached out. They have a new attorney that's representing their HOA board, and we reached out to that attorney, and they still did not want to meet with us. We've tried on several occasions to have meetings and present our request and negotiate with them, but there has yet to be an actual meeting to take place, and they voted and have denied granting us the easement.

MAYOR MESSAM: Did they state why they would not grant the easement?

MS. LEWIS: They stated that they believed it would be a traffic increase, and we wanted to give a presentation to explain that, because we do, essentially, have an improved site plan meeting that we have satisfied the City's requirements in order to develop the site. So we wanted the opportunity to explain that to them, but we were not given that opportunity.

MAYOR MESSAM: If there aren't any more questions from the dais, are there any comments or questions from the public regarding this item? Seeing none, bringing it back to the dais. I don't see a problem in extending and allowing their process to try to move forward, because they've met all the City's requirements. It's an issue between private entities trying to get a resolution. To deny the extension, I think, would be counterproductive towards getting the end goal to getting the property developed, so there can be a civil resolution to this issue.

VICE MAYOR RIGGS: I agree.

COMMISSIONER COLBOURNE: I just have a question. What is the downside to not approving? What is the harm to the company or to the development in general? Can someone else be trying to get it developed if it's not for this? And this is for staff as well.

MS. LEWIS: Essentially, if this was not extended, if the site plan was not extended, we would have to reapply to the City to have our site plan approved, which would incur additional fees to my client, and it would also create another process that we'd have to go through to basically do what we would do today, if we extended it. We'd just pay you a fee to in order to do it, and we're in this litigation.

COMMISSIONER COLBOURNE: How much additional fees are we looking at? What's the cost?

MS. LEWIS: That would be a question for staff.

MR. ALPERT: The fee is based on a base fee for commercial, and then the square footage calculation. I believe it's 16,000 square feet; it would be somewhere in the range of \$8,000, plus the community appearance fee to reapply for a site plan and CAB approval. But that doesn't include the cost of doing the drawings from the applicant's team of architects and engineers.

COMMISSIONER COLBOURNE: So by the City continuing to extend this to this group, does it keep other groups from trying to develop it or anyone else?

MR. ALPERT: But whether this applicant develops this property or not, the next person, the next company that comes here to try to develop something has the same issue. There's only one way in at this property, no way out, per the plat requirements. So the non-vehicular access line has to be approved by Broward County to allow a right turn in and out of the property, and that's what they're proposing on 186th Avenue. So if this applicant doesn't achieve this, it will still remain a problem for the next applicant.

MAYOR MESSAM: Yes, the owner owns the land. It would be counterproductive to pay another fee for the City to reexamine what they've already examined and already approved. There's just an unfortunate situation; they're kind of landlocked, so to speak, so they control the land, they control the property. They presented a site plan on what their intent is to build on and develop the site. They've met every requirement. They've done everything the City has required to move forward to get this property developed. The issue is meeting the requirement for ingress and egress. They only have one so far on 86th, and they're trying to get it off Miramar Parkway, and now they're going, I guess, access by right with the property owner to the north, which is a church. So, as I stated earlier, I think, in terms of the item that's before us, to extend it, because they've done their due diligence, they've met all of our requirements. They've gone through an exhaustive process to try to get the other parties consent to move forward, that I think it would be counterproductive to our spirit of encouraging development in our community to deny it, and then have to come back to do this again. Because if they get fed up and throw their hands up, walk away and sell it, guess what, someone else is going to buy it, they're going to propose a new site plan, and they're going to have this very same issue, and then our City is going to put a timeline for them to get it developed, and we'll be right back to where we are. Commissioner Chambers and then Commissioner Colbourne.

COMMISSIONER CHAMBERS: I think the problem with this item was quite established in the backup agenda, it was well laid out, so I don't have a problem approving this item. I want to move forward.

COMMISSIONER COLBOURNE: We approved an extension several times on this already, is that correct?

