



Village of El Portal Public Works Committee Meeting

Date: 3/5/19

Meeting Start: 7:32 PM

Meeting End: 8:28 PM

Meeting Length: 00:55:38

Mathis: Onto public works. I call to order the Public Works Committee meeting for Tuesday March 5th at 7:32. We've already had a moment of silent meditation, pledge of allegiance. Can I get a roll-call Madam Clerk?

Jacobi: Roll-call, Councilperson Mathis?

Mathis: Present.

Jacobi: Vice Mayor Nickerson?

Nickerson: Here.

Jacobi: Councilperson Roman?

Roman: Here.

Mathis: Okay. Can I get an approval of the agenda if there's any additions or deletions before hand?

Speaker 1: Before Mayor Cubillos left, she said that she wanted to discuss the public works full-time employee or employee-

Mathis: I've already discussed that with the manager and she has to speak with Erwin to look at the numbers to see what we can do. I was actually going to bring it to the next public works committee meeting.

Speaker 1: Okay, but the mayor did want to address some issues though that she was having with that, that she wanted addressed right now at this meeting because before she left that is what she said.

Mathis: The problems with-

Speaker 1: The problems within this public works department.

Mathis: She said could be the person and do we need to look at that--

Roman: It could be just the person who's in the role. I don't know that it's still a full-time position. If it is, I understand that. Our worker, he's diligent. It's just-

Speaker 1: I didn't know. Our mayor wanted-

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Mathis: Let's put it on the agenda.

Speaker 1: I didn't know if you guys wanted to discuss it. I just didn't want this to go without being said because she is our mayor, she probably hoped so.

Roman: I didn't know it's going to be discussed tonight.

Mathis: It's my committee and it will be discussed at next committee meeting. With that being said, I know that I spoke with the manager earlier today with regards to removing G2?

Alou: No, sorry. G5.

Mathis: G5?

Roman: Yes.

Mathis: I'm sorry. Okay. Can I get approval of the agenda with the deletion of G5.

Roman: Chair, if I may-- I could email the manager for it and ask her. It's fine.

Mathis: You're sure?

Roman: Yes.

Mathis: You're sure? Makes the meeting go faster.

Roman: Yes, we have a long day.

Mathis: All right. Can I get approval of the agenda? It was partly-

Roman: With the change.

Mathis: Part removed, you second?

Speaker 1: I second with the changes.

Mathis: Second. All in favor?

Speakers: Aye.

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Mathis: All opposed? There are no minutes. Okay. We will go into the agenda items. Didn't we skip something? It skipped a [unintelligible 00:02:46].

Nickerson: Yes, Mr. Chair [unintelligible 00:02:49]. Mr. Chair, also the tracking report is not under the agenda items. I just noticed. You may want to approve-

Mathis: I'm sorry. I failed to mention that. I looked at this tracking report. It's pretty extensive. Some of this stuff I discussed it with the manager and some of this stuff on here is actually administrative. If you guys want to go through it we can, but if not I wanted to sit with the manager and just go through it and let her do what she's been hired to do and then we will deal with what we need to deal with. Okay.

Roman: You won't revise it--

Mathis: Yes. I want to streamline everything. Yes.

Roman: All right.

Mathis: Thank you Vice Mayor Nickerson. I appreciate that. Good and welfare? I'm going to go into the G item. G1, flood plan management ordinance review. Who would like to take the helm on that?

[crosstalk]

Go for it.

Alou: The attorney has also been working on ordinance as well, but this is a flood planning management regulation in conjunction with the Florida Building Code. This is a requirement of us by the state department of environment, or DEM. I can't remember what DEM stands for at the moment, but we are required to emergency ma-- Division of Emergency Management. We are required to do this and before the building code already has some provisions in it that relate to flooding, but this is the extra that needs to come per municipality. They have been working with me. The Florida Division of Emergency Management are working with me in devising our ordinance, and then they'll be working with me on preparing procedures for that. In fact I have a meeting on Monday March 11th from 8:30am to 4:30pm to go over what the procedures will be and how El Portal can be more specific with our needs. The adoption of this ordinance is not going to get into specifics for the Village until we sit down with them and do that, but it is going to allow us to be on par with what is required by FEMA as well as the state and the county.

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Mathis: Now how does this reflect with Chapter 7.5 of our code?

Alou: It adds the additional requirements that if it's not already in there, that means we're aware of that, and that just puts us again on par with that. It's a higher standard. It recaptures and regulates building exemptions from the Florida Building Code, incorporates the FEMA policies and guidelines, facilitates an interpretation compliance that we have failed from that chapter. Or not failed, but just that they've been amplified now from the state and from federal government.

Mathis: Now, there's also new flood plain map that I would urge everyone to look at and if you possibly need flood insurance, I would recommend you do that as well. Committee members?

Speaker 1: Yes. I think the highlights in addition to what the manager has just described, it has a really good frequently asked questions section that you can go to, but I think the highlights of this is simply that the part or the division actually looks at each individual municipalities or counties ordinances and then they go back as a staff and tailor the recommended model ordinance to make sure that our ordinances comport with the National Floods Insurance Program, or else we'd have the Florida Building Code. They pretty much give us a model, and when they sent us back the proposal ordinance, they did have pretty much little footnotes that they would want us to answer. I answered them in my first take on it, but between now and the first reading of the ordinance at the next meeting but they also had the **[unintelligible 00:07:24]** take a look at it just to make sure from a planning perspective that we're checking the right box in the ordinance.

Mathis: Now, it did make mention in some parts of it that-- I don't know, that they were going to look to see if we were enforcing that section and if we weren't, to take it out. Do they do that or we would look to see if we're enforcing?

Speaker 1: I'm not sure I understand.

Mathis: I know that the first one was on page six of the-- These things are all red-lined. A model could-

Speaker 1: You're looking at the model one. You mean penalties for violation--?

Mathis: It just states that, "This is reflected in the community substantive improvement provision of your existing regulation." Then it goes on to say, "It's in line with what you have

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in your code, but if you're enforcing it we can keep it in, if you're not enforcing it we can take it out."

Alou: Well, I can tell you this Councilperson Mathis, when we have the meeting on March 11th that will be specific to El Portal, then I'll find that out.

Mathis: Okay. All right. Thank you. Vice Mayor Nickerson? Councilperson Roman?

Roman: No, thank you. Not at this time.

Mathis: Okay. This is just setting us for the soon to come reading of the first reading?

Speaker 1: The first reading.

Mathis: Okay. Go to G2, Craig A. Smith and Associates contract addendum.

Alou: If I may.

Mathis: Yes. Floor is yours.

Alou: Okay. As you all may remember, a few months ago we were out of compliance with our NPDES monitoring plans and annual reports. NPDES is National Pollutant Discharge Elimination System. This will be something a public works person would probably spearhead for our municipality, but we don't have that person. We do have consultants who've been working with us and that was Craig A. Smith. Craig A. Smith came in and had to do all of the annual reports and they did that at the sum of \$17,000 last fiscal year. We still have to do these reports annually. We are now amending the contract with Craig A. Smith to incorporate that and the maintenance of the NPD as requirements as well with their subcontractor, this gentleman Mr. Gambino. This is why we need to push forward on this amendment so that we can remain in compliance and do our reporting appropriately.

Roman: Chair, may I? Is the cost 17 this time?

Alou: No. That was just for me to do to get us caught up. I had to do the manual print and monitoring requirements at least within the process there. [unintelligible 00:10:52] councilperson.

Mathis: You're welcome.

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Alou: My contract page four from Craig A. Smith and he outlined-

Mathis: Page four?

Alou: Page four. Well, throughout the amendment you'll see that certain items have been completed already, that we're not to exceed \$7,000 rfered and completed. Only got to exceed \$10,000 that's already done in the future annual reporting will be \$4,000.

Roman: Is this something that we would want to send for RP in the future or?

Alou: We can do that. We probably should do, we should be doing RPs regularly anyway with our engineering firms. I would have to look at our contract with Craig A. Smith to see if there are original-- this will just amend the one that we have for now. In the future when we are doing RPs we should include the service as well.

Mathis: Vice Mayor, Nickerson?

Nickerson: I'm good, thank you chair.

Mathis: G3, Panoni contract review. Attorney Powell.

Attorney Powell: We have two items. The first would be addendum number one to supplemental agreement to master agreement, send it to us through the systems phase one design. Stephen Elias is here. If I could have you I guess compliment anything I may say. We went back and looked at the existing master agreement with the eye of trying to do two things: memorialize the new proposed agreement with Panoni to complete the project for the agreed upon price of \$45,000 which is in here.

