

CITY OF OPA-LOCKA
"The Great City"

CLERK'S ACTION SUMMARY MINUTES
SPECIAL COMMISSION MEETING

May 09, 2011

7:00 P.M.

City Commission Chambers

777 Sharazad Boulevard

Opa-locka, FL 33054

1. ROLL CALL:

The City Commission of the City of Opa-locka, Miami-Dade County, Florida, met in a special meeting on Monday, May 09, 2011 @ 7:06 p.m. in the City Commission Chambers, 777 Sharazad Boulevard, Opa-locka, Florida. The following members of the City Commission were present: Commissioner Rose Tydus, Commissioner Timothy Holmes, Commissioner Gail Miller and Vice Mayor Dorothy Johnson. Also in attendance were: City Manager Clarence Patterson, City Attorney Joseph Geller and City Clerk Deborah S. Irby. Mayor Myra L. Taylor arrived at 7:10 p.m.

2. INVOCATION:

The Invocation was delivered by Vice Mayor Dorothy Johnson.

3. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

4. RESOLUTIONS:

a. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE AND ENTER INTO CONTRACT WITH THE TOP THREE VENDORS SOLICITED UNDER RFQ 11-18041200 CREATING A VENDOR POOL FOR COST SOLICITATION FOR THE UPGRADE AND REHABILITATION OF SANITARY SEWER PUMP STATIONS 1 AND 2; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Commissioner Holmes to pass the above resolution.

Although it was not included in the packet, Vice Mayor Johnson understood the resolution to indicate that there are three vendors being recommended by staff. She requested the names of the three vendors, how did the process go, who was on the review board, what was the scoring, etc. With this resolution, the Commission is giving the

approval to bypass the process to go to the top three vendors, and this she had never seen happen in her nine years as an elected official.

She asked who are the top three vendors?

Attorney Geller advised that the three vendors included in the resolution are: C & I Construction, HA Contracting and Metro Equipment – Lawrence Wright & Partners, Inc.

Manager Patterson advised the Commission that the contract would have to come back for approval because there is no money attached to the resolution.

Of concern to Vice Mayor Johnson was that the Commission is suppose to make a selection based on the recommendation, but staff is not to make the selection. The resolution does not reflect any blank areas for the Commission to make their selection.

Attorney Geller explained that he didn't believe the selection is being made. His understanding of the process that the administration desires to use is they received six based strictly on qualifications and staff is requesting the Commission select with their recommendation three firms to be a vendor pool. The city will then go to those three firms which are pre-qualified and request specific bid specs to bring back to the Commission with a recommendation of the three.

Although she understood what the City Attorney stated, Vice Mayor Johnson said that information is not what is in the documentation provided. The resolution reads: "enter into a contract". The resolution should state what the City Attorney just stated.

Attorney Geller discussed that his understanding from the administration is that they wanted to enter into form contract with all three vendors that would say by virtue of doing that the vendors agree to do work if awarded, but that they would not receive an award unless they came in, presented the number in response to the specific specs which he doesn't have yet and that would have to come back to the Commission.

Vice Mayor Johnson asked, is that language in the body of the resolution?

Attorney Geller replied, yes.

Commissioner Tydus stated for clarification purposes that the RFQ did not include anything to do with cost, it was just to determine who was qualified to present their cost proposal. Those three vendors have proven themselves, according to the administration, to be qualified to present their cost to do the work. The Commission is not looking at any cost right now, they are simply looking at qualifications. If this resolution is approved, it would allow the administration to request of that pool to present their cost based on specs.

Manager Patterson and Attorney Geller both replied that is correct.

Attorney Geller pointed out that the language in Section 2 states "to approve and enter into contract with the top three vendors solicited under the Request for Qualifications to

form a pool of pre-qualified vendors for competitive cost solicitation for future work". He said he thought the title of the resolution also stated that, but the title can be changed to make it clearer.

Vice Mayor Johnson stated that where the resolution reads "future work" she wouldn't want the contract to say that.

Attorney Geller noted that the resolution states "as to upgrade and rehabilitation of pump stations 1 and 2" so it is limited to that.

Vice Mayor Johnson stated that the body of the resolution doesn't state the same.

Attorney Geller pointed out that the language is included in Section 2 of the resolution, however, he apologized if the title was insufficiently clear. Section 2 has the language that this is limited to Pump Stations 1 & 2.

Vice Mayor Johnson said she could live with that with the understanding that everything not stated in the title is stated in the body of the resolution and the Commission looks for those things to be executed and brought back for their consideration.

Mayor Taylor stated that the problem is that the explanation is in the body of the resolution, but not so much in the title because the title is authorizing the City Manager to enter into a contract. However, the City Manager can't enter into a contract until the three vendors come back and provide their proposal for pump stations 1 and 2.

Attorney Geller advised the Commission that the City Manager has indicated he wants to get formed contracts prepared with each so that they won't have to separately go back after selecting one vendor based on the price. The city would have a form contract in place and all it has to do is fill in the blanks and attach the specs.

Because the City Manager is asking the Commission for permission to create a vendor pool in order to have three vendors give a cost for upgrading pump stations 1 and 2, Mayor Taylor said that the title of the resolution is convoluted and what's in the body of the resolution should be reflected in the title.

Vice Mayor Johnson proposed an amendment to the resolution to strike out the portion authorizing the City Manager to enter into a contract.

Attorney Geller provided the amendment to the title of the resolution as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE THE TOP THREE VENDORS SOLICITED UNDER RFQ 11-18041200 CREATING A PREQUALIFIED VENDOR POOL FOR COST SOLICITATION FOR THE UPGRADE AND REHABILITATION OF SANITARY SEWER PUMP STATIONS 1 AND 2; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE

Vice Mayor Johnson stated that she didn't want the City Manager entering into any contracts right now.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to amend the resolution as read into the record by Attorney Geller.

There being no discussion, the motion to amend the resolution passed by a 4-1 vote.

Commissioner Miller	Yes
Commissioner Holmes	No
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

There being no further discussion, the motion on the resolution as amended passed by a 4-1 vote.

Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	No
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

b. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO REQUEST COST PROPOSALS FROM NEWLY CREATED POOL OF VENDORS FOR THE UPGRADE AND REHABILITATION OF SANITARY SEWER PUMP STATIONS 1 AND 2; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to pass the above resolution.

Vice Mayor Johnson asked, is it her understanding that this newly created pool of vendors are the three being mentioned? Earlier that day, the City Manager indicated that the city did not have a pool of vendors to work on the pump stations.

Manager Patterson stated that the pool of vendors is for pump stations 1 and 2 only and does not apply to other pump stations in the city.

Vice Mayor Johnson stated that there have been repairs done to pump stations in the past. She asked if the vending list in procurement utilized for work in the past is obsolete?

Manager Patterson explained that a vendors list is for people who come in and apply to do specific work within the city. However, these are vendors who are qualified to do special work as it relates to pump stations.

Vice Mayor Johnson asked, has the Commission voted to create a newly pool of vendors?

Manager Patterson replied, yes.

Vice Mayor Johnson said that the City Manager had indicated the Commission voted on that at the last meeting. She asked, is that correct?

Manager Patterson replied, that's my recollection, yes.

Vice Mayor Johnson directed the City Clerk to pull a copy of that resolution by Wednesday, May 11, 2011. She said she hopes all the information is good because she is tired of rescinding resolutions.

Attorney Geller clarified that the newly create pool being referred to is the one created five minutes ago.

Although she appreciated the City Attorney's assistance, Vice Mayor Johnson said she was not asking him. Prior to the meeting, she said she questioned the City Manager and he indicated that the Commission did create a pool at the last meeting and she wanted to see when that happened. Also, she wants to know why the city is going out now because work has been completed in the past on pump stations and there is a vendors pool listing.

She went on to say that she would vote on this resolution, but there is a possibility it would be rescinded.

There being no further discussion, the motion passed by a 3-2 vote.

Commissioner Miller	Yes
Commissioner Holmes	No
Vice Mayor Johnson	No
Commissioner Tydus	Yes
Mayor Taylor	Yes

c. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ADVERTISE AND ISSUE A REQUEST FOR QUALIFICATION OF CONTRACTORS TO CREATE A VENDOR POOL FOR THE UPGRADE AND REHABILITATION OF ALL REMAINING SANITARY SEWER PUMP STATIONS PER THE CAPITAL IMPROVEMENT PLAN IN ORDER TO MEET THE REQUIREMENTS OF THE CONSENT AGREEMENT WITH DERM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Commissioner Tydus to pass the above resolution.

Vice Mayor Johnson proposed an amendment to include the word "pre-qualified" in the title of the resolution and also in Section 2.

Mayor Taylor asked for clarification on the above resolution in that it is for all remaining pump stations.

Attorney Geller stated that the resolution is not for pump stations 1 and 2.

Mayor Taylor asked if this resolution is for all remaining pump stations which can be pulled from the list Vice Mayor Johnson was talking about.

Manager Patterson replied, that is correct.

