



Village of El Portal Public Works Meeting

Date: 1/15/19

Meeting Start: 7:30 PM

Meeting End: 8:26 PM

Meeting Length: 00:56:14

Chairperson Mathis: We going to call to order the Public Works Committee meeting at 7:30. Had a moment of silent meditation, Pledge of Allegiance. Can I get a roll call, please?

Village Clerk: Yes. Councilperson Roman?

Councilperson Roman: Here, present.

Village Clerk: Mayor Cubillos?

Mayor Cubillos: Present.

Village Clerk: Chairman, Councilperson Mathis?

Chairperson Mathis: Present

Village Clerk: We have a quorum, Chairperson Mathis. Chair, also just note that Warner Dreher was the vice-chair of this committee. They put me in there and moved all this position, so I'm going to ask that Omarr Nickerson be the vice-chair of this, so we have pretty senior people on there so it will be you as chair, Omarr Nickerson as vice-chair and Councilperson Roman as a member of.

Chairperson Mathis: So noted-- and that's until the fulfillment of-- or we're going to keep it?

Village Manager: I think we just keep this. There's a lot going on in the public works in there. We need to take care of this.

Chairperson Mathis: Okay. Perfect. Can we get approval of the agenda? This is a deletion. I have a deletion for G2.

Vice-mayor Nickerson: Motion to approve with the deletion.

Chairperson Mathis: Agenda with the deletion. Can I get a second?

Councilperson Roman: May I add something to discuss? Let's call it, "Sidewalks and Streets".

Chairperson Mathis: We're going to replace G2 with 'Sidewalks and Streets'.

Vice-mayor Nickerson: Motion to approve with the amendment.

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Chairperson Mathis: Can I get a second?

Mayor Cubillos: Second.

Chairperson Mathis: All in favor?

Vice-mayor Nickerson: Aye.

Councilperson Roman: Aye.

Chairperson Mathis: Pass. We will go to welfare, anyone? Hearing none. Going to the agenda item. Do you want septic to sewer update? Robert, could you?

Robert: Good evening. Hi. Robert Rono, 1544 Mercy Avenue, Coral Gables, Florida. Unfortunately, we don't have a lot to report on septic to sewer but very quickly-- I know this, the village manager has met with the school district and they seem to be agreeable to doing the easement without a charge. That's a good step, but it looks like we're going to have to do that in the next round for the next fiscal year.

We have time now to get everything ready for August, the August hearing of FDEP, which is actually a new fiscal year for the state, so it's even better than going February or May when the other two hearings are because now we'll have a whole new pot of money for the septic to sewer. We did have a meeting since the last time this committee met, we had a meeting with the school principal and it basically went kind of the same way it's gone in the past. He asked for money for the easement money for the school and money that the village really doesn't have.

Female Speaker: If I may add to that, I spoke with each of you all individually about that and we came up with some other ideas. We did enlist this with our new senator, Jason Pizzo, who's been very helpful and instrumental in getting us beyond the school and on to the school board and getting some things answered there. I had a phone conference last week with members of the school board and it was very, very productive and they will be working with us to get our easement, but only for the pump station. We'll discuss nature trail another time, that's separate, but this will move forward.

In that vein, we still haven't gotten any written confirmation or anything and I think waiting for the next round is appropriate.

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Robert: Very quickly, the 319 grant that Penonni did last year was not funded, but I spoke to the state. The reason it wasn't funded-- it was a good application and we scored well. The reason it was not funded is because the state-- there was a management decision only to fund projects where there was a best management action plan in place. Miami Dade County it's called BMAP and Miami Dade County doesn't have that one. They did recommend that we apply again and that will be this spring and we can basically use the same application, just update it a little bit and submit it again. That was for funding for the homeowners' connection fee.

Chairperson Mathis: Now, with that, does Miami Dade County have to be on this BMAP?

Robert: No. It was just a one-time thing that management decided last year and they said to go ahead again and apply it because they weren't going to do that this year.

Councilperson Roman: When will we be applying for that again?

Robert: It comes up in the middle of March, I think the deadline is. They'll take it afterward, but it's typically middle March.

Councilperson Roman: It's March 19?

Robert: Yes.

Councilperson Roman: Okay, so we have to apply in March 2018 for this--

Robert: Yes. We have to apply again for the 319 grant which is to pay for the residents' connection fees.

Councilperson Roman: Okay, so we're going to reapply March 2019.

Vice-mayor Nickerson: Can we set a date, just so we're tracking everything as far as we know the date that it needs to be submitted. I would like to and I am pretty sure the committee would like to do it before the due date, so if we could be back, we don't have a committee meeting in February and March is when the second--

Mayor Cubillos: Do we have a due date for the March?

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Chairperson Mathis: That's what I was checking right now. I don't believe we do yet that's why it has not come out yet, so it's typically middle of March, but if we set a date of say, April 1st, that would be enough time. At least we'll have it in by April. I'm not sure what date.

