

CITY OF OPA-LOCKA

"The Great City"

CLERK'S ACTION SUMMARY MINUTES REGULAR COMMISSION MEETING

July 27, 2011

7:00 P.M.

City Commission Chambers

777 Sharazad Boulevard

Opa-locka, FL 33054

1. CALL TO ORDER:

Mayor Myra L. Taylor called the meeting to order at 7:00 p.m. on Wednesday, July 27, 2011, in the City Commission Chambers, 777 Sharazad Boulevard, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Commissioner Rose Tydus, Vice Mayor Dorothy Johnson, Commissioner Timothy Holmes and Mayor Myra L. Taylor. Also in attendance were: Interim City Manager Bryan K. Finnie, City Attorney Joseph S. Geller and City Clerk Deborah S. