



MINUTES OF THE CITY OF MIRAMAR REGULAR COMMISSION MEETING

MARCH 2, 2016

7:00 P.M.

The regular meeting of the Miramar City Commission was called to order by Mayor Messam at 7:29 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 Winston F. Barnes
Commissioner Maxwell B. Chambers
Commissioner Yvette Colbourne

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: Women's History Month (*Mayor Wayne M. Messam*)

Proclamation: Problem Gambling Awareness Month (*Mayor Wayne M. Messam*)

Presentation: Whispering Pines Presentation (*Community Liaison Jeanette Wagner and Principal Michael Gleason*)

CONSENT AGENDA

On a motion by Commissioner Chambers, seconded by Vice Mayor Riggs, to approve Consent Agenda Items 1a, 1b, 2 and 3, the Commission voted:

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

- 1a. Minutes of the Regular Commission Meeting of February 23, 2016

Approved

- 1b. Minutes of the Special Commission Meeting of January 27, 2016

Approved

2. Temp. Reso. #R5987 approving the award of RFP No. 16-11-06 to Ambulance Medical Billing as the provider for **Emergency Medical Transport Billing and Collection Services**; authorizing the City Manager to execute an agreement with the provider for an initial term of three years with the option to renew for two additional one-year terms. (*Fire-Rescue Chief L. Keith Tomey III and Procurement Director Randy Cross*)

Resolution No. 16-72

3. Temp. Reso. #R5998 authorizing the execution and submission of an application to the Florida Department of Health, Emergency Medical Services (EMS) Matching Grants Program, for the **purchase of cardiac monitor/defibrillators and mechanical cardio-pulmonary resuscitation devices** in the amount of \$239,000. (*Fire-Rescue Chief L. Keith Tomey III*)

Resolution No. 16-73

End of the Consent

RESOLUTIONS

4. Temp. Reso. #R5994 approving an agreement with Erosion Barrier Installation Corporation in an amount not-to-exceed \$72,000, for the construction of **drainage system canal improvements** through the utilization of the City of Margate Request for Proposals No. 2014-001, Supply and Installation of Canal

Bank Erosion Tubing. *(Public Works Director Thomas Good and Procurement Director Randy Cross)*

Public Works Director Thomas Good reviewed the proposed resolution, as detailed in the backup. The City Manager recommended approval.

MAYOR MESSAM: Thank you, Mr. Good. Are there any members from the public who wish to speak on this item? Seeing none, I'll bring it back to the dais. Are there any comments from the dais?

VICE MAYOR RIGGS: Question.

MAYOR MESSAM: Question by Vice Mayor Riggs, you're recognized.

VICE MAYOR RIGGS: Thank you. How many properties are under priority number two?

MR. GOOD: There are a total of 12 properties.

VICE MAYOR RIGGS: How many were under priority number one?

MR. GOOD: Approximately 12, maybe 13, I think.

VICE MAYOR RIGGS: So that would be 24, 25 out of the 119?

MR. GOOD: Yes, ma'am.

VICE MAYOR RIGGS: Thank you. One more question, I'm sorry. What's the plan for the rest of the properties?

MR. GOOD: What we anticipate, providing funding is continuing to be available, we're looking at every four months to be coming before this Board to be taking on the next group of properties. So four months from now, we anticipate being here again, asking for a group three; four months after that, group four, so we're looking at July and November of this year for two other of those properties or groups to be addressed.

VICE MAYOR RIGGS: Are we looking at 12 again, like 12, 13?

MR. GOOD: I think they're approximately the same, yes, the same numbers. It's the easiest way for us to package this for bidding.

VICE MAYOR RIGGS: Thank you.

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

COMMISSIONER CHAMBERS: If I remember correctly, I think we have \$238,000 allocated for canal repairs?

MR. GOOD: That's approximately correct, \$238,000 still available.

COMMISSIONER CHAMBERS: Are we anticipating getting some more funding?

MR. GOOD: We are anticipating making future CIP requests funding, yes.

COMMISSIONER CHAMBERS: So with this item, we're going to cover 12 homes, right?

MR. GOOD: This one item will cover 12 homes, yes.

COMMISSIONER CHAMBERS: So we might get, maybe, 24, am I correct?

MR. GOOD: We're anticipating about that many. It depends on the linear footage of the property. The larger properties have longer or more feet per waterfront. It will cost a little bit more, but it's going to be approximately that, about 30.

COMMISSIONER CHAMBERS: All I'm asking is that we aggressively go after funding, because there's a lot of residents to cover, and this is like a drop in the bucket. Thank you.

MAYOR MESSAM: Commissioner Colbourne, you're recognized.

COMMISSIONER COLBOURNE: Thank you. This contract, you say, was a savings from the last one that was brought before us?

MR. GOOD: This contract is more favorable in cost, yes it is.

COMMISSIONER COLBOURNE: It is more favorable?

MR. GOOD: Yes, ma'am.

COMMISSIONER COLBOURNE: What type of savings? I didn't see any exact figures as to how much more reasonable this one was.

MR. GOOD: We believe that this one is approximately, I'd have to say, maybe about 50 percent less than what the other one was.

COMMISSIONER COLBOURNE: Fifty percent?

MR. GOOD: Yes, ma'am.

COMMISSIONER COLBOURNE: So future homes that will be brought before us will be under this contract as well, or are they being bid out?

MR. GOOD: We're anticipating on using this contract as much as we possibly can.

COMMISSIONER COLBOURNE: Okay, thank you.

MAYOR MESSAM: Any further questions? I have a couple of remarks. When the first set of properties that this Commission approved for advancement, for repairs, I had voiced some concerns regarding the communication, in terms of what would be presented, in terms of addressing the canal embankment improvements. It was more so from the standpoint of not necessarily a knock on staff in terms of your efforts to resolve the issue, it was more so in terms of the communication, especially as it related to the Miramar Park Homeowners Group, who really championed this issue, because of the impact this issue has on their neighborhood. As I mentioned before, we never want to be in a position where we're putting one neighborhood or one block against the other, because we're all one community. Just as I have the fortitude and the courage to state disappointments in staff when those instances come, I'm also just as enthusiastic to applaud the efforts of staff when you get it right, and that is pretty much, what you do for most of the time. When things fall short of that, it's really the exception. So I do applaud staff in terms of, not just for addressing this issue and beginning to address the issues in the community that really champion this issue, but in terms of how these projects are coming out speaks to staff's flexibility and creativity. Instead of saying that we have a big issue in the City in terms of canal erosion, it's a multi-million dollar issue in the City, so instead of sitting on its hands and saying, "Well, we don't have all the funding right now to address all of these properties." As we get the funding, we'll begin to find a solution to address them, and this is how they're coming to us. So instead of sitting back and waiting until we get all of the funding, and then do one massive project, which indicates that staff's due diligence didn't necessarily present the most cost effective option; due to staff's due diligence, was able to find an existing contract that's out in Broward County. As you heard, it's saving us 50 percent, which is allowing us to do more properties right now, especially in the neighborhood that was crying for a solution. So I thank you for being responsive, I thank you for hearing the community, hearing the Commission, in terms of what we expected to see. Thank you in that effort. If there aren't any other comments, I'll entertain a motion at this time.

COMMISSIONER CHAMBERS: Mr. Mayor.

MAYOR MESSAM: Yes, Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: Something I want to address is that there's a lot of residents that take it upon themselves to fix their property, and the job is not being done correctly, so they waste their money and their effort. I'm wondering if there's something we could do to have some meetings to assist those residents who are doing it themselves, to make sure it's done properly, and give them knowledge or the

understanding of how it should be done correctly, so it doesn't break away again. I've seen a lot of money that they've put into it, and it wasn't done right, so I don't know how we can help these residents. Then that makes it even more difficult to redo it, because now we have to take out what's there, they have to come in and redo it, while if you were doing it right from the beginning, it would have been done right. So how can we put something in place to assist these residents, and let them not be afraid to come to us to get the assistance, and to do it right. Let's get something together, so we can go out and speak to all these residents, get them online, explain to them what's happening, see who needs help, who's going to do it themselves, make sure it's done right, and fix it once and be done.

MAYOR MESSAM: Thank you. May I have a motion?

On a motion by Vice Mayor Riggs, seconded by Commissioner Chambers, to approve Resolution #R5994, the Commission voted:

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

Resolution No. 16-74

5. Temp. Reso. #R5941 approving the **renewal** of the **solid waste and recycling collection Franchise Agreement** with Waste Pro of Florida, Inc., for the first three-year renewal period, commencing May 1, 2016; authorizing the City Manager to execute an amended and restated Franchise Agreement with Waste Pro of Florida, Inc.; authorizing a reconciliation payment to Waste Pro of Florida, Inc. for past services rendered. *(Public Works Director Thomas Good and Assistant Finance Director Barbara Hastings)*

Public Works Director Thomas Good and Assistant Finance Director Barbara Hastings presented the subject resolution, as illustrated in the backup. The City Manager recommended approval.

MAYOR MESSAM: Thank you, Mr. Good. At this time, do we have any questions or comments from the public? If you do, if you could make your way forward. Yes, come forward, ma'am. State your name and address for the record.

Debra Scialabba, 6490 SW 26 Street, Miramar, sought clarification, as she was confused about the City's failure to bill 500 plus homes for waste disposal service, and residents going on vacation and suspending their service while away. She believed the City's utilities billing was standard, so whether someone went on vacation and shut off their water, this did not stop trash pickup. Thus, if they were away for six months, there

should still be a bill. She continued to pay the same \$18.75 for a family of one, the same billed to a family of five to seven people. She restated the positives she mentioned at a previous meeting about the service Waste Pro provided. They were a professional company, and she hoped the Commission would approve the continuation of the service with Waste Pro, as taxpayers dollars paid for the subject service, and they appreciated contracting with a company with whose services they were happy.

MAYOR MESSAM: Yes, sir, you're recognized. State your name, address, and three minutes.

Norman Hemming, 9450 SW 18th Street, Miramar, wished to commend Waste Pro for their excellent service in Miramar. He asked whether or not the Commission considered doing competitive bidding again with respect to the subject contract, wondering what other municipalities paid for the same service. Waste Pro appeared to be an excellent company, but he alleged they had issues with the EPA in the past, particularly with respect to hazardous waste, so he found it interesting that they were able to provide disposal service of Miramar's hazardous waste at no added cost to the City.

MAYOR MESSAM: Thank you. Good evening, yes, ma'am.

Mary Raynor, 6100 SW 21st Street, Miramar, commended the work that Waste Pro had done with the City of Miramar, stating the citizens did not receive such great service with the former trash disposal provider. For example, they used to empty the trash and leave the carts in the middle of the road, and Waste Pro did not work in this manner at all. Any issue regarding waste disposal brought to her attention by a resident, when she called Waste Pro, they immediately responded and addressed the issue.

MAYOR MESSAM: Thank you. Are there any additional comments from the public? Seeing none, bringing it back to the dais. Do you have any comments or questions? Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: One of my concerns is missing those 500 homes. But I see we caught the problem, we're going to address it, we're going to put a system in place to make sure that doesn't happen again, but dealing with so many homes, at some point you're going to have one or two fall through the crack, because people move in and out, foreclosures, and new homes come online. It's a possibility to miss a few here and there. I know 500 is quite a bit, and I'm glad that we caught that now, so I think we're going to deal with the issue. I think Waste Pro provides a good service, and it's just like any company, they're not going to be 100 percent, but the issues that come up, we're going to deal with it, and I think the price that they're giving us, I think it's a pretty fair deal. Some of the competitors would never touch it, so I think I'm okay with approving Waste Pro.

MAYOR MESSAM: Commissioner Barnes.

COMMISSIONER BARNES: I'm not sure if staff will be able to answer this. Ms. Scialabba had asked for an explanation as to the billing, versus when one is on vacation, as against the missed homes. I think there needs to be a clarification as to that, because what I think we're looking at is two separate things, right? You probably aren't being serviced because you went off on vacation and didn't let us know you're back, as opposed to people who are being totally missed, two separate things.

MS. HASTINGS: Yes, that's correct, because when you go on vacation, we don't start billing you for water. You get the base charge. However, you can discontinue your waste collection, and then when they come back from vacation, they don't advise the City that they're back, but consumption comes on the meter, so right away, when there's consumption on the meter, we just start billing. So no one comes in and advises the City, the billing just continues with the additional consumption.

COMMISSIONER BARNES: And, on the other hand, the homes that were missed for those years, the homes that weren't collected, the ones that we're compensating for in the agreement.

MS. HASTINGS: No, eventually when they came back online, they got service, so Waste Pro did service the homes when they came back online.

COMMISSIONER BARNES: What I want is a differentiation between those homes, as against the homes where collection probably stopped and didn't restart at the appropriate time because of that vacation situation being completely different from the fact that we're missing a number of homes.

MS. HASTINGS: I'm sorry. We can't separate the two, because of the system at the time. All we were able to identify is that at some point, the sanitation service was taken off and was never put back on, and this is longer than the term of the contract with Waste Pro, because we had an old system, and the conversion did not come over correctly. I'm not sure if that answered your question.

MAYOR MESSAM: Commissioner Barnes, does that resolve your question?

COMMISSIONER BARNES: Not entirely. In my meetings, my understanding is that Waste Pro wasn't being paid for homes that were not in our system, but they had it in their system.

MS. HASTINGS: They had it in their system, but we were not billing it.

COMMISSIONER BARNES: They were actually servicing these addresses?

MS. HASTINGS: They were actually servicing, yes.

COMMISSIONER BARNES: What I wanted is an explanation differentiating the two situations, one where someone goes off on vacation, as against people who were just not in the system, although Waste Pro did pick them up.

MS. HASTINGS: We would have to look at the numbers to see. I'm sorry.

MAYOR MESSAM: A follow-up question in terms of the discrepancy. Of the unbilled amount that was due Waste Pro, what percentage is attributed to data conversion for billing, versus residents who stopped service?

MS. HASTINGS: We did not look at the difference. We would have to go back and see what percentage. We did not narrow it down like that to, say, 50 percent of the people were vacation stops, and 50 percent was conversion issues.

MAYOR MESSAM: So when we entered into the contract with Waste Pro, and we were negotiating terms of the contract, there had to be a baseline number of accounts, homes, properties, containers, dumpsters, whatever the classification, 37,000 that needed to be serviced, that would cost X amount of dollars, correct?

MS. HASTINGS: Correct.

MAYOR MESSAM: So there was no verification of if these 37,000 are actually real?

MS. HASTINGS: Waste Pro delivered cans. They knew how many cans they delivered to how many homes. They had a number. Our system was already set up, because we were converting from a previous vendor, a previous carrier, so all we did was change the rates in the system, and we continued billing, and we know from this point forward, we're paying Waste Pro. Now the issue is Waste Pro and us never got together for Waste Pro to say, "Okay, we delivered 37,101 cans." They didn't communicate that to us until quite a while when they're running their system, and we're running ours, we're sending their payment to them, they're posting it, and their balances tend to be higher than ours. That's what triggered the issue. They're saying, "But we have an accounts receivable of this number," while the City had a much smaller amount. So then we got together and said, "What we need to do is compare all of the accounts you have, show us the number of cans and the number of homes," and then we started the reconciliation. We also looked at the COs for the homes during the period of time, to determine what was missed there, and, yes, there was some missed COs homes as well, not that significant, but some were also missed. We put a process in place now to prevent that with the new system. On a weekly basis, we generate; we've designed a report that generates and picks up every home that was CO'd. A staff member goes in, reviews in the system to ensure that all the services are appropriately set up, and that account is open. In addition to the vacation stops, now every week our two billing clerks run a report, because now the system that we have can generate a report that can tell us really quickly what homes are missing services. We run that report and the two billing clerks go into the system and fix anything that had a previous zero consumption,

and now there's consumption, and services need to be added back before we do the billing, because we do four billings, one per week.

MAYOR MESSAM: Couple more questions. One, when the contract started, Waste Pro had to know how many accounts we had to be able to order these bins, right?

MS. HASTINGS: Correct.

MAYOR MESSAM: So if we had accounts, homes, or properties not in the record, let's say it was 37,000 even, Waste Pro would have ordered 37,000 containers. It would appear to me, commonsense, that all the properties not in the system would not have gotten a bin, correct.

MS. HASTINGS: The property was in the system, the service was not connected. So I live at a property, doesn't mean I wasn't getting a water bill. I was getting a water bill, but the sanitation service was not connected to that account. If at any point we say how many residential accounts we have, we know exactly how many residential accounts, and it would equal to Waste Pro's. But the unfortunate thing is we couldn't run a report that tells us how many accounts have sanitation services attached to them. That was where the problem stemmed from.

MAYOR MESSAM: What was the original amount? We have before us a negotiated amount. What was the original amount that stated that we were owed?

MS. HASTINGS: The original amount was, of course, \$1,875 for 54 months for the 505 homes, so it's \$511,000. Now remember, of that, we would get a franchise fee out of that, so not all of that would be Waste Pro. After we reduced that by the franchise fee, which is approximately 32 percent, we would come up with \$347,000. Assuming everything was billed and collected, that would be the amount we would have paid to Waste Pro. We ended up settling at the \$325,000.

MAYOR MESSAM: So what was the audit process to verify that we actually owed what Waste Pro said that we owed them?

MS. HASTINGS: We went in and matched every home to see which home was missing services, and for how long, and then simple calculation on the monthly rate, because they were residential, so it was easy to calculate, because it's a standard amount.

MAYOR MESSAM: And when were we notified by Waste Pro that we owed this amount of money? How long into the contract?

MS. HASTINGS: The reconciliation process was finished last year, it was approximately July of last year that we got the invoice from Waste Pro notifying us of the amount.