Vice Mayor Johnson asked the City Manager to define all remaining pump stations.

Manager Patterson explained that the remaining pump stations that have not been completed are 10, 9, 5, 7 and 11C.

Vice Mayor Johnson referred to Resolution No. 08-7213 pertaining to pump station 11C. She asked, what happened to all the work done from 2006 through 2008 on these same pump stations being classified as all remaining pump stations?

Mayor Taylor suggested that the City Manager tell the Commission that all of the pump stations are in bad shape and in need of repairs.

Vice Mayor Johnson said she had documentation of legislation passed saying the money was put there to fix the pump stations. She asked, what happened to the money?

Mayor Taylor said that the Vice Mayor is saying the city put money into pump stations in 2008 and there are five pump stations associated with the resolution for all remaining pump stations. She asked, what happened to the monies placed under the pump stations?

Fritz Armand, Public Works Director of the City of Opa-locka came forward and explained that back in 2008 pump stations 12, 4, 15 and 6 were upgraded.

Vice Mayor Johnson referred to the resolution in her hands which were for areas 1, 2, 4, 5, 7, and 16.

Mayor Taylor asked, to your recollection, were those the ones being worked on?

Mr. Armand replied, no. He said that pump station 7 was not worked on.

Mayor Taylor stated that there is a new set of pump stations that need upgrading, not considering 1 and 2, and those are 10, 9, 5, 7, 8, and 11C.

Mr. Armand replied that is correct.

Mayor Taylor suggested Mr. Armand let the Commission know why pump station 11C keeps popping up?

Mr. Armand noted that 11C is the master pump station and all of the other pump stations pull into 11C.

Mayor Taylor asked, has 11C ever been straight?

Mr. Armand replied, no.

Mayor Taylor said that the city has always patched pump station 11C.

E. Daniel Abia, Director of Building & License for the City of Opa-locka came forward and explained that pump stations 15, 12, 4, 6 and 3 were done by APAC. He said he was not aware of any other pump station done after those.

Mayor Taylor asked, so the money from 2008 went into those pump stations stated by Mr. Abia?

Mr. Armand replied, correct.

Mayor Taylor stated that the city's pump stations are in constant state of repair and when DERM finds something then the city must immediately fix it which causes a resolution to come because otherwise they place a moratorium on the pump stations. All others would be 10, 9, 5, 7, 11C and 8.

Mr. Armand replied, that is correct as it pertains to that resolution.

Vice Mayor Johnson said she could only go by documentation in front of her. With regards to pump station 11C, the city spent \$11,760.22 in 2002 and if she adds all the money spent on 11C, it adds up to over \$100,000.00. However, she does have resolutions from 2002 – 2003 where the city spent \$500,000.00 on these pump stations. She said someone in the Public Works Department should have the same documentation because what she did was pull all resolutions pertaining to pump stations. She questioned the fact that she is hearing that 11C is not working and after all the repairs done to that pump station based on the documentation, when did it ever work?

Mr. Armand informed the Commission that it would cost more that \$700,000.00 to upgrade pump station 11C.

Vice Mayor Johnson asked, would that be in addition to the \$500,000.00 already spent?

Mr. Armand said he was not sure that the \$500,000.00 being cited pertains directly to 11C or other pump stations. However, the size of the pump station would determine the cost to upgrade that station.

In order to not prolong the meeting, Vice Mayor Johnson agreed to provide a copy of the documentation she had to allow the City Manager and his staff to address the issue with a quick turn around.

Commissioner Holmes asked for the location of pump station 11C.

Mr. Armand stated that pump station 11C is on NW 135th Street near NW 31st Avenue.

It was moved by Vice Mayor Johnson, Commissioner Miller to amend the resolution title to include the word "pre-qualified" right before "vendor pool".

There being no further discussion, the motion on the amendment passed by a 4-1 vote.

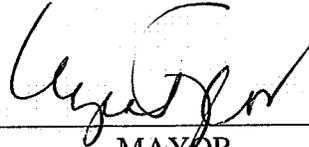
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	No
Mayor Taylor	Yes

There being no further discussion, the motion on the resolution as amended passed by a 4-1 vote.

Commissioner Holmes	No
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Mayor Taylor	Yes

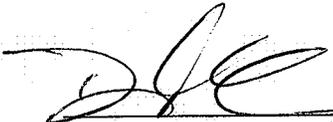
5. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Vice Mayor Johnson, seconded by Commissioner Miller to adjourn the meeting at 7:52 p.m.



MAYOR

ATTEST:



CITY CLERK