In addition, we wanted to make sure as was discussed at our previous committee meetings, that the contractor would on a monthly basis keep us apprised of where we are in terms of funding on the project which is built into here and also built into the agreement. If you look under section five, you'll see that Panoni will make monthly statements to the Village for services rendered and for expenses. That's pretty much what we agreed to with that. There was a question that was raised by our consultant, Robert, which Stephen may have to clarify. In looking at excluded services, there was a question raised as to whether or not the exclusion built in here concerning a legal description revision which may be required if the actual location of the pump station in location seven has to shift and would that be covered under what we're doing. Mr. Elias. You can clarify.

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Stephen Elias: Basically, you're saying that if location seven needs to move, are they going to charge us?

Attorney Powell: No, if it moves then there will be a charge. What we're trying to clarify which you may have to watch up between now and our next the Commission meeting is right now, Panoni has identified location seven by a legal description that was prepared in the fall of 2018. Now, what the proposed agreement is, particularly is if for some reason the location of the pump station changes within that location, there may or there would be a requirement to change the legal description again.

Elias: Excuse me, Mr. Powell. I guess the word is orientation, sorry, because we're not setting the location. Originally when, just to give you a little bit of background. When we originally were thinking of putting the pump station on location seven, which was location one, it was going to go in our mind and we talked about, it was going to go to 65 feet up, 65 feet north and south, 45 feet east and west. When Panoni designed it, they designed it going east and west 65 feet, and then 45 feet north and south. All we're saying is, if for any reason Panoni, the school, because the original reason before that is so if we did the Nature Trail Park, we would have the most amount of space, so 65 feet up it would go. Quite frankly, if we still get 65 feet up and the pump station only 45 feet that would get the school system to say, "Well, why are we going to have this little notch in there and then go up higher?"

The only question is, if for some reason the orientation of the pump station changes. Instead of going right now, it's east and west. It goes north and south, which is just a matter of moving some of the pieces. That's all it was. There's no plan to, but it would be ideal actually if it went north and south because then we'd more space in order to do the Nature Trail Park. That was the only thing.

Attorney Powell: I'm really not, I know it's important I get it. I'm worried about the numbers, so where location and all that, I don't care. I'm talking about numbers. I wouldn't know what this is going to cost us.

Elias: Well, the numbers is \$45,000. That's the agreed upon compromise.

Attorney Powell: That signed, sealed, delivered, done?

Elias: Correct. Signed, sealed and delivered and done with the caveat that the location seven doesn't change.

Attorney Powell: If location seven happens to change?

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Elias: Then we're back to square one, figured out getting another estimate is going to cost for location 8, 9, or 10.

Roman: How likely is it? Is that what you just said, of location seven changing? I'm sorry chair.

Mathis: No. We're all-

Attorney Powell: It's not that it's particularly likely and be clear it's not a change in the location, it's a change in the orientation of the pump station and that's all.

Roman: The orientation of the pump station. It's not as it was close to be, right? I'm I understanding that correctly?

Attorney Powell: Yes. Originally, we wanted it north and south so that we would take the most amount of land so that then it would jibe with the Nature Trail Park. That's all.

Roman: Why didn't that happen?

Attorney Powell: I believe at the time because when we had the meeting with the school principal and he said, "No, this location won't work. You have to do the southwest location," which is location seven. Steve Elias wasn't there. It was Jeff McKinney was there and he just went ahead and he designed it. We talked about it but I said, "All right, let's not bring it up." If now we're going to agree to this amount then I think if for some reason it goes instead of east and west, it goes north and south. It's not really a change in location. I just don't think that it should be charged more for it.

Roman: You are putting in that they should not be charged more and we're changing the orientation.

Attorney Powell: Right, that's all

Roman: That's going to go into the agreement?

Attorney Powell: That's what we would say. That and the only other thing leading to Councilman Mathis's issue of how much it will cost is that in the sections that it says that Panoni will provide monthly expenses, reimbursable expenses, now they have reimbursable expenses in their contract. They have never asked us to reimburse them for expenses so that we just said that in the reimbursable expenses clause that it say that, any reimbursable expenses

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be pre-approved. Okay, so the Village doesn't get any surprises, those are the only things so that your amount, you know exactly what your amount is. That's all.

Mathis: Okay. Thank you.

Roman: What would be reimbursable expenses?

Elias: I forget exactly but it's defined in our master agreement.

Roman: Its a what?

Elias: It's defined in our master agreement. There's a schedule of, I think sub consultants services, for example, things that we don't do if we have to do something, or potentially reproduction, I am not positive, I have to go back and look.

Attorney Powell: Reproduction meetings, for example, like they have in there. If they went to any public meetings, that would be extra. There might be other meetings that they may say, well, this is technically a public, all it's asking for is that, he tells us if there's going to be something in addition to what we agreed on, let us know beforehand so the Village can make a decision. That's all.

I want to be clear about this when it comes to the money. I don't want to give any more money to this project, until this is done, it's a headache. So, if the committee is going to commit to this and send it to the council, that the dollar ends at 45,000 if that's what we agreed to.

Mathis: Vice Mayor.

Nickerson: Mr. Chair. I have [unintelligible 00:21:43] Okay, right now we're talking about location seven?

Attorney Powell: Seven.

Nickerson: Okay, we're just changing direction.

Attorney Powell: No, we're not changing anything. All we're saying is that in the agreement, if it does change the orientation in location seven that it's just a matter of moving the pieces and the connection, okay instead of the-- it might still be in the same location. It's just the other components, which is the electrical, the well and all those things, might be in a different spot like 10 feet away.

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Nickerson: So, this is still in the Southwest corner?

Attorney Powell: Yes, would still be in the southwest corner.

Elias: It goes from here to there.

Attorney Powell: Right.

Nickerson: Is there anything from the school, or that we anticipate that we have any issues with the changing of orientation? So what I'm asking is this because Councilperson Roman asked a great question and Councilperson Mathis, I forget which one he asked, but it was your answer-- oh, no it was Councilperson, it was the Chair Mathis. He said that if we have to move to a different location, then it would mean more cost because, we'll be back to the drawing board.

Mathis: Correct.

Nickerson: So what if now, because the orientation, we're in location seven, but the school is like, we don't want it facing that way because it's taking up property that we don't want, and therefore then we're like a lock of that.

Attorney Powell: So, you mean we just we keep it the same way it is. Because the way it is now it's east and west?

Nickerson: Yes.

Attorney Powell: So, it only takes 45 feet of their property going north and south, right? Okay. If we change it, it would take 65, an additional 20 feet. They might not change, but knowing the school board, they may tomorrow, speaking to the senator they decide, Oh yes, we're going to give you Nature Trail Park Two and we're going to go up to 70 feet. We would be stuck with a little section that's only 45 feet up. Then the park that went up to 70 feet and you'd have a notch there that just wouldn't make sense. So that's all?

Nickerson: I see what you are saying.

Mathis: But to be clear and I think the chair is making it abundantly clear his feelings. The whole intent of this addendum is to nail down what the out of pocket total amount for the Village is going to be, providing that location seven does not change.

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Roman: So we're going from 152 to 45, correct?

Attorney Powell: No. It was 85.

Roman: From 85? From 85 to 45.

Nickerson: Mr. Chair. I can just say, going forward, is there any way that we can address or has this been addressed, I'm sure it has in a certain way, that going forward, if things reach a level to where we've started to go over payment, or anything that starts to happen that we are communicated with.

Mathis: I think that's in here. Its one of the other things that [unintelligible 00:25:34] and I discussed. If you look at the underpayment engineer, the Penoni will submit monthly statements and will also keep the Village apprised of where we are with the funds.

Nickerson: Okay, yes, because in the original contract, it was stated that if they reach a certain level, like they come back to the council, or they come back to the--

[crosstalk]

Mathis: The original was basically considered a 'flat fee agreement'. And so there in the original agreement there was not built in a monthly summary requirement.

Nickerson: Yes, there wasn't built-in a monthly summary requirement. But there was language in the original contract that said, Mr. Elias, if you remember this, there was a language that was stated about once they reach a certain level of money, then they would come back to the Village. It was in the original contract. Okay, so what I'm going to try to say is, the reason why we're in this position is because that was a file so just because the language is in there. We have to make sure that it's written down before by the--

[crosstalk]

Mathis: I hear what you are saying. But it's a timeline. Yes, it's the timeline. In the original agreement there wasn't a monthly requirement. So that notification, the earliest we would have gotten that information from the contractor was pretty much when all the funds were exhausted. And I guess this is where the butting of heads came into that once they got to that stage and the funds were exhausted, they continued to incur costs, which is why we're here now trying to reconcile the additional costs that they've alleged that they've spent, and how can we get to the end. But I would submit to you that if there was at least a monthly reporting and

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monthly accounting of where we were with the funds, at least the Village would have had notice of where we were in terms of the monies that were allocated to the project. We would have gotten it at the end and we would have at least been able to be on noticed that okay, they're providing additional services outside of the ceiling of the funds that was allocated for the project.