MAYOR MESSAM: So that was four years into the contract?

MS. HASTINGS: Yes, a little over four years, yes.

MAYOR MESSAM: So I guess my question to the vendor is why wait four years? It took four years to know you're being under paid?

MS. HASTINGS: I would have to defer to Waste Pro.

MR. GOOD: I'd like to ask Mr. Russell to come up and speak for a moment about that particular component that you're speaking to.

MR. RUSSELL: Russell Mackie, Regional Vice President of Waste Pro, Florida. When we started, we knew exactly how many carts we delivered. We bar coded them to an address. We had an address list, and we gave that to the City, saying, "Hey, this is where we delivered the recycle carts." Because the City already had their billing, there was no reason to cross-reference those at the time. As you began paying us, because you collect money on each individual home, but when you pay us, you pay us one big amount, we take the total house count of 32,000, whatever the number is, times the amount that we get, and we just have a round number that goes to an account every single month. You had the detail, you were sending us a check, but the detail would be 35,000 entries long of all the homes that made up that check. So as we posted the money, posted the money, it seemed like the over 90 was growing, that things were getting out there. We didn't know, because the City bills on a weekly basis, we billed on a monthly, so there was probably a good year of saying, "Hey, maybe this is just the way the City collects it, and then gets the money to us." As we started to see the balance, we came forward and started to say, "We think that there's something wrong there." We gave our, as evidence, our recycling saying, "Hey, we know we delivered a cart to every single one of these units," because we bought them, purchased them. That started the basic City exercise of finding out how many homes that you were billing for, and I also believe that the County bills a small portion of forms for you, so there was finding out those homes. It was a long, tedious process, and we're very patient and waited and waited. The invoice that we finally gave to you was finally, when we got information back from the City saying, "Hey, this is how many homes we thin, that we have." And when they started, we were able to then say, "Well, this this I what you owe." Once we said that, the City went back and then did their reconciliation of our records, and basically matched up every single address, when did the City bill for it, had they paid us for it, and what amount was due to us. So I felt very comfortable after, again, long process. We didn't wait for four years to begin this, we started that much earlier on, but the data did not become clear to both parties until 12 months ago.

MAYOR MESSAM: Commissioner Colbourne, then Commissioner Chambers.

COMMISSIONER COLBOURNE: Thank you. I just want to say that, first of all, I'm pleased that the fees are not going up, that we are able to give the same rate to our residents, and working with Waste Pro, since I've been here, it's been very few

complaints that I've gotten from residents. In the cases where I've had any type of complaint, I do find that they have been very responsive, and they've been good corporate partners. So I am pleased to see that the City was able to work out these differences, and settled on an amount, which I do believe is a lot less than what was actually owed if it had been paid the way it should have been paid. It seems like the City is actually paying less. So, even in that sense, it's somewhat of a savings, so I'm really pleased that that issue was addressed and, moving forward, we won't see that happen again.

MAYOR MESSAM: Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: Ms. Hastings, I think I just want to simplify this for some of my residents who are watching on TV or online. From what I gather is, the City knows exactly how many homes we have, and they gave it to Waste Pro, and the number of homes matched. Waste Pro knows exactly how many homes; the City knows exactly how many homes. The discrepancy comes in with the billing. A few homes were not billed for the services, am I correct?

MS. HASTINGS: Correct.

COMMISSIONER CHAMBERS: Good. So because we missed those, didn't bill for those homes, the money came up short when we paid Waste Pro, correct?

MS. HASTINGS: Correct.

COMMISSIONER CHAMBERS: Good. So it's not like we missed any homes. We know exactly how many, the number correspond, so the problem is in the billing. This is what I want to explain, that we didn't miss any homes, we just did not bill a few homes, well, not a few, but quite a few homes. My question is, can we just let Waste Pro do the billing, would that make it even easier, because the money that we're billing, we don't pay Waste Pro all that money, we pay them a percentage, whatever that is, right?

MS. HASTINGS: We pay them a percentage, and we only pay them on what we collect, so if we don't collect it, they don't get paid.

COMMISSIONER CHAMBERS: And that's where the problem came in with that shortage, right?

MS. HASTINGS: Correct. That's why it took so long to identify.

COMMISSIONER CHAMBERS: To identify, correct. Thank you.

MAYOR MESSAM: On this issue, I think it's more so, not an issue, necessarily, on the vendor, it's an issue in terms of the City and our systems, and the billing. But we have to have this discussion, because you have residents here that receive services that

were billed, and paid for the service. Yet we have 500 residents or accounts that, for four and a half years, five years, received service and were never billed. That's a problem, and the residents deserve an explanation. This is not an issue regarding if the vendor was wrong, because the vendor did their job, they performed their contract. In fact, they went above and beyond, in my estimation, in terms of weathering the storm, they noticed irregularities, worked with the City, "Hey, you're a little short on what we think you owe us." So it took some time to work that out. But this discussion is specifically for our residents to be able to understand. So now the question becomes, I think it's very difficult for us to go back to the residents that received service and did not pay for it, even though we could have every right to do so, because we rendered a service that we did not collect on because of the City's mistake. We have to take ownership when we make the mistake, and I'm hopeful that our new information systems does not allow this lapse to happen again, and I hope if we ever do another conversion, because we paid big dollars, when these software companies come in to change out an ERP system, we're paying hundreds of thousands of dollars, in terms of mass conversion. Those conversions, I mean they have their consultants in, and they should be testing it. Maybe, perhaps, Mr. Attorney, purchasing, when we're procuring these types of services again, when we're doing information technology conversions that we hold either some kind of bond or some errors and omissions, because I think that's something that should have been caught in the conversion process, but yet now the taxpayer is left to hold the bag on this. So, yes, we have to own up when we make these errors, and when we make these errors, we treat them as lessons learned; we go through the process, however painful it may be, to admit it, that we always keep a level of transparency for the residents. Because I know there are many residents sitting out in the audience and say, "Hey, I know I received my bill every month, and I had to pay." So what happened to our residents, who we love and cherish, who didn't have to pay? So that is why we need to have this discussion. Thankfully, we have moved forward, we have reconciled, and that this issue won't happen again.