Robert: We want to be ahead of the ball. If the committee wants, can we set a date for February 22nd?

Vice-mayor Nickerson: I have no problem with that, Mr. Chair?

Councilperson Roman: Yes.

Mayor Cubillos: That's to put in the application?

Robert: That's to make sure that we've dotted all our I's and crossed all our T's to be ready for submission by the 19th.

Councilperson Roman: Okay, so confirm submission--

Vice-mayor Nickerson: To February.

Chairperson Mathis: The next committee meeting would be on the 12th of March so we should have a copy of the submission and then have it submitted by March 19th.

Robert: Okay.

Chairperson Mathis: That's it Robert?

Robert: That's it.

Chairperson Mathis: Thank you. Christia?

Christia: I will say that we did invite Penonni to go to the meeting tonight. They were just not able to make it. They would come but his daughter had a basketball game so I said, "Come at the next."

Councilperson Roman: And speaking on that, Where are we with regard to the loan negotiation?

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Male Speaker: All right. We received a- I went back and negotiated with them. They proposed the final offer which was going to recommend that the Council considered at the 29th meeting is \$45,000 which will be shovel ready for everything in our plans and submitting everything to the department for the grant. There are some other items that we still have to work out concerning potential language that I would like to see built into the existing agreement with them. Which would create an affirmative duty on their part to provide us with, at minimum, monthly updates on our regular commission meeting as to the status of each of the projects they are involved in, not just the septic to sewer project statuses, to where we are with each project where we, with expenditures of funds concerning each of their individual projects.

That's going to require some type of omnibus amendment to each of the agreements which we are still working through. The short answer to your question is that they proposed a number that is going to be presented to you all for consideration at the next regular meeting, and in addition to that, there will be a proposed omnibus amendment to the existing rules we have with them that we still have to finalize that would create a form of duty to keep our village up to date, so we don't have the same situation in the future.

Chairperson Mathis: Now, where does that leave us- this open-ended area- where does that one leave us with doing the application for the next?

Robert: The village can do the application without Penonni. It doesn't affect them.

Chairperson Mathis: No. I'm saying having not closed out and being shovel ready, that has nothing to do with us submitting this application?

Robert: No. It's actually works out because you're pushing-- those applications, they pay out later on so If we're going to start the construction next year in 2020 instead of 2019, it'll coincide better with the funding.

Chairperson Mathis: Just so the committee knows, and I'm pretty sure that all of us are the same at, I'm going to be serious and strict when it comes to dates or deadlines. No excuses from staff or contractors.

Mayor Cubillos: May I make a comment?

Chairperson Mathis: Sure.

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Mayor Cubillos: You mentioned that the next committee meeting is March 12th, Public Works is March 5th.

Chairperson Mathis: It's March 5th. Okay. I stand corrected. Okay.

Mayor Cubillos: May I ask a question?

Chairperson Mathis: Sure.

Councilperson Roman: Okay. The final offer is \$45,000 to be shovel ready?

Robert: Well what I meant by shovel ready is planned, signed, sealed, and delivered, which will allow the village to submit its application to the department because we can't move forward without the plans for the location of the pump station.

Mayor Cubillos: Okay. This is for work they've already done which is the amounts that we owe, that we got billed for, and then work that they're going to continue to do so that we are able to submit?

Robert: That's partially correct. According to the discussions we've had with them, there have been several now, there still remains about 8% to 9% work left in order to complete the plans to have them sealed and ready for submission for the application process. When I said you're partially correct, they still have work to do according to them.

Chairperson Mathis: Do we know how long this 8% finalization would take?

Robert: That's a question you'd have to ask them. Based upon what we've gleaned from the work that's gone on over the last several months, they can speak for themselves when they get here at our meeting, but part of the inflation if you will, of the cost is because the site kept changing. I know you may recall a couple of months ago we had a meeting on this and the relocation of the sites allegedly required them to keep reinventing the wheel.

As it was pointed out at the meeting, most if not all of the electrical, drawings, and whatnot for each of the pump station sites that were envisioned, and there's been seven different changes, can still be recycled. What they're saying is because they've pretty much drawn different plans for each of the proposed sites in order to finalize now the agreed upon site which is a site number seven--

Chairperson Mathis: Which was originally site number one.

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Robert: Which originally was site number one. That's something we can get into when that comes up at the meeting. They still have about 8% left of the work to be done to have the plans sealed. That's the party line that they've been giving us.

Chairperson Mathis: Okay. I want to know what this 8% entails.

Robert: That's a question I can answer, they claim that the plans, it depends on what they, but they claim it's roughly around 90% of the plans, the main part that needs to be done is the pump station. They would still need to finalize the plans of all the laterals on the streets, then finalize the pump station, submit it to us for review and comments, and then submit it to WASDI for permitting. That's essentially all what's needed to be done. That would probably take, in answer to your question, it should not take more than two months to do all that at the most. Once we know that we're going to have that site and that we have the easement for that site.

Councilperson Roman: Chair, may I?

Chairperson Mathis: Yes.

Councilperson Roman: Okay. According to what they billed us, they billed us a \$152,000. Now that brought it, we've negotiated down to \$45,000. What's the name of the company that we consulted with?

Robert: Cap.

Councilperson Roman: Cap government had recommended that we-- can you just confirm?

Village Manager: They said on the \$435,000 contract that we really didn't owe them anything, but if there was 8% left to do it would be, you take 8% of 435,000, that would just be a small amount that we pay, less than \$20,000. They recommended we don't pay anything more but if we want to show good faith, split that cost.

Chairperson Mathis: Let me ask a question. Did we finally get the billing part squared away? They cleared up their billing procedure? Did you finally get that taken care of?

Robert: Well, I don't know if they've cleared it up. We still had concerns about the way their billing is done.

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Chairperson Mathis: It hasn't been, we still have. If we still have concerns, it's not cleared up.

Robert: No. No, no. The way they do their billing is a little bit weird because it doesn't track back to a particular task. It just says something like, "Engineering," or "Design." It says, "From January 1st to January 10th, three hours." You can't really track. It says the person, so you can't really track what was done on any particular day because it has a range of days. That's what it is. That's what they deal with.

Once the Cap government looked at it, the engineer looked at it, he was able to determine what he thought was reasonable. Then he said realistically they should have come to us back in May, they did not. That we really don't have to pay them anything but that they did probably go through extra work because of the change in locations. It's just a matter of us negotiating with them and figuring out what, if anything, you pay.

Robert: Right. Part of the settlement includes not just the delivery of the plans but also the application process with the state.

Chairperson Mathis: They had to do that anyway though?

Robert: Right. I'm just telling that the 8% is just not related to the sealing of the plans, or the design of the plans. We have to remember that the contract that was ultimately negotiated with Penonni years ago was unfortunately a flat fee contract. Under that contract and the terms that were approved previously, there's no requirement built into the contract for itemization of work.

Mayor Cubillos: May I say something?

Chairperson Mathis: Sure.

Mayor Cubillos: That's exactly actually what I was going to bring up now. This is a project the clearly we're fully in, and we're going to complete, and we're all vested to get this project done. My question to the committee is that exactly that is the contract, all of this, the issues that we're having is derived from the contract that was signed by a previous administration and a previous attorney. Can we do something to amend that contract so that as we move forward with Penonni that we're not in the same predicament?

Robert: That's resolving too early.

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Mayor Cubillos: We are going to be working on an amendment?

Robert: Yes. That's something that we're going to have to go back and try to build, put the horse back in the barn kind of thing. Build in safeguards for the village which is just like any other relationship. If you're willing to going to find out whether it's an accountant, or a contractor, what they're doing on a regular basis and what you're paying them for, you don't necessarily want to execute a flat fee contract because there's no built in requirements to itemize the work that's being done.

Mayor Cubillos: It would be necessary to have that in place before we move forward with any other project with them. We're going to pay this 8%, whatever that dollar amount, if the council agrees on that, and votes on that, but in moving forward we have--

Vice-mayor Nickerson: We will have to have something in concrete before we even--

Robert: Yes. There's going to be at least three things built in. There's going to be the itemization requirement, and also the reporting and notification that we talked about on a regular, if not monthly basis to the full commission we should have-- these are major projects for the village, it's pretty much it. It should be a regular component of the village presentation report that this contractor comes and gives the village a full report, not only at the regular commission meeting but at a minimum, reports at the applicable committee which is the Public Works committee.

Mayor Cubillos: Okay. Pardon all my questions but I want to make sure that I'm clear and this is the time for us to really, a committee, to really get all the questions clarified. Here's my concern, my concern is we don't have \$45,000 budget for this. Where are we going to get that from?

Robert: Well--

Mayor Cubillos: Hold on a second. That's where all my questioning is coming from, right? We've been going on this for months so we know that Penonni billed us without letting us know ahead of time. We all know the story, we're all okay with that, right? Let's say we come to an agreement to pay X amount of dollars. They submit the work. Then that means that we could move forward with this project?

Robert: We agree and they submit all the work, yes. If we have the easement in place, then they would finalize their work. Then they would submit before a hearing for FDEP and we would move forward. To answer your question, the money would come from the loan that

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FDEP has already tacked on. In August, as a kind of a placeholder, they put a placeholder for an additional \$85,000 FDEP, that we have not executed. We have up to \$85,000 that they would increase their loan by. That extra \$45,000 would be built into a 20-year loan, the 20-year loan.

Mayor Cubillos: The 45?

Robert: I'm sorry, the \$45,000. Yes.

Mayor Cubillos: Okay. That will be built into the loan.

Robert: Yes.

Vice-mayor Nickerson: That's the 80/20, right?

Robert: Yes, correct, the 20.

Mayor Cubillos: Then we submit. We're estimating we would be starting this work in 2020.

Robert: 2020.

Chairperson Mathis: If we're approved for the funding in August, right?

Robert: Yes. When we're approved, then we have to get a contractor to this, actually then to do the construction.

Councilperson Roman: The construction is going to be an additional or is that included?

Chairperson Mathis: That's where the money comes from.

Chairperson Roman: That's why we're going to the state to get.

Robert: That's the 4 million.

Male Speaker: Less than 4 million.

Chairperson Roman: Okay, but we don't have that yet. There's no guarantee that we're going to get that either.

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Robert: No, but the state has pretty much said, "Look, you're in the pipeline," has told us in each hearing how the money is going to go. They said, "Come August, you're going to have a brand new state budget." Chances are, there should be a lot more money than now because it's depleting over the year. They had a hearing in August. Every meeting every couple of months, they draw down more funds and then replenish back in August.

Mayor Cubillos: This is still for the small towns? This is for everybody?

Robert: This is for everybody based on income. Any city can apply for it but it has to be based on income in the area. You couldn't go to a high-income area and capture these types of funds.

Mayor Cubillos: This is going to cover phase one of the project?

Robert: Correct.

Mayor Cubillos: Then we have to worry about the rest.

Robert: Correct.

Mayor Cubillos: There's no changing of the phase. We're phase one, it's what is.

Robert: It is what is.

Mayor Cubillos: Because all the work that has been there. I'm clarifying because I want to make sure that those residents that aren't here, that the entire village understands how this project is working and where we're at. It's not just us. Okay. I think I'm done with my questions. Thank you.

Chairperson Mathis: Vice-mayor Nickerson?

Vice-mayor Nickerson: No, none at the moment Mr. Chair.

Chairperson Mathis: Madam Manager, would you like to add anything additional?

Christia: No, I have nothing to add.

Chairperson Mathis: Robert?

Robert: No, sir.

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Chairperson Mathis: Okay, thank you. I'm going to G2, sidewalks and streets.

Mayor Cubillos: Okay. I did meet for the New Year with the village manager. This is something that I think I brought up two years ago. I didn't press on it last year because everything was, all the public works energy and focus was going to the septic and sewer. As we know, there's so much more to public works than just septic and sewer. One of the things that I notice a lot while I'm walking my dog is sidewalks. It's not only the fact that we do know that there are streets that don't have sidewalks, but there's also streets that have sidewalks that are broken sidewalks.

There were streets that had broken sidewalks since the hurricane, that were affected from the hurricane, some that were before. One of the items that I've asked the manager to please look at to see if there's funds anywhere that we can get, for sidewalks, and also potholes, streets. Some of our streets are just not-- they're bumpy, they're horrible to drive on. It's not just the circle here, but quite a bit of streets. I'd like some of our focus, if possible in this fiscal year, to go into, not necessarily fix, getting them fixed, because obviously everything takes money, but it's to finding out what--

Vice-mayor Nickerson: Where the problem is.

Mayor Cubillos: Where the problems are. Identifying where the problems are, and then what money is out there that we, the village, can go after for these projects so that we can at least start taking care of. Maybe some of these streets are streets that the county needs to take care of. That's where I would for this to be somewhat of a priority.

Village Manager: May I make a comment?

Chairperson Mathis: Yes.

Councilperson Roman: Just a point of reference, one of the reasons why there has not been sidewalk repairs or stuff, the work that we generally have done in the past is because with this septic to sewer, when this agreement was done, we appropriated or we use as collateral our CITT funding. CITT funding is given to every municipality to help repair for sidewalks and to do street repair. The amount that's given to each municipality is contingent upon the size and population and other variables.

The amount of money that we have in there, which we do have money in there, it is being now earmarked to pay back the loan for the septic to sewer. That's why we haven't seen some of the things that normally we would have done in the last year or so, because in prior administrations,

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we work a pothole here, a sidewalk over there, but we haven't done that because the CITT money that we do have is being held to pay back the loan for the septic to sewer.

Village Manager: If I may too, we did speak. You and I, Councilperson Roman, and knowing what I know about the CITT funds, I'm being obligated, approach the Miami Dade County Public Works, the transportation department. I'm trying to get a meeting with Alice Bravo or someone that she delegates to see if there's something else we can do in the form of a mutual aid agreement. Because the county does have a pothole truck that goes around replacing potholes and a lot of these streets are under the county's jurisdiction anyway. I'm attempting to get a meeting and when I make that happen, I will invite you to come along.

Councilperson Roman: Awesome. Thank you. Those CITT funds, up to when are they held? Pardon my [crosstalk]-

Mayor Cubillos: The CITT money is given to us on a quarterly basis or annually. It goes straight to the bank. Right now, we haven't used it. For example, the trash cans that you see around the village, that was paid through CITT funding. The bus benches that you see in Northeast Second Avenue, that was paid with CITT funding. Any repairs that we've done in the past, that was paid with CITT funding. We haven't used them since all of this came to light in the last year and a half. There is a dollar amount. I don't have the exact dollar amount and I don't think we have the special revenue fund here.

Vice-mayor Nickerson: It wouldn't be in there.

Mayor Cubillos: The amount that we have in CITT right now is \$270,000. That is something that we've kept in there because we're going to need to use to pay back the portion of the loan for the septic to sewer. That was part of the agreement. We had to put in collateral and the collateral was CITT.

Councilperson Roman: Okay. That explains a little bit. Thank you for looking into it. Let's see how we fix some [crosstalk]-

Vice-mayor Nickerson: I'm going to make you a head of potholes and whatnot.

Chairperson Mathis: Sidewalks.

Vice-mayor Nickerson: Street and sidewalks.

Councilperson Roman: It's important.

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Vice-mayor Nickerson: It is, especially for runners who-

Mayor Cubillos: Yes. The other thing that I did mention was lights also. If street lights-- I know that our public works and code enforcement during the day, but that if the police officers-- she did say that some police officers do report regularly, but if we could just remind the officers I asked because there have been streetlights. I've recorded some when I see them but I don't see them all.

Village Manager: Some of the residents are good about reporting as well and then we contact the FPL and they come out and repair.

Vice-mayor Nickerson: Speaking about streetlights, is [unintelligible 00:29:56] is no longer there. Is she still our contact? I read an article, it wasn't FPL, it was one of their subsidiaries in another state, that they're doing a trial basis or something with regards to lower levels of lighting because of wildlife. Can we look into that because the lighting-- birds are singing at two o'clock in the morning because of the light.

Village Manager: I have already made a request to FPL for that information I haven't got it just yet.

Mayor Cubillos: The residents also complained about this and I haven't really noticed it, but on that point, is that when FP&L comes and change the lighting, are they like changing the type of lighting they're putting in because there's different types of lighting? I don't know if it's LED or if it's brighter or what it is, but maybe they're moving to a different lighting and we're stuck with some old lighting. If there's any way that they've upgraded the lighting, if they can do all of it, not just piece.

Village Manager: It is LED, I know that from speaking with [unintelligible 00:31:11] our point of contact for FPL, but I don't know if it's lower than because we have the wildlife and bird sanctuary. Because another resident made me aware of the differences, so I did reach out, so I'll circle back and see if there's anything more she could add or if there's some way we can get lower lighting in some of our streets.

Vice-mayor Nickerson: Councilperson Roman gave me a copy of the track and report. Well, there's a lot to take in. You guys have your homework set out for you. That's it.

Councilperson Roman: Maybe we should agree to review and then come back in March. Discuss it and see what needs to stay or go away, adjust it or whatever.

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Chairperson Mathis: That will go into-- you have a comment?

Mayor Cubillos: I have a question. I just think, time goes by really fast. With the septic to sewer and the shovel ready phase. Robert, I don't know if it's a question for you or for Christia or for Penonni, but what have we done as it relates to when we put the streets back? We don't have a master street plan. Are the street's going to be put back exactly the way they are just asphalt? Have we worked with Juan to work on any type of curb appeal or a little more green? I don't know. I haven't really been in the conversation with septic to sewer, and are we hiring Penonni to do the master street plan for that?

Where are we at with that? Because I don't want us to go full force because we're so focused on the 8% and we're focused on this and then we're in the construction phase and oh my gosh, we need our streets back.

Robert: With their contract, they're going to put the streets back the same way they are.

Mayor Cubillos: With whose contract? With the contractor that we hired to do the whole construction?

Robert: With the contractor Penonni has. They're designing for the streets to be back the same way.

Mayor Cubillos: They have picked up the project of designing the streets because I wasn't a part of everything-- [crosstalk]

Robert: Okay. Remember, they have not picked up the design for the storm water, the storm water system, that is still open. It's depending on the village to either award it to them or find someone else. That's \$126,000 I believe. They have picked up, obviously the design for the septic to sewer, that will involve reconstruction of the road obviously, because you have to put it in the ground and then they will put it back the same way the streets are now, at this point.

Village Manager: They don't have the contract for the construction?

Vice-mayor Nickerson: It's not to-- that would be with construction that we would work that out.

Councilperson Roman: This must be good what they're doing.

Vice-mayor Nickerson: I'm sorry?

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Councilperson Roman: This guy walking the street?

Vice-mayor Nickerson: There's some.

Robert: The contract states that they have to put the street back the way that they found it.

Mayor Cubillos: Correct, but if we're at work, maybe that's a good time to put a sidewalk.

Vice-mayor Nickerson: That's what would happen when we find for the construction. When we get awarded whatever amount of moneys we have, we would put out a bid to say, "This is what we need done. We can include the sidewalks and so forth."