MAYOR MESSAM: This would be, I think, the third extension.

COMMISSIONER COLBOURNE: This is the third time we're extending on it. I will approve this tonight, but I'm a little concerned that we continue to extend this and set a precedent, and possibly we're just getting involved in something private. I don't want it to cost the developers another \$8,000 or whatever. That's a substantial amount of money, so I do hear you concerning the cost. But I am a little concerned that we continue to approve this and set a precedent on it, but I will go forward and approve it tonight, but I hope that it will be taken care of, it will be settled in court before it comes back to us.

MAYOR MESSAM: I will note that, I think, and correct me if I'm wrong, one variance or one difference between this extension and the other is that I'm not sure if you had already engaged conversation with the property to the north. It was more so because of the dormant communication between yourself and HOA from Miramar Parkway, so it is a new scenario. So what I would say is that, even though this would be the third extension, at every point, at every step of the way, this applicant has been very active in terms of moving the process forward in circumstances that they don't necessarily control. I think, in a way, it would be unfair to the applicant that has invested in our city, that has met all of our requirements, but it's private parties. So all this would do is allow private parties to come to the solution. They are engaging the property to the north and, hopefully, perhaps, that engagement will solve itself, and it won't have to come back. But I don't want them to be necessarily put in a negative or seen in a negative position, because they've been moving the ball forward, and they've been very progressive and very proactive in terms of getting this settled.

COMMISSIONER COLBOURNE: Again, I am very sympathetic to the developer, to the group. I would like to see that developed, so I will go forward with it. And they are doing things to try to make it happen, but I am concerned about us setting precedent to continue to extend it so many times. So I would have more concern another time if it comes back before us.

MAYOR MESSAM: One final comment, and I'll entertain a motion. Commissioner Chambers.

COMMISSIONER CHAMBERS: I don't think we're setting a precedent here. Mr. Alpert, come to the microphone, please? From my understanding, this property right out there where we built those apartments was extended numerous times over the period of time during the recession, am I correct?

MR. ALPERT: At the Town Center? Which? I'm sorry.

COMMISSIONER CHAMBERS: Just behind the parking garage, that new complex that was built. The previous owner that owned the property, we were extending and extending.

MR. ALPERT: Are you referring to the Town Center property here?

COMMISSIONER CHAMBERS: I don't know what's the name of it.

MR. ALPERT: Yes.

COMMISSIONER CHAMBERS: The parking garage right here?

MR. ALPERT: Yes, yes.

COMMISSIONER CHAMBERS: All those homes.

MR. ALPERT: That was a different developer that plans approved for the townhomes and apartments, and because of the recession, they ended up not building it, and in 2012, a new developer was approved, and they were the ones that implemented the construction.

COMMISSIONER CHAMBERS: Before they were given an extension.

MR. ALPERT: No, they didn't have an extension.

COMMISSIONER CHAMBERS: I'm not sure what it is. There was something that was given.

MR. VAZQUEZ: Hector Vazquez, Strategic Development Officer. Commissioner Chambers, you are correct. There was an extension that was granted, only one.

COMMISSIONER CHAMBERS: So this is not a precedent. I know there was something going on, I'm done. I'll make a motion.

COMMISSIONER COLBOURNE: Well, wait a second, let me get a clarification, in terms of the extensions. I would like to know whether or not this is something we routinely do, in terms of giving out three extensions or so forth. Commissioner Chambers is saying that this wouldn't be a precedent, so is this something that we do all the time? Do we do three and four extensions or is it different here?

MR. ALPERT: I just want to apologize. What was extended was the development agreement, not the site plan approval. I'm sorry, for the ones here at the Town Center.

MAYOR MESSAM: Which is a different item.

COMMISSIONER CHAMBERS: Very similar.

MR. ALPERT: We've had over the past 15 or 20 years a handful of extension requests. There haven't been that many.

COMMISSIONER COLBOURNE: Multiple for one location?

MR. ALPERT: There was another one that had three, and there was another one that had two, most of them were extended ones, yes.

COMMISSIONER COLBOURNE: Thank you.

MAYOR MESSAM: Can we move this item forward; we can't go tit for tat on every issue. The issue is, we've heard the case, the property owner wants an extension, so they can complete their litigation scenario.

COMMISSIONER COLBOURNE: We have a motion on the floor.

MAYOR MESSAM: There is no motion.

On a motion by Commission Chambers, seconded by Vice Mayor Riggs, to approve Resolution #R5976, the Commission voted:

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

Resolution No. 16-64

OTHER BUSINESS

20. Reports and Comments:

Commissioner Reports:

MAYOR MESSAM: I'll start this time with Vice Mayor Riggs, moving down.

VICE MAYOR RIGGS: Thank you. First, I want to say thank you to staff for meeting with me over the holiday, and giving me a tour of all the different departments, I really appreciate that, and thank you for your hard work. Second, I want to announce my first annual health fair coming up February 13th, Saturday, February 13th, from 11:00 a.m. to 3:00 p.m. I'm in partnership with Care Community Center to put this event together, and it will be on Pembroke Road and 64th, and there'll be services from blood pressure check, mammogram check, HIV testing, and we also are targeting the pediatric population with dental check, vision check, immunizations. So I want to also thank our sponsors, like Memorial, thank you so much for partnering with me to do this, Aetna, Publix, Colgate. So there were quite a few companies who are coming together to provide the community with information and supplies to keep themselves healthy, so I'm

very happy about that. One more thing. We're not meeting until probably the third or fourth week of February, so I want to remind everybody that February is Black History Month, so join me in honoring all of those throughout our history who have made a lasting impact in our lives. Thank you so much.

MAYOR MESSAM: Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: Thank you, Mayor. I want to clear up some things right here. Before I start pointing any fingers, I want to make sure my hands is clean, so I got to wash them. I just want to state that my office had some issues with staff, and things was not being done or getting done properly, and since I was aware of the issue, I've dealt with it and took care of my issues in my office, so I just want to be clear on that and take full responsibility for whatever was not done or done in my office with my staff. Just want to be clear on that, so I can get that out the way. This issue that comes up here tonight with these residents, I think this is something, I'm kind of glad that they came in and dealt with it here, but we have to fix this thing, it's been going on for too long, and I know it can be fixed. I'm not sure how we're going to get together, are we going to have a meeting or an executive session, whatever, but I really want to get this solved, I know we can fix it. It's not that hard, it's been just kicking down the road, so we need to fix that. Next issue, I just want to say many thanks to Chief Ray Black, and his wife, June, they've been a lovely couple and a gift to our community, and thank them for their service and their work here. I just can't express my gratitude to Chief Black and his wife, June. Also, staff, for the City, they've been tremendously great for the City, GAME, water, Public Works, the tremendous job, Fire, Police, just all around, everybody do a good job to keep the City going, and I want to thank them so much. I know it's a new year, and this is our first meeting back, I just want to welcome everyone back, even though we've been back at work since the new year. I know everyone had a good Christmas and good new year, I just want to thank you so much for what you do here. I don't want to go on too long, but I know Universal Circus is in town once more, and they've reached out to me, and they're doing a senior day on February 3rd, it's a Wednesday, at it's a 10:30 a.m. show. I'm trying to encourage everyone that's available at home to come on out. The code word is Commissioner Chambers, and you'll get in for \$10. You don't have to come in a group of 20 like they said before. People could show up individually and just mention my name and you'll pay \$10 to get in. I'll save the rest for later. Thank you so much.

COMMISSIONER COLBOURNE: Is that a savings, Commissioner Chambers.

COMMISSIONER CHAMBERS: It is a savings. I know the price range from \$18 to \$30 something, so it is a big savings, and this is not limited to the seniors. Kids, adults, I know you're home.