Nickerson: Thank you. I appreciate. I just want to make that explicit that after this time and I think from the chair that, we'll have no problem with that.

Speaker 1: It's a practical matter--

Mathis: And then lack of time, itemize means itemized. I want to know every detail of what's going on.

Roman: Okay, may I?

Speaker 1: I'm asking?

Mathis: Yes, as a as a practical matter. We're stuck at 45, so we're at 25.

Speaker 1: I still want it itemized until--

Roman: Speaking of itemized, we were supposed to get an itemized detail of everything that went above and beyond our original contract. Did we ever get that?

Mathis: The original agreement did not require itemization.

Roman: No, but we required.

Mathis: What they provided us with was a-- I guess the best way to describe it was with timesheets and descriptions of what the work that was done. But to the level I think that you would have expected that's not what we received. So you didn't see like point 0.10 draft X, point 0.200 draft Y. It was more general in nature.

Roman: So it's what we received originally that we were privy to and then we asked to receive an itemized and that itemized never came in, is that what I'm hearing?

Mathis: Well, we didn't get an itemization.

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Elias: Every time sheet, every hour that was built we provided, I think it was like about 20 pages of time sheet detailed, and then a breakdown of all the tasks.

Roman: I think that that's what makes us feel uncomfortable. That's why this has dragged out so long because we have not, in my opinion, the level of trust has been broken. We all agreed in meetings that we wanted to see that before we paid up the \$45,000. I'm a little bit dumbfounded as to why we haven't received it.

Attorney Powell: Yes, if I could just clarify something. We did receive the details as Mr. Elias said. We received a detail with their timesheets. The problem or the issue that we had on our side trying to reconcile everything is that it might say Steve Elias from March 1st through March 3rd four hours engineering. Jeff Makini from February 1st through the 5th, three hours design.

It doesn't say how many hours on what particular day, and it doesn't say engineered for what, designed for what? Were you design location one? Were you design location seven? It didn't go to that specificity so that's why we felt and the camp engineer felt that it wasn't at the level of detail that we would have liked to make perfect sense of it. It was that they provided it, it just wasn't at our kind of specificity that we would have liked to.

Roman: Moving forward what are we going to receive and is it going to be-- right but how do we? Do you have a format that you can provide us moving forward?

Attorney Powell: We can provide them and you a format that maybe we can live with. Whether they can do it or not, I don't know. They are a big company, they have certain ways of doing things.

Roman: Steve is that something that you can commit to moving forward?

Elias: We can try to do our best, we can take a look at it. Typically, we tell you what we're going to do in our contract and we do it, and we do it as a percent complete and when it's done we turn on the plans when it's done. I work for probably 30 different cities across the State that's the typical approach, but there are some more detailed. If you got examples from the other consultant, or whatever we can try to replicate, try to comply with whatever the city is asking for. We are happy to try to do that.

Roman: Who is going to be providing the monthly reporting and the accounting to us?

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Attorney Powell: We can provide continued details with notes. It says right here we're going to design. The other issue on us is to this, just to go back. We wrote this contract and negotiated this in good faith and we discounted this \$ 40,000, so we are eating that. We are taking a good faith effort here in doing that. That was done with the orientation of the pump station in accordance with the Dade County standards.

We met with them in the field and they have a standard that it's oriented a certain way because they have to have a driveway, in case the pumps go bad they have to get a big crane in there, and when we run by them scenarios in the draft stage back in July when we were discussing station number seven, we ran those scenarios by them. To do that you'll have to construct a special driveway, you basically have to go meet with everyone on the operations person and get their permission, multiple levels to reorient their standard pump station.

There is electrical codes with clearances between the wet well and the control panel and all these things, they have to be custom done. They don't like doing that. It will take additional work to do a non-standard Miami Dade pumping station. What we've got priced in here we've already completed a lot of the work is to do it in compliance with the county code. If we want to deviate from that it may be advantageous for the trail but that will be a deviation from the county. They have to be the ones to accept this.

Nickerson: That's why I was asking what I was asking.

Roman: Can you? Yes please clarify.

Attorney Powell: He is the expert but I tend to disagree on the changing the orientation makes the pump station non-standard. Right now it's just oriented East and West. If we were to change it North and South which is originally going back January 2018 which we had talked about for the park that's not a change of the components, it's just a change of the orientation.