COMMISSIONER CHAMBERS: Mayor?

MAYOR MESSAM: Yes, Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: Maybe we need to look at another form of billing, because garbage collection is billed in the water bill. Other cities have done a different way of billing; maybe we need to look at that, and separate the two to make sure we don't have this issue. I think we really need to take a closer look at this, and see what we can do much better to make sure we bill everyone, we don't have this shortage. And I know we're going to pay Waste Pro, and it's not going to affect our residents, because we already allocated this money somewhere, we're going to find this money somewhere, right? Am I correct? Right, Mr. Good?

MR. GOOD: That is correct. These funds have been accounted for this fiscal year, yes, sir.

COMMISSIONER CHAMBERS: I think, for the future, we need to look at other ways of doing the billing. We really need to take a closer look.

MAYOR MESSAM: Thank you, Commissioner Chambers. Commissioner Barnes, you're recognized.

COMMISSIONER BARNES: I think may be one of the things we could look back at is the performance components of these arrangements we have with the tech companies, because I think what we're looking at here is not necessarily examination at the start of a contract. But to say, "Hey, listen, we're running for a year, go back and look how efficient we are. Look if you're doing what we're paying you to do." And I think that is the kind of consideration we need to leave this discussion with.

MAYOR MESSAM: Yes. Are there any other comments or questions? If not, I'll entertain a motion.

On a motion by Commissioner Colbourne, seconded by Commissioner Chambers, to approve Resolution #R5941, the Commission voted:

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

Resolution No. 16-75

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MAYOR MESSAM: Before we move on, before it gets too late, I would like to recognize the attendance of two of the Youth Advisory Council members. We have Qiang Ling Wang and Kyle Chen. They're two members of our Youth Advisory Counsel, and those of you who were present last Commission Meeting, they gave an outstanding presentation on their trip to Nashville with the National League of Cities. Thanks so much coming forth and being involved in the civic process.

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6. Temp. Reso. #R6000 **authorizing the lease purchase** of one **Emergency One Custom Emax Typhoon 78-Foot Quint** and one **Emergency One Custom Emax Typhoon Pumper** from Hallmark Apparatus, Inc., and two **AEV Custom Type 1 Medium Duty Ambulances** from ETR, LLC, utilizing Florida Sheriff's Association Contract No. 15-11-0116, and one **Non-Walk-In Rescue Vehicle** from EVI, Inc., utilizing the Houston-Galveston Area Council Contract No. FS12-15; awarding Request For Proposals No. 16-02-14 to U.S. Bancorp Government

Leasing and Finance, Inc. for the financing of the lease purchase in an amount not-to-exceed \$2,458,500. (*Procurement Director Randy Cross*)

Fire Chief Keith Tomey, III, and Procurement Director Randy Cross went over the proposed resolution, as set forth in the backup. The City Manager recommended approval.

MAYOR MESSAM: Thank you. Are there any comments or questions from the public? Seeing none, bringing it back to the dais. Are there any comments from the dais? Yes, Commissioner Barnes, you're recognized.

COMMISSIONER BARNES: Any pictures of these trucks?

CHIEF TOMEY: No, sir, not yet, but when we build them, we'll park them out front for the next Commission Meeting.

MAYOR MESSAM: Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: How are you, Chief Tomey?

CHIEF TOMEY: Good.

COMMISSIONER CHAMBERS: I just want to ask, those vehicles that we're purchasing, what's the life span?

CHIEF TOMEY: According to the vehicle replacement plan, the engine and the ladder is 15 years, the two rescues and battalion chief's vehicle are eight years.

COMMISSIONER CHAMBERS: Great, thank you.

MAYOR MESSAM: Are there any other questions? If not, I'll entertain a motion.

On a motion by Commissioner Chambers, seconded by Vice Mayor Riggs, to approve Resolution #R6000, the Commission voted:

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

Resolution No. 16-76

ORDINANCE

7. **FIRST READING** of Temp. Ord. #O1636 approving a **Comprehensive Pay Plan** for **unrepresented employees** for the period beginning October 1, 2015 through September 30, 2016; and providing for an effective date. (*Human Resources Director Sam Hines*)

CITY MANAGER WOODS-RICHARDSON: Mr. Mayor, I'd like to pull item number seven, so that we can allow for a workshop to discuss the FRS components of the item.

MAYOR MESSAM: For what specific purpose would we be withdrawing this item? This is the second time it's been pulled.

CITY MANAGER WOODS-RICHARDSON: Well, there are some concerns that there is pending language in the Legislature that's going to be coming through, as it relates to the item. Additionally, there's some issues in terms of we think that we can make a better presentation of the item with the separation of the FRS component from the pay plan component. My understanding is that was on a recent development, it being there, we can take it out, and then we can have the two items flow separately, the way I think that it should be done.

MAYOR MESSAM: I would say one of the concerns I have in terms of not moving forward with the item, with the FRS situation, not necessarily a specific objection towards that. But one of the concerns I have with regard to withdrawing the item is that for almost 20 percent of our workforce, with his our unrepresented employees, their salary and benefit adjustments, which are due to come into effect for fiscal year (FY) 2016, which I remind us all which started in October of 2015, which is half a year, almost six months, are still in the balance. I think our employees should be receive what they are due, in terms of what the CPP provides. Because, typically, we approve this a month or two after the budget is adopted, and it's now March, and to continue to delay, and I have other concerns in regard to this item, in terms of why it's delayed. I know there's mention regarding proposed developments in the State Legislature that might impact this item, but I just think that for the benefit of our residents, that we move those—we move the item, in terms of allowing our residents to benefit from the annual salary adjustments, and benefit adjustments that would be included in the CPP. How do we reconcile the request to withdraw? Who's making the request to withdraw? You're making the request to withdraw, or is someone else making the request? Are the attorneys making the request? Who's making the request? Who made the request to withdraw?