MAYOR MESSAM: Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: Thank you. I'd like to say Happy New Year to everyone. It's good to be back here, starting 2016, seeing everybody refreshed out there, still refreshed after tonight. There are a couple of things that I would like for staff to follow up on, if I can get consensus of that as well. There were two things that were mentioned tonight by residents. One is a two-percent charge for payment that was said is a double charge. I would like to see a report on that, if I can get consensus. I would like to ask the City Manager to give us a report as to why is it being said that it's a double charge, unless she has an explanation tonight she'd like to share.

CITY MANAGER WOODS-RICHARDSON: I can only guess, cause she mentioned that it was part of the budget, that when we did budget projections, we did talk about the fact that we don't recoup the cost for processing of credit cards, and so the City has been eating that cost for always. So now, similar to other municipalities, other agencies, when we process cards, we're going to pass that cost onto the person that issues the card, and in that way, the City will not lose money by using credit cards. So it was part of the revenue projections that was in the budget.

COMMISSIONER COLBOURNE: You said it was part of the revenue projections. Was it part of any other increase? Was it already considered or included as part of any other increase that was approved?

CITY MANAGER WOODS-RICHARDSON: Not that I can recall. I just know that it was time for us to start looking at how to not let the City absorb the cost of processing credit cards.

COMMISSIONER COLBOURNE: And the two percent is only for credit cards?

CITY MANAGER WOODS-RICHARDSON: As far as I know, yes, because you can pay cash, you can pay checks, or you can pay electronically, and there's no additional charges for that.

COMMISSIONER COLBOURNE: And we are getting information out to the residents as to how this process works?

CITY MANAGER WOODS-RICHARDSON: We have it on the website. We were going to do the water bills, we were using different methods to get the information out, as a campaign for it.

MAYOR MESSAM: Before you go on, Commissioner Colbourne, I think when we were presented this initially, I think my recollection was that it's viewed more like a convenience fee. For example, if we're to have revenue projections for whatever City service we're providing, by paying by credit card, actually, those revenue projections are actually not accurate, because it doesn't take into account the two percent or whatever that merchant fee is to process that credit card, because it's going to cost us to process the credit card. I think, based on the marketing plan or, I guess, the public notification of

the payment options for residents is that there is multiple options to pay that don't incur that cost. If it's by cash, or if it's by check, or if it's by electronic check, there's no additional costs, and those options can be taken. If it is, however, a credit card payment, because the City is charged the fee, they're just passing that fee onto the resident. So that's my understanding of it, how it was presented.

COMMISSIONER COLBOURNE: I do want to make sure that this like a pass through. This is something that is being charged to us, the two percent is being charged because of the credit card and, therefore, we're passing it onto the individuals who are using a credit card.

CITY MANAGER WOODS-RICHARDSON: That's correct.

COMMISSIONER COLBOURNE: The other concern that was brought up tonight as well, and it is a concern of mine, is the public safety substation. I believe that when the Police Headquarters, when it was initially approved, at the same time it was said that it would be a construction of a substation on the east side, and that it would be done simultaneously. That's my recollection, and if that is correct. I see the Police Chief shaking his head. Now our Police Headquarters is almost open, that's coming within the next couple of months, the next few months, and we haven't been presented a design for the police substation on the east side. And I know there have been some changes, Mr. Mayor, if you'd give me the opportunity. I know they've been some changes in the plans, and this goes back to what I was saying earlier with the landscaping project as well. We continue to approve things, and then there are changes, and it seems to have an impact, and often times it's on the same area. In these two particular cases, it is. So I am asking to really look at the police substation and bring something back to us concrete, as to what is it we're going to do, because that's a commitment that this Commission or previous Commission made to these residents of the City, and it's going to be hard, at this point, to fulfill that commitment, since the Police Headquarters are almost ready. But we need to give them something; we need to give them some dates, we need to be very specific as to what is it we're doing there. I am looking forward, and I am asking again for consensus for the Manager to bring something back to us, specifically on the substation, because it needs to be prioritized.