Robert: They gave us a quote early on. I think it was going to be an additional, like \$300,000 if they made up updates to the streets. Right now they do it the same way it is. It's going to be quite expensive in order to-- if you want to design with new curbs, sidewalks, and stuff, it's going to be pretty expensive. It's not cheap.

Vice-mayor Nickerson: Yes. Mr Chair? When Pennoni first, I remember being on the committee, when this first started to happen, when we first started to do and they used to come in on Saturdays and things like that. They would do the PowerPoint. I don't know if you guys remember that? We'd go to the parts about the streets and the sidewalk and how with the sewer system. How they would not have to do the drains, with like the way that the water's going to go down and stuff like that or whatever.

They said at that particular time, you guys want to start looking into the way you guys might want the design, because we were talking about the charrette. The way you guys might want to design to come out, they were like, because we already will have the streets messed up so that's the perfect time to do it. They were saying that like a year ago in their PowerPoint. I remember because I saw it like two or three times in their PowerPoint, they kept on bringing that up.

Robert: Right, but it's going to cost more money and more money that you'd have to potentially, because if you don't get it from the grant, you're going to have to add it to the loan. Right now you're very tight in terms of the payback for the loan.

Village Manager: Is there a grant we could go after?

Robert: For the streets, there is. There are grants for streets if you're making it more pedestrian-friendly, but they require a match. That being said, you're making me think maybe

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there is a way to go after it. I can call the TPO and ask them, because they actually have a grant opportunity out now, to see if we can use the match from the future that we expect. I'll ask him about that. That's actually interesting.

Mayor Cubillos: That would be a good time for us to do it all together.

Councilperson Roman: Here. Robert Warren who also applied for CDGB grant for the village to also assist with our project here. Could that funding be used for, maybe sidewalks?

Robert: If we get it potentially, but since it's not awarded, that's the whole case. CDB actually, HUD is one of the only ones that you can use match for, but if we don't get it obviously-- if we haven't been awarded for it, I'm not sure that's the same question if the TPO will allow us to use a match of something we don't even know we're going to get yet.

Councilperson Roman: Okay. I know that you are setting up a site visit with CDBG.

Robert: Yes. With the county.

Councilperson Roman: They do some helping us with that so hopefully fingers crossed. We'll know.

Robert: Right. We're trying to bring down that amount of money that you're having to pay under the loan.

Councilperson Roman: Thank you.

Chairperson Mathis: Anybody else? I'm going to good and welfare.

Vice-mayor Nickerson: One second before we go into good and welfare, Mr. Chair. I just wanted to say-- one second over. I just wanted to say, because you were bringing up the lights, which is a good point with the lights and the birding, and the birds, and the birds singing. You were talking about possibly reducing the lights, for everybody who comes to these meetings, the committee meetings and things like that, because there are residents who talk about lighting. The residents who talked about lighting on both sides, and what Chair Mathis is about to go into is good and welfare. That's the time to where if you asked them to say about lighting or whatever we talk about, you come up and say that at that particular time.

Because what's happening is, is that you'll have people say like, "Well, like it's too dark out there.", or something like that. Then while we're doing this committee and we're going over

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lighting, they won't come up and say anything, but then they'll go out and complain that it's too dark again. He just spoke about that. If you want to come up and talk about anything that we're talking about, this is like where you come up and talk about that. All right. Thank you.

Chairperson Mathis: Thank you. Good and welfare?

David Ward: Hi David Ward 448 Northeast 90th street. I actually have a few questions and one wasn't about lighting, but since you mentioned that, I noticed that FPL in Miami Shores is putting a new light fixture and they tend to be much brighter LED. I would suspect they're brighter, give more visibility, but probably not good for the bird population. You'll probably have a dilemma between good for birds or good for pedestrians. Just a comment.

I guess my first question is about the contract with Penonni. We have a flat-fee contract which means that they do not have to detail out what the engineering hours were for, what the other hours are for. At the same time, and if I understand, they didn't come back to us for a change order, any change orders along the way. Yet, they've come back to us for this big sum of money. We're saying we can't get the details of what they've done because it's a flat-fee contract, yet they're saying, "Hey, you should pay us all this additional money."

If that's the case, to me, there's really no reason we should pay them anything. If they want us to pay money, they should detail out what they've actually done for us. Then I guess, not directly tied to it, for the water to sewer project, who is El Portal's project manager for that project?

Chairperson Mathis: Robert Rono.

David: Okay, and the reason I ask that question is, councilperson Mathis asked the question about, what is included in that 8% to 9% of unfinished work that Penonni said? I guess I'm a little surprised as part of those project management roles, that that hasn't already been detailed out to the manager and given to the people on this committee. To me, that would be a key part of what project management should entail.

Village Manager: If I may answer him Chair?

Chairperson Mathis: Yes.