I'm not really sure why Steve is saying that it's non-standard because the size is still the same, it's still 45 by 65. The components are the same, you just have to have the driveway in a different area but a lot of pump stations are oriented where you go in from the side and not from the bottom. I don't understand that.

Mathis: Again my whole thing is I don't care about it moving this way or that way. I'm concerned about the dollar.

Roman: Right, what happens is that if we don't discuss it now and we don't agree to it then --

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Mathis: No because what's going to happen is when they submit something to us and it's not what it's supposed to be it will go back to them and there is no more money going out.

Nickerson: I think, and that's why I brought it up, and I think part of the problem is that, we can do whatever tonight, do we need for sure information because I've worked with Miami-Dade County for so long so I know how it is. We need for sure information on this thing with the orientation because as Mr. Elias was saying, Miami-Dade County is really strict about where they put their driveways, how they want their things set up.

Our orientation to say, what we want from our nature trail is going to mess with Miami-Dade County in the way they set up their schools is going to be an issue. That's why I was bringing it up because what's going to end up happening is that-- I hope doesn't even happen is, we're paying 45,000 to continue this to be moving on, but yet we want to do whatever we want to do with the nature trail or as a [unintelligible 00:36:53] to that goal up, they're going to get upset with us.

Then, we're going to be stuck there and then in order to change it around, we're going to be here six to eight months from now saying that, "Okay well, Miami-Dade County won't give us approval for this, they won't give us approval for this." He's going to come back and say, "Well, okay, even if we get approval to change this stuff around it's going to be an extra this."

Roman: Not to mention that according to the meeting that we-- our last, two months ago we had and the meeting before that. The \$45,000 is supposed to be shovel ready.

Mathis: Right that's what this is about. No more money. 45,000 it needs to be signed, sealed delivered and done.

Roman: Right, shovel ready, so shovel ready means that no there is no additional money is coming out of our pockets in order to have this. Steve can you confirm that that is--

Elias: Yes that's why I am saying, that's our commitment to get this shovel ready which means --

Mathis: With 45,000

Elias: With 45,000.

Mathis: So this is negotiated, 45,000 can be 35.

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Elias: The true cost is up here.

[crosstalk]

Elias: To get it shovel ready by DEPs definition which is the plans, the specifications, submitted to them with the permits. That's our intent and we did that, we negotiated this, we submitted [unintelligible 00:38:19] I forget when it was. Was it saying here July, or whatever the date is in here. We submitted that orientation and we were told to go to the county and negotiate that and see if they would approve that and that's what we did.

We started with that design, and that's what we've partially completed, we will finish it and get it shovel ready but it's within that orientation. We've already started down that road. If that has to change, that will be news to us at this point, that would not be fair to us I wouldn't think to change that. It sounds like Mr. Omar is familiar with Dade County.

Roman: What I understood from Robert is that we wanted it to be the East- West, right?

Mathis: North-South.

Roman: North-South, and it was done East-West, which is not how we wanted it, so why wasn't it done the way we wanted it and then why would we have to pay for it if then we go back to the way we wanted it originally?

Elias: That request was made in several emails going back and forth between us and the Village back over the Summer. We were asked to look at orienting it a different way and what it would take. We proposed to -- Project manager so we went through and spent the energy, we drew up the drawings and we showed how we'd have to encroach into the nature trail. You have to put a driveway in the nature trail to be able to swing around, to be able to get into the - for the standard approach into that pumping station. We did all that. That's part of this extra cost here to go through that analysis and those drawings that we prepared. We submitted those and when we ran it by Dade County they did not want that. And then we communicated that back to the Village and we proceeded with the normal design to comply with their standard.

Roman: Please, clarify that.

Elias: This is the first I hear that they had oriented one way and they changed. I would say this is a little sticking point. We can talk to KAP about it, see if they think it's going to take a lot to change from east to west and north to south. Commissioner, in your respect.

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Mathis: What I'm hearing now is that this is not negotiated.

Elias: It is. That's just a very fine detail so that you don't have any surprises if something does change, okay? I think between now and the meeting--

Mathis: No, what I'm hearing is it's not negotiated, because he's saying that if it goes another way, it's going to cost us.

Elias: That is what he's saying, yes.

Mathis: That's not what we want.

Elias: No, we don't.

Roman: Chair, if I may. Steve, this is the frustration we have with you guys, and this has been a frustration that we've had for a very long time. It's, every single time that you come in front of us, something changes. That is extremely frustrating. Something changes, you guys are not communicating well enough with our staff, and if it's our staff that is not communicating well enough, then you need to tell me that, you need to tell this committee that, because this has been going on for way too long. I'm sorry if I'm a little bit passionate about this, but this is a very expensive project. This is something that has been dragging on for a very long time.

We were slapped with a bill of \$85,000 because you guys did not follow your contract. You did not follow your contract with the Village, now you gave us a bill of \$85,000, we're now negotiating this, and yet we find out something new. Every time that we're trying to get clarification, because we don't want surprises, something new comes up, and is typically from your side, so please explain.

Elias: Since last summer and over the last several months, we've negotiated with staff and I think we've communicated well enough in good faith. We came here tonight, and we've prepared a proposal. We've given you a price, a not-to-exceed price, for what the discussion has been up to about ten minutes ago, which is the pump station is at that location in accordance with the easement legal description that we were instructed to prepare back in July for that location after evaluating driveway alternatives. Now, tonight, 10 minutes ago, we just learned that there might be-- I can't control this.

We've come here in good faith with the layout and everything. We knew coming into tonight's meeting, that there might be a change with the school board, but we didn't come here prepared tonight to give you a cost on a maybe for changing the orientation of the school board. If I

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would have known that, we could have put a price to that, but that's the first I've heard of that tonight, that the location may change, the orientation, in a different manner than-- We prepared that legal description, I can't remember, was it July or August. Whatever the month was, it was six months ago at least, that's what we've been talking about for six months.

Mathis: Let me get something clear, let me backup. You're saying tonight was the first time you've heard that the orientation might change.

Elias: That's the first I've heard that.

Mathis: Okay.

Speaker 1: It's not saying that it might change.

Elias: Don't misunderstand. All I was saying in looking at this contract and trying to protect you is that if it does change the orientation, not the location, but the orientation--

Roman: We shouldn't pay for it.

Elias: We shouldn't pay extra, that's all.

Roman: Right. That's what we're trying to clarify here.

Elias: We don't even have the easement yet.

Attorney Powell: Right.

[background conversation]

Mathis: Go ahead.

Roman: I was just going to suggest perhaps we do no work until get the easement.

Elias: Sometimes we don't need the easement.

Mathis: Sounds like, and also determining the orientation of the pump station, is that what I'm hearing?

Elias: That's based on the easement.

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[background conversation]

Roman: I'll motion that there is no work to be done by Penoni on this project until we have an easement.

Nickerson: I'll second it.

[background conversation]

Mathis: All in favor?

Speakers: Aye.

Jacobi: Is this going to go through a council?

Mathis: Yes.

Jacobi: Okay.

Mathis: Roll call [unintelligible 00:45:24] .

Jacobi: Yes, we have to take the full council to decide on this. Okay. Vice Mayor Nickerson.

Nickerson: Yes.

Jacobi: Councilperson Roman.

Roman: Yes.

Jacobi: Chair Mathis.

Mathis: Yes.

Jacobi: Okay, so it's going to full council.

Elias: Does that also include the second?

Mathis: The second is just a clarification. That one has the same language to provide monthly updates and statements.

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Elias: Okay.

Mathis: That's the seventh paragraph, 7.5, Penoni will submit monthly statements to the Village for services rendered, none of them can go forward. That's under the other agreement.

Elias: Okay. So we can go forward with this one?

Mathis: With the stormwater, yes.

Elias: Okay, it's all yours.

Mathis: Excuse me?

Elias: It's all yours. Do we just need to take a vote on it, or?

Mathis: Yes.

Nickerson: Mr. Chair, are we moving on four, or are we still--?

Mathis: No, we're still on.

Nickerson: We are just doing stormwater, correct?

Mathis: Yes, the stormwater. Anyone has any questions on it?

Roman: We're still doing three?

Nickerson: Three, yes.

Mathis: Yes, we're on the second item. This is the addendum to the stormwater agreement to provide for the monthly statements on the County, so that we [unintelligible 00:47:19] at the expenditures.

Nickerson: This is part of Penoni's contract?

Mathis: Yes, this is for the insurance.

[crosstalk]

Nickerson: I got you.

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Roman: We need to motion to get that passed to the--?

Mathis: Yes.

Elias: I'll motion, I'll make the motion.

Roman: Okay.

Nickerson: I'll second the motion.

Mathis: Probably want a second roll call.

Jacobi: Vice Mayor Nickerson.

Nickerson: Yes.

Jacobi: Councilperson Roman.

Roman: Yes

Jacobi: Chair Mathis.

Mathis: Yes.