CITY MANAGER WOODS-RICHARDSON: I will go ahead and mention to you that the substation is, at this point, one of those projects. If you recall during the summer, during the budget processes, we mentioned we were going to do reprogramming of some of the projects, and that one is tied to the project that they had for the storage facility, and the property room that's going to be here. So part of that delay is related to the fact that we're still working out the details as to what we can bring over to this facility, and then not have to do the construction, or if we're going to set up the construction that's at the utility plant, then what will eventually come to the substation. But the process, the program is delayed, because we want to do the right thing, but it is going to happen. it

was a commitment, and we do intend to keep it. I will get you the report, but that's not the issue.

COMMISSIONER COLBOURNE: And more so than a report, I just want to say that I'm really asking for it to happen.

CITY MANAGER WOODS-RICHARDSON: Absolutely.

COMMISSIONER COLBOURNE: Let me be clear. We really need to be good on that commitment that we made to the residents, and we need to show them that we've made a commitment. I know staff is working on it. I know staff has looked on it in different ways, but the residents do not know this. The residents need to understand what is it we're doing specifically, as far as it pertains to the substation, and more importantly, we need to have a substation out on the east side.

MAYOR MESSAM: Again, I will emphasize, communication, it's communication, communication, communication. When changes are being proposed or made, this Commission has to know, so we can communicate to the residents. Because when you don't, questions start flaring in the community, and there's no explanation for it. We understand circumstances come up, we understand program needs arise, but we have to communicate it to the residents. Commissioner Colbourne.

COMMISSIONER COLBOURNE: One other thing I wanted to say. A good thing that happened back in December, is that the federal government, for the first time, approved a five-year, the first time since 2005, a five-year bill for \$281 billion in funding for transportation, highways, and mass transit, and it's a good thing. There are a lot of needs, we have a lot of needs here in the City of Miramar pertaining to that, and I know we have our lobbyists who are following up on that, and the MPO has your lobbyists that are following up on that. As far as that is concerned, one of the things that I've asked, I've met with the City Manager, and I've asked her and staff to follow up on, is to make sure that we have a transportation plan, so that when monies do become available like this, and other monies from the State as well, that all our needs are identified, not just our needs for today, but our future needs. So that we have items that we can bring to the table for our residents, and that's it from me.

MAYOR MESSAM: Thank you, Commissioner Colbourne. I'll try to wrap mine up in five minutes, so keep clock. Update. Yesterday, I attended the Broward County Commission meeting, because one of their public hearing items, item number one, an item sponsored by Commissioner Beam Furr for Broward County to, basically, put a moratorium or prohibit the use of fracking to extract oil in Broward County. Because it's consistent with the resolution of the City of Miramar when we were opposing the Kantor Real Estate State permit to drill oil outside of our city, I went in support of that item. The reason I bring this up tonight is because just on Monday, there was a State Senate bill that was passed that basically would nullify the passage of yesterday's decision to make fracking illegal in Broward County. The State has legislation right now that threatens