CITY MANAGER WOODS-RICHARDSON: It is the desire to discuss it, to have the workshop. I did get the request from Commissioner Colbourne, we can discuss the item some more.

MAYOR MESSAM: Is there any reason why we can't move forward with the items that can move forward.

COMMISSIONER COLBOURNE: Mr. Mayor, if I may. There's been a request from the Manager to withdraw the item, and it's a duly request, and I don't see why we couldn't adhere to the request. I mean I do wish to sit in a workshop and discuss this item. I think some of the issues here are pretty complex, and we have never sat and workshopped them. We have workshopped items much more frivolous than this, so I don't see anything wrong with the request, in why should we have a whole discussion on it, when we will have that opportunity at another time. I mean that's the whole issue for us to have this discussion.

MAYOR MESSAM: Yes, let me clarify. I'm not saying we should not workshop the item that is in question.

COMMISSIONER COLBOURNE: I'm not sure what you're saying.

MAYOR MESSAM: Let me ask a question. What components of the CPP are in question? Or what item is in question? This is a question for the Manager and/or the City Attorney.

CITY MANAGER WOODS-RICHARDSON: Actually, the components of the item that are ready to go, are those specifically to the pay plan, as it relates to all of the regular employees, and what my plan is that we're going to separate that and bring that back to the next meeting. Because it's a cleanup process, what I passed by the attorney was if we were able to take that portion out tonight, we could make the corrections on the record, and move forward with that. But the cleanup process is to separate the two and then bring it back.

CITY ATTORNEY COLE: Mayor, if I can. Historically, the Comprehensive Pay Plan did not include the elected officials, and it was approved by resolution. There came a point in time, I don't remember when it is exactly, but there did come a point in time when the elected officials were added, so their salary and benefits. When that happened, I advised the City that, under the Charter, the Commission salary and benefits have to be done by ordinance. So the reason the CPP is being done by ordinance, and has been for the last several years, ever since the elected officials were added, is because it has to. I think the thought is that the elected officials, everything dealing with the elected officials can be taken out of the CPP. It can be approved by resolution at the next meeting, which would have been second reading, so it takes effect the same time. As to the elected officials, everything will be separated into an ordinance, and that will be all addressed in that ordinance, so that way, in the future, you don't have to do your CPP by ordinance, you can just do it by reso., and you can deal with anything with the Commission through your ordinance, and you don't have to be changing it every year, unless you choose to.

MAYOR MESSAM: So I'll rephrase my question.

MAYOR MESSAM: Is the CPP issue in question pertaining to elected officials, or is it pertaining to the unrepresented employees.

CITY ATTORNEY COLE: I believe it's elected officials issues that are in question.

MAYOR MESSAM: So it's an elected official issue, so I'll go back to my initial concern. I have no problem workshopping the issue regarding the elected officials and the FRS. What I'm suggesting is for the unrepresented employees who have been waiting since October for this passage, that if we can move this item forward, and separate the elected official issue tonight. That's my question. I'm not questioning a budget process, well, not the budget process, but why we would workshop or why a workshop would be beneficial. I'm just looking out for the employees that have nothing to do with the issue at question.

CITY ATTORNEY COLE: Mayor, if you do that, you could. Theoretically, what you could do is you could take the ordinance, take out the elected officials, pass it on first reading tonight, and then second reading on March 23rd. Or you can do nothing tonight, and the Comprehensive Pay Plan that we put on the agenda on March 23rd will just be a resolution, which will take effect on March 23rd, so it's going to take effect the same day for the nonelected officials. For the elected officials, we're going to have a separate ordinance; first reading can be on March 23rd or sometime in April, and that will take effect when it does, but we're going to separate the two out, and there's no delay for the non-elected officials, because it all takes effect March 23rd.

MAYOR MESSAM: That's all I was asking. I don't want the employees to wait another day, to be delayed any further, and that's the intent of my concern. Then once we get to the issue with the elected officials, I can voice and will voice my other issues in terms of how that will be resolve, which is my final question on this issue. Developments in the State or however the State Legislature decides to move forward, as it relates to the FRS, which would impact the item in question, when would it come into effect?

CITY ATTORNEY COLE: The session ends in, I believe, nine days, so we will know whether anything enacted within nine days. That doesn't mean the Governor is going to sign it, and it still wouldn't be in effect until July 1st or October 1st, depending on the way they do the legislation, but at least it will give you the idea of how to address the issue into the future, if it's adopted or if it's not adopted. And it may not be adopted, so we don't know if it's going to have any impact or not. But we should know, at least have some better idea in two weeks, so even if you have the workshop, or in three weeks, March 23rd, we'd have an idea of that issue at that point.

MAYOR MESSAM: So wouldn't it be better to resolve that issue once the legislation has been ratified by signature of the Governor, as opposed to coming up with a solution prior to we knowing that the legislation. First of all, we don't even know whatever bill

that is being proposed will pass, or, once if it does pass and passes the Legislature, that the Governor would sign it. So it would seem to be that it would be best to, at least for the elected official portion, we can workshop now, but wait until it has been decided by the State, in terms of what the next direction would be.

CITY ATTORNEY COLE: I think that's a good point, but if nothing passes, we'll know that in three weeks. If something does pass that doesn't have an impact, it won't matter if it's signed or not. If something does pass that does have an impact, I think you're right, you may want to wait, but you do still need to figure out what you're going to do now. I mean every month payments are being made, so we need to figure out what we're doing. We don't want to delay the elected officials' aspect for an extended period of time. But it sounds like the plan, and what the City Manager had talked to me about was to go ahead and take out the elected officials from this, put it on as a reso. on the 23rd, the next meeting. The employees will be taken care of. The elected officials will continue as is, until you take further action, and that will be done by a separate ordinance, and we'll workshop that either the 23rd or shortly thereafter.

MAYOR MESSAM: Are there any other questions or comments? As long as the unrepresented are resolved by the next meeting, I'm okay. Are there any other comments? Commissioner Chambers.