Village Manager: We've met with-- Robert and I have met with each member of the council about the project and we did eventually get to a point where we got more details about invoices and the work that was done by Penonni, and we also discussed what the 8% would be. I think,

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for purposes of the conversation here, we were asking in terms of the negotiation for what will be included with the additional 8% meaning, what are we getting? We're getting 8% to finish up the design, but what else will come with that? That's where the new information came in.

David: Okay so my concern really is, the future steps of this project are much, much larger and if we manage them like the first phase had been managed, there'll be so much information that everybody in the committee did not know, the residents do not know. We have to get better at how we manage this project, I think. Just my opinion. Next question, different subject. The three 19 grant was not funded and so I guess I'm curious, have details of that been given back to the manager or to the folks on this committee? Because, obviously, if we didn't get funded for some reason, this committee needs to understand what we need to do different in the future.

Christia: I can tell you I got this letter-- I think it was Thursday or Friday, it doesn't have the actual date on it, but I got the letter stating that we submitted the grant proposal and that they regret to inform us that it was not selected. [unintelligible 00:00:53] did contact them directly and ask why, because we thought we were a fantastic candidate for it, and they gave him the details of it was not because you didn't have a good project, but we decided to go in a different direction. That wasn't enumerated in the letter, but I can let the council know that we didn't receive that grant.

David: Have we gotten that explanation in writing from them?

Christia: No.

David: My concern is that what people say sometimes doesn't match what actually happened. I would think if they take the time to write the letter, they should also detail out what they said. Miami Dade County didn't have the best management action plan, so can we lobby somebody in Miami Dade County to make sure that doesn't happen again? I'm just concerned that we took it at face value and didn't really dive any deeper on it.

Christia: I think that's viable.

Chairperson Mathis: That was the question that I asked [unintelligible 00:01:53] and Robert. It was about the B map. He said that they decided that that's the reason why we weren't selected, because there was a management decision and so forth. We're going to follow up on everything. That's why, like I said, dates are going to be so important to me in this committee that we're going to get tired of getting information, because we're already going to know what's going on.

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David: That would be good. Now my next two questions really relate to the November council meeting. I apologize if I've gone past my time. At the previous council meeting, I think it was in November, Pannone got up here and was pushing for you got to do something, because we have this big pot of money that may not be there at later dates. Yet Robert mentioned during his presentation that it's actually a good thing we missed the date, because there may be even more money. I'm hearing two different stories and maybe I don't understand enough to know which version is correct. Are we making ourselves just feel good that we missed the date and hopefully there's more money, or do we actually know there's going to be more money, or we just don't know?

Christia: I can tell you that, in my conversations with FTP, we were told that there will be money the following fiscal year. These are the projects that continue. There is not a rush to get money if that won't be there next fiscal year. Throughout that was my message, but that wasn't the same as Pannone's message.

I don't know if you've attended other meetings, but Pannone had a tendency to rush rush rush. Everything had to be done right now, because tomorrow's unknown, but in my own conversations with the state, we're fine. We're slated, but we will continue it. I don't want anyone to think we're not moving forward with the project, because we are, but to rush isn't always the best thing. That's why we're in the situation that we're in now with having to pay that extra money. if we decide to do that. Taking our time and reviewing everything the proper way and getting the land use agreement and all of that. This is the right way to do it.

David: Obviously, Pannone only gets paid if they can get us to commit to doing more, so I understand that. Yet at the last council meeting, I had this sense that councilman Dreher was trying to make it a priority. I got the sense, and my sense may be wrong, but I got the sense that the mayor and the manager were what I call slow-boating it. You didn't say that, but it appeared that you were like, "We hear you councilman, but is it really a priority?"

I guess my concern from that last meeting is, if it's not a priority, then you should say as a counselor or as a committee that it's not a priority. The problem is the longer this project goes on, the more people that we're going to be competing for monies. I think it needs to be a priority. If we miss states then--

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Mayor Cubillos: May I add something? I think there's two components. In November, the reason that my resistance was because we had no agreement with Horseman. Horseman was in a position where they were just, "No, no, no." The difference now is that Senator Pizzo has come in and has made a concerted effort to work with the committee and with the manager and we seem to be making some leeway. The resistance I had was doing all the rush rush rush and we didn't even have an easement. We had no place to put the lift station and without that, there's no project. That was my like, "Why are you rushing into this?" It's because you want the money, but we don't even have an easement with Horseman. That was what you probably caught from me.

David: Part of what councilman Jared was trying to do was get commitment to meet with the people at the school and the school board before the deadline.

Mayor Cubillos: They gave us nothing. They gave us nothing.

Christia: Also, I had never tried to slow the project down. I just wanted to ensure that we had the land, because there was no need to continue to pile up and build when we didn't have that land. That's why I asked Pannone to not do any more design work until we had the land.

Mayor Cubillos: I want to add one more thing. Maybe, I don't know, I have not spoken on this particular issue with Robert nor Christina, but my thought when they were a bit more like, "We're going to be fine next legislative session," is because legislative session is just beginning. The governor has already made a really big stance on all the water projects that he's putting all the money in.