home rule for local governments to protect our natural resources, and the saving grace, however, or potential saving grace is that because of Broward County zoning, there may be some defenses in terms of any applicants being able to have the ability to drill oil. They still have to come to Broward County for a zoning approval for that. But there's a lot of talk. If this bill at the State passes, that it could potentially be challenged, and that was one of the main reasons we raised, as a city, that we could potentially be facing a situation where there's going to be a big legal battle in terms of oil operations in Broward County. And we just can't rest on current laws to protect us, we have to keep this issue up, we have to keep the public informed about the progress of what's going on, because there were some comments that were made, that, well, it will never pass in Broward County. But yet there's active legislation right now in this session that will threaten to abolish our ability to protect our natural resources. So we cannot let this issue die. I'll continue to give updates to the City in regards to the progression of legislation, as well as progression of the current application that is looking to seek oil, because we may think it's not possible, but we can't sleep on this issue. Second, we don't have to discuss this tonight, but in prior meeting, I raised the issue regarding banning the box in the City of Miramar, to abolish the question of asking if someone has been arrested when they apply for a job, because it discriminates against those who have paid their debt to society to even be considered. It does not stop the process of background checks and all of that, but we don't want to say no to someone, just because they may have been arrested in the past, because people have been rehabilitated, and just because they may have had a minor offense in the past, it doesn't necessarily mean that they can't be a great asset to this city. So I want to make sure that we're not being a roadblock, just in our application process to prevent, especially residents of Miramar who wish to work, or anyone who wished to work with our city that could be an asset to our city. I think I have two minutes left. Three. We need to decide, finalize our Commission retreat date. We're coming up on budgeting, and what direction does this City administration have? We have to have this retreat to begin to talk about the process of our visioning, where we want to take this city to the next level, that's our responsibility. So we need to set this date very quickly. We've been kind of pushing it along. I know there's a poll that's supposed to be going out. When you get the poll, please, let's respond, and when we send the poll, let's give one or two date options, and we just lock it in, and we get it done, and we need to get that done as soon as possible, because staff needs direction on how to move forward with proceeding. It will definitely be an asset in terms of the budget process. The second item is Broward County's marijuana ordinance. It's countywide. Does it work for Miramar? Are we going to opt in, are we going to opt out? If we opt out, how do we still maintain those benefits. We haven't had that discussion. We need to know. I said one issue that I had personally was that the ordinance, as written, because Broward County allows flexibility for each municipality to enforce the laws, it gives a discretion if law enforcement will make an arrest or issue a citation for that person who had the small amounts of marijuana. I think that we should not necessarily give that option, that it should go up to at least chief level or administrative level for that, because who's to say that when an officer stops someone on the street, that their judgment, that they let this person off, but don't let the next person off. What circumstances? I shouldn't be subjective. It should

be, if it's a small amount, if we're going to do the citation, we do the citation. If we're not, we're not going to do it, but we need to determine when. That needs to be an item that we need to have a workshop on quickly to decide, because I think there's a cutoff date if we're going to opt in or opt out, or there's been an extension. They've extended it, okay.

CITY MANAGER WOODS-RICHARDSON: They pulled that out.

MAYOR MESSAM: They pulled it out. Okay, because I know when it was passed, it was a date certain each municipality had to response if they were going to opt in or opt out. Finally, New Year's Day Funk Fest, Funk Fest came to the City of Miramar, and it exceeded everyone's expectation, to the point where it was easily ten, 11,000 that showed up for the event, which shows, at a minimum, that the Miramar Regional Park is a desirable location to have entertainment events. And we can just quickly go through some of the photos from the event that took place, and there's a lot of potential in terms of festivals, other concerts of different genres, whether it's rock and roll, funk, reggae, R&B, gospel, whatever the case maybe, salsa, merengue, whatever genre of music, it's definitely a destination. I do want to give kudos to our Miramar Cultural Center and our staff in regards to the current President, Barack Obama Exhibit. We had a community event on the 20th, which was well attended, and if you haven't seen that exhibit, it's a very moving exhibit, in terms of the photos for the President, and key moments during his administration, and it will be here through February. I know there's a lot of schools planning trips, community organizations are coming in to see the exhibit. Here are some photos from that night. Many elected officials that are here tonight I think were also present. And during my comments at the event, I thought I mentioned Camasha Cevieux when I was saying that it was an employee that came up with the idea for this exhibit, and I failed to do that, and I wanted to publicly recognize her for conceiving the idea. And I know our staff at the Cultural Center did a lot of work as well. Ms. Armstead and some, and everyone knows who was a part of it. Our OMPR office that helped as well with the marketing, did a very good job with this exhibit. And thanks for your attention to detail, as well as the very professional work that was done with the exhibit. Again, it will be here until the end of Black History Month, and I definitely encourage you to notify the residents to come on out to take a look at the exhibit. You have to go to Washington, D.C., or some Smithsonian Museum to see this work. It's the Presidents official photographer, Pete Souza, so why have a trip to DC, when you can come right here to City Hall to see this great work. As Commissioner Chambers mentioned earlier, Universal Circus will here from February 3rd to February 15th at our Regional Park. You can visit universalcircus.com. You can get the hookup buy on that night from Commissioner Chambers for seniors night, but you can also go on other nights. I know Universal Circus has informed me that they're having a Greek Night, they're having a Spirit Night, they're having a Caribbean Night. They're having so many different themed nights to get the community involved. And, finally, and I know I went over my five minutes by three, I do want to recognize two of our very own. Natasha Hampton and Alison Smith were recognized by *Legacy Magazine* as 25 most powerful black women in South Florida. In fact, they will be recognized right here at the Miramar Cultural