COMMISSIONER CHAMBERS: Now my question is, are the regular employees going to fall under the same category as the elected officials?

CITY MANAGER WOODS-RICHARDSON: No.

COMMISSIONER CHAMBERS: As far as paying into the pension, and they're not going to receive it? No?

CITY ATTORNEY COLE: No, because only the elected officials are on the FRS program, so even if someone worked in Dade County or somewhere else, and was covered by FRS and retired, and came to work for the City, they would not be part of the FRS plan in the City, so this issue would not affect them. This cannot affect anyone except for the five of you.

COMMISSIONER CHAMBERS: So what is the attorney recommending tonight, and the City Manager, to wait or what's your recommendation?

CITY ATTORNEY COLE: I think, based on my conversation with the City Manager is, we should go ahead and do what I just mentioned. We should go ahead and withdraw this tonight. We will put on the next agenda a resolution approving the Comprehensive Pay Plan without the elected officials. The elected officials issues will all be workshopped and, shortly thereafter, they'll come with an ordinance, and we'll go back to the way we did this ten, 15 years ago, which is all the elected officials issues are dealt with by ordinance and not part of the Comprehensive Paly Plan.

COMMISSIONER CHAMBERS: And my understanding is that it's going to be retroactive, so they're not going to lose anything.

CITY ATTORNEY COLE: All these are always retroactive, so, yes.

COMMISSIONER CHAMBERS: Okay so that's fine.

MAYOR MESSAM: Any other questions or comments? Seems like we have consensus? This doesn't require a vote, correct, just consensus?

CITY ATTORNEY COLE: No. Yes, and it doesn't even require a consensus. The truth is that the City Manager controls the agenda. If she wants to withdraw it, she can do whatever she wants. So if she's withdrawn it, there's nothing else that needs to be done.

CITY MANAGER WOODS-RICHARDSON: Now you tell me.

Withdrawn

QUASI-JUDICIAL PUBLIC HEARING

City Attorney Cole explained Miramar's procedures regarding quasi-judicial hearings, stating the rules applied to items 8 and 9.

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

8. Temp. Reso. #R5983 considering Application No. 1503202, **conditional use** approval for the expansion of the existing conditional use of the **Chevron Service Station** located at 3100 Southwest 148 Avenue. (*Community & Economic Development Director Eric Silva*)

Community & Economic Development Director Eric Silva reviewed items eight and nine in one presentation as set forth in the backup, though each item was voted on separately. The City Manager recommended approval with staff conditions as noted in the backup.

Paul Lingerfelt, the applicant's representative, concurred with Mr. Silva's presentation, adding that the applicant agreed to satisfy all five City staff conditions for approval.

MAYOR MESSAM: Will there be E85 fuel available with the expansion?

MR. LINGERFELT: This one does not have E85.

MAYOR MESSAM: Are there any other questions for staff or the applicant? Yes, Commissioner Barnes, you're recognized.

COMMISSIONER BARNES: What is prompting the request for this expansion? Are we talking about increased service, increased activities?

MR. LINGERFELT: Basically, it's a response to our customers, our clients, the residents and business people in the area. During peak hours, the pump islands are crowded, and people are having to wait longer than they liked to wait to get fuel. So this is Sunshine Gasoline Distributor is the owner, it's their response to the public for additional fueling positions. We have the room, which makes it nice, and it is a direct response to the public.

MAYOR MESSAM: At this time, are there any questions or comments from the public? Seeing none, coming back to the dais. Commissioner Chambers, you're recognized.

COMMISSIONER CHAMBERS: I must say I use that gas station frequently, and I want to thank you for keeping the price low, so I recommend approval.

MAYOR MESSAM: Any other questions or comments from the dais? All right, so we'll take these items one by one. I'll entertain a motion on number eight, please.

On a motion by Vice Mayor Riggs, seconded by Commissioner Colbourne, to approve Resolution #R5983, the Commission voted:

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

Resolution No. 16-77

9. Temp. Reso. #R5984 considering Application No. 1503203, **variance** approval for the expansion of the amount of service pumps of the **Chevron Service Station** located at 3100 Southwest 148 Avenue. (*Community & Economic Development Director Eric Silva*)

MAYOR MESSAM: Item number nine, motion, please?

On a motion by Vice Mayor Riggs, seconded by Commissioner Colbourne, to approve Resolution #R5984, the Commission voted:

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

Resolution No. 16-78

OTHER BUSINESS

10. Reports and Comments:

Commissioner Reports:

MAYOR MESSAM: I'm starting with Vice Mayor Riggs, moving down.

VICE MAYOR RIGGS: Have a wonderful week, everyone. See you next meeting.

MAYOR MESSAM: Commissioner Barnes.

COMMISSIONER BARNES: Just to our residents, watch out for the citizenship drive coming up. I've been working on it. Working on it, details are getting together.

MAYOR MESSAM: Commissioner Chambers.

COMMISSIONER CHAMBERS: Thank you, Mr. Mayor. I must say I had the pleasure to day of the ribbon cutting of Vicky Bakery right here in Miramar. Great family history and it's good to see more jobs creating in the City of Miramar, so I want to thank the owners of Vicky Bakery for setting up in Miramar. Once again, I'd like to thank our employees, this great City, fire, police, GAME union, Utility, Parks, they're doing a wonderful, so I want to really thank them so much. Thank the residents a lot for providing that funding for keeping our City moving forward. Thank my colleagues, Commissioners, Mayor, thank you all so much. I must say that gas station, I visit frequently, I won't be visiting too frequently, because I change my truck, so I'm using less gas now.

MAYOR MESSAM: Commissioner Colbourne.

COMMISSIONER COLBOURNE: I do want to echo your sentiments, Commissioner Chambers, on Vicky Bakery. It was great to see the grand opening, and a lot of folks came out, and a lot of residents have been visiting their establishment, so it's really good to have their store right here in our neighborhood, get our café con leche, and our pastelitos. Also wanted to remind residents that early voting is coming up this Saturday, and encourage them to go out and participate in the process.