Elias: Okay. All right, go to G4, septic to sewer project updates. I have spoken with Senator Pizo. Actually, I spoke to Senator Pizo's office and Commissioner Edmernson's office, trying to seek some special funding for a side septic to sewer project. Hopefully I can get some monies and updates real soon with regards to that so we don't lose something that's going to be very beneficial to the Village as far as commercial property. Robert, want to give us an update?

Robert: Just that I've been reaching out to Jamie Torrence, who the Village manager had a call with Senator Pizo a while back. He's the Operations Director at the Miami Dade County Public Schools. I haven't gotten a call back from him. We've been trying for about three weeks now, just letting you know, because he said that he would give us the easement, he said to the Village manager, but without hearing from him, we can't get anything anywhere else. The manager has reached out to the principal and see if there's any updates. He said no, there's no updates. Right now, we're just waiting on Mr. Torrance to hopefully give us the easement.

Mathis: I got a text from Pizo earlier today saying everything's trucking along, so hopefully--

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Robert: Hopefully it'll truck 45 days before May 8th, right? When is the May--?

Alou: After FDP?

Robert: The May FDP hearing?

Speaker: We won't be ready.

Robert: Won't be ready, okay. The August one, so we have time. So it will be in June, we have to have everything in place with the easement and everything.

Mathis: Whatever it takes.

Robert: Yes, obviously they'll let us know about that.

Elias: Yes. Good to say. Any question committee members?

Nickerson: No sir

Roman: Whatever deadline we were trying to make for March that's gone, now May is gone, August is the next deadline for this?

Robert: Yes, but that's actually a good thing because August is the beginning of the fiscal year. The fiscal year starts in July for this date so there will be more money hopefully than we can expect. Right now, all these hearings now, the monies just keeps getting pulled away.

Roman: Okay, so August is the fiscal year. All right.

Mathis: Okay. G6, disaster management RFP results in disaster removal RFP results. Madam manager.

Alou: Thank you chairperson Mathis. I just want to give you all an update. I put out an RFP for disaster management and another one for debris removal in preparation for the upcoming hurricane season, so that we could have contractors in place so that we won't be in the situation we were in the past where we just had to do a mutual aid agreement. Nothing's wrong with that just that we need our own contracts. I got all of the proposals in on last Thursday, February 28th, and I sat in this conference room yesterday all afternoon with Robert Orlando and Orlando Rubio with Craig A. Smith & Associates to review those proposals. We have cut it down to two, but we are now working with the CFO to determine the best pricing, and also,

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the most realistic pricing. I will be announcing the winning contractors to the council by giving you all that recommendation as soon as that determination is made. For the disaster management, RFP, we all received one proposal which is an automatic for that one person and that was our current disaster management company which is DPNO. We will be going DPNO for our disaster management and monitoring. I will alert you all as soon as we have decided with the recommendation for the debris removal services.

Roman: Chair, may I? Great. Thank you so much for these two important RFPs. Being that we only received one for disaster management and it's our current. We have had all our questions on transparency which unfortunate or fortunate, but how can we overcome any future questions on transparency by-- is there a way that we can post what our RFP process was or how do we- I'm just trying to mitigate any future next door posts.

Robert: Well, I also asked the manager, should we put it back out, but it's a process in itself, but the thing is everything that we've done has been transparent, it's out in the open and I have nothing to hide. If this company is the only company that is out there or willing to pay attention to our RFP, hey, it's out there for people to put in their bids. If they want to they want it.

Alou: Might I add, we've had nothing but good things happening with them. Of course we've had the constant public records requests, and the accusations and the next door posts, but all of that is unfounded. They've been nothing but fantastic the entire time and I think working with the Village before us. They worked on another hurricane-

Robert: - and things are coming in.

Alou: Yes. I think they've done great work and I'd be happy to have them again. I wanted to open it up to see who else was out there and if we could beat their prices or manage it but just something different. Unfortunately, we just didn't get that. It was open for two and a half weeks. We advertised, did the proper process. The whole process is also enumerated in the RFP as well.

Roman: Okay. Thank you. I just thought it would be important to state on the record-

Mathis: Okay. The is the last agenda item, good and welfare. Anyone? None? Can I get a motion to adjournment?

Roman: Motion to adjourn.

Nickerson: I'll second that motion to adjourn.

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Mathis: We are adjourned at 8:28.

Nickerson: Appreciate it Mr. Chair.

[00:55:38] [END OF AUDIO]

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