Center on February 13, and if you would like to go to the reception or the event, I think there may be tickets available for sale, or you can just search *Legacy Magazine* to get more information. But I did want to publicly recognize two of our very own for being recognized for the work that they do in the South Florida community, and kudos and congratulations. Unless there's any comments from the attorney or the Manager.

CITY MANAGER WOODS-RICHARDSON: I have two.

COMMISSIONER COLBOURNE: Excuse me a second, talking about recognition. Did you complete a marathon recently.

MAYOR MESSAM: Yes, Sunday.

COMMISSIONER COLBOURNE: Are you going to give us some feedback on that?

MAYOR MESSAM: Well, it was very tough. I did my very first marathon on Sunday, the Miami Marathon. It was unseasonably cold. The race started at six o'clock. It was 45 degrees with windshields in the upper 30s, but the thing is I survived, I survived, and I do want to thank the community, however, because I did receive a lot of encouragement right here in City Hall, on social media, and thanks for the encouragement. That's off the bucket list, and who knows, there may be another one, but thanks so much.

COMMISSIONER COLBOURNE: Congratulations to you.

MAYOR MESSAM: Thank you, thank you, thank you. Madam Manager.

City Attorney Reports:

None

City Manager Reports:

CITY MANAGER WOODS-RICHARDSON: I need to announce that on Monday, the firefighters from Fire Station 107 will be moving out of the cramped quarters over at the Logistics Office to their temporary trailers. They're ready, finally, for them to be occupied, so I know it's been a long time, it's really been a long time, so they'll be moving on Monday. Secondly, I would like to introduce formally, Norman Mason, who is our Director of Management and Budget. Norman, can you stand, please, so people can see you. Norman came to us December 7th, and he's going to serve in the department in the capacity as the Director for Budget and Management, so you'll get a lot of time and experience with him in the days to come. He comes with a wealth of experience in the fields of budget management, operations, planning and training; accredited among his many talents are the design and implementation of capital expenditure models, the development of the Finance for Non-finance Managers Program. In addition to providing training on these models and programs to senior

management personnel, Mr. Mason has proven experience in budget development portfolio management, long-range planning, financial management, and fiscal oversight, all of which we're looking forward to experiencing. So join me please in welcoming Norm Mason to the Miramar family. That's all I have. No disrespect, Dexter. There was a memo that was issued that effective January 14th, with the departure of Chief Ray Black, Dexter is the Interim Police Chief, and we're going to be working to finalize the process in the near future. So Dexter is the Chief. I was saving it for a more formal event. I didn't want to do it on the same night, but that's okay.

FUTURE WORKSHOP

Date	Time	Subject	Location
01/27/16	5:00 P.M.	Miramar Cultural Center Workshop	Commission Chambers

ADJOURNMENT

MAYOR MESSAM: On that note, this meeting us adjourned.

The meeting was adjourned at 10:47 p.m.

Denise A. Gibbs, CMC
 City Clerk
 DG/cp