MAYOR MESSAM: Thank you. A couple of announcements and comments. I'd like to also wish Vicky Bakery all the best and much success. The City Commission was well represented at their grand opening today, and we look forward to a successful business enterprise there at the Kohl's Shopping Plaza. Second, we have a Commission retreat that was scheduled for March 12th, which is next weekend, and I think, originally, each of us was polled. And we were polled to see if that date worked, and there was a consensus that it did. But, out of courtesy, did see communication from your office, Commissioner Chambers that you now, will not be able to make that date, and it's important for all of us to be there, so we have to figure out when we're going to have the retreat.

COMMISSIONER CHAMBERS: I think Friday would have been a better day. I don't know if it's possible.

MAYOR MESSAM: I think the challenge is, is everyone available on the 11th for four hours in the morning, from 8:00 to 12:00? I think why Saturday was selected was for the elected officials that may be working on a Friday, obviously, wouldn't be available, so Saturday was the most convenient day for all of us. Is there a possibility that you can keep the 12th, or you just wanted to have it on the 11th, as opposed to the 12th, or is there a reason?

COMMISSIONER CHAMBERS: Saturday is more family time for me, but if I have to do it, fine.

MAYOR MESSAM: I mean we understand if there's extenuating circumstances, so if there is flexibility to have it on the 12th we would like to. And one of the reasons why we want to have it on the 12th is at some portion of the retreat, it could provide some direction for staff that will, potentially, provide direction for staff as they enter into the budget process. So the further we delay it and delay it, just adds more pressure to the budget process.

COMMISSIONER CHAMBERS: But this retreat, why are we having it at the City. That's a real retreat?

VICE MAYOR RIGGS: It's not a fun thing.

COMMISSIONER CHAMBERS: It's a workshop.

MAYOR MESSAM: It's a working meeting, and the reason why it's being held at the City, one, it keeps costs down; two, because it's a public noticed meeting, we had to make sure that our meetings are accessible to the public, as we were reminded yesterday in our ethics workshop. So, in keeping with that spirit, but it sounds like the 12th may work, and we definitely appreciate it, Commissioner Chambers, because family time is important for all of us, so we do know that we are sacrificing time away

from our family for it, for the benefit of the community. So we definitely appreciate your flexibility.

COMMISSIONER BARNES: I'm not sure if it has been noted that I responded to that workshop initially with a maybe, because there a number of issues that I still have to resolve to be able to attend the whole day.

MAYOR MESSAM: The time that was presented was, I think, 8:00 to 12:00?

CITY MANAGER WOODS-RICHARDSON: 8:00 to 4:00.

MAYOR MESSAM: Oh, 8:00 to 4:00.

COMMISSIONER BARNES: Not sure.

COMMISSIONER CHAMBERS: Can we change the hours?

VICE MAYOR RIGGS: When will you know, Commissioner?

COMMISSIONER BARNES: As of now, I don't have an answer.

MAYOR MESSAM: Well, do we know a date certain of when you will have an answer?

COMMISSIONER CHAMBERS: Instead of the whole day, maybe four hours, and then maybe another four hours?

COMMISSIONER BARNES: The only commitment I'm going to give at this time is that I'll try to attend most of the day. I cannot commit otherwise at this point in time.

MAYOR MESSAM: Okay, but you will be present?

COMMISSIONER BARNES: I will make an effort to be there.

MAYOR MESSAM: Okay, thank you. Commissioner Colbourne, will you be able to make the 12th?

COMMISSIONER CHAMBERS: Yes.

MAYOR MESSAM: Vice Mayor Riggs?

VICE MAYOR RIGGS: Yes.

MAYOR MESSAM: And I will be there so we have consensus to keep it. And, again, I do know that it's a Saturday, but thanks so much for your flexibility and your willingness to serve the public to have the retreat. Finally, just would like to inform the community,

I'll be having on April 9th, the 3K Run/Walk here at Town Center, followed by a day of fitness and activities, and health fair for the children, as well as the community. And the purpose of the event, as we've always done, last year was the first time we added the 3K, that is, basically, a route around Town Center. It's to introduce and bring together the community. So whether you're in the best of shape or in no shape at all, everyone can walk a mile at a minimum, if you're able to walk. For those who want to jog or those who want to sprint can sprint. But the main purpose is to bring the family, bring the kids. We have great corporate sponsors and partners: Joe DiMaggio, we'll have the teddy bear corner, and we'll have rock-climbing, face painting. The Miami Dolphins will have an obstacle course here. Memorial Miramar will provide free screenings, blood pressure. We'll have eye exams. We'll have chiropractors here, so if you want to get an adjustment, massages. We'll have fitness demonstration, spinning, yoga, aerobics, and jazzercise. It's always a great event, and it will be April the 9th from 8:30 to noon. Do we have any reports from Madam Manager, Mr. Attorney?

COMMISSIONER CHAMBERS: Mr. Mayor, I just want to mention for families, we have our annual Eggpalooza coming up on the 26th, so it's free to families, a fun day, rides, bounce house, Easter bunny, egg hunt, music, Home Depot workshop and so forth. And, Mr. Mayor, I just want to mention Big Al's Steakhouse; we can send some support to that lady's way. It's a small business in the plaza where Vicky Bakery just opened to Golden Krust. I'm asking to support this business to make sure she keeps her business going. So if we can stop by and buy from her, I'd greatly appreciated.

MAYOR MESSAM: Thank you. And have an awesome mixed green chili cheese salad. Meeting is adjourned.

City Attorney Reports:

None

City Manager Reports:

None

FUTURE WORKSHOP

Date	Time	Subject	Location
03/12/16	8:30 a.m.	Strategic Planning for the Future	Commission Conference Room
03/23/16	5:30 p.m.	Broward County Marijuana Ordinance	Commission Conference Room

ADJOURNMENT

MAYOR MESSAM: On that note, we are adjourned.

The meeting was adjourned at 9:11 p.m.

Denise A. Gibbs, CMC
City Clerk
DG/cp