I do feel a little comfortable as well that we may be in a better position, because of the amount of money he just dedicated to the Everglades and what he's really going to do for that and that perspective. I do believe we're going in in a stronger sense, because we've already been somewhat committed and now we're going in, we have spent all this money as a municipality, we have done all of this project.

When you have skin in the game and you go to Tallahassee, they're more inclined to give you the time, give you the attention and say, "You were awarded this." They're putting more money into water projects and sea level rise and all that good stuff. I believe that's why there was a

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level of comfort. Then again, I don't want to answer. That's why I feel uncomfortable [unintelligible 00:07:12].

Chairperson Mathis: Also, Senator Pizzo ran on this very topic. Getting people off the septic system and getting a concise sewerage system for everyone that's on septic. It's going to happen.

Christia: May I add to that too that on my conference call with Senator Pizzo last week, he actually expressed the desire to use our municipality as an example or as a model, because that's his agenda for his term, to ensure that we get that sewer system. He wants to use us as a model as well, so I think it's in his interest. We're still doing the project no matter what.

David: Thank you.

Christia: Thank you.

Mayor Cubillos: Thank you.

[pause 00:08:00]

Mrs. Brooks: Not a surprise. Marilyn Brooks, 400 Northeast 90th street. When this entire project started, it was my understanding that we had gotten a grant and based on the grant that we had gotten, we were going to do this. Later on, I understood that the grant was limited for a certain amount of time. I think that what Congressperson Werner was talking about, he was saying that we were taking too long and that we would lose the grant. If I hear right tonight, we're not losing the grant. We have not lost the grant that we got.

[crosstalk]

Robert: To explain, we actually haven't officially received the grant. That's what the hearing is for. They have put us in the pipeline. Basically, we have to submit a shovel-ready project, which means all design permit, and then they put it in the hearing and they set and they set it up for funding. That's all we need. They've approved of us getting the grant, but they won't officially say you can have the money until you have shovel-ready documents ready to go with permits. We're still good to go.

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Mrs. Brooks: Thank you. Yes, I did ask Pannone myself about- the [unintelligible 00:09:53] septic. I says, "Are you going to do the streets?" He said, "Yes." That they were going to do the streets. Now, if they're going to do the streets directly how they are- I live on 90th street and that's my interest. The streets are like this. That's why when it rain [sic], the water comes on the side. Are they going to do it directly like that, or are they going to make it flat? We don't need a street exactly the way it is. We need something level, flat, so that the water don't run down on the sides.

Christia: Modernized streets.

Mrs. Brooks: Yes. Now, again, I thought that we were forthcoming to have the east side done, now we're pushed back, because the east side won't be done until after the west side. It's my understanding that the west side will be 2020.

Christia: Started.

Mrs. Brooks: Thank you.

David Ward: David Ward, 488 Northeast 90th street. Just to follow up on Mrs. Brook's comments about the street and Councilman Roman mentioned wanting to make sidewalks a priority. I would recommend making revisiting of existing swells part of that as well. There are lots of swells that are paved over, compacted and all those things affect how the water stands on the roads and I think also affect probably the performance of the sidewalks. Probably less likely that grant money's available to look at swells, but that's all going to come back to bite us when we start looking at this storm water project. Thank you.

Chairperson Mathis: Anyone else? Can I get a motion for adjournment?

Vice Mayor Nickerson: Chairperson. I appreciate it. First I want to say, before I even get to Mr David Wards point, I want to say I appreciate being on your committees code enforcement and public works, it's going to be a pleasure. He brought up a really good point, Mr. Ward, that I think we might be able to use to our advantage. That was in the original contract with Pannone that there was a flat fee. Now they've come back with all this extra money, now they want us to pay. Also, in the original contract with Pannone, there wasn't anything that said that they had to show us itemization.

Since this new money wasn't in the original contract, so it's kind of a change to the original contract, we can throw in that from now on. Everything has to be itemized to kind of like put everything-- You know what I mean? We can use that, because if we're going to give them any

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type of money that was outside of the flat fee that was part of the original contract. Everything else that we want, we need to think about now and say if you want this money for whatever we settle for, we need going forward this, this, this, this and this or there's no deal. It's the perfect time to negotiate everything.

Mayor Cubillos: We should have some itemization of what's already been done.

Vice Mayor Nickerson: Yes, for sure. That should be part of the conversation before we give up. Yes, for sure. Thank you, Mr Ward. Thank you, Chairperson.

Chairperson Mathis: Thank you. Anyone else? Hearing none. Can I get a motion for adjournment?

Christia: I'll motion.

Vice Mayor Nickerson: I'll second the motion to adjourn.

Chairperson: I'll move into second. All in favor. All opposed. Committee meeting ends at 8:26PM.

[00:56:14 [END OF AUDIO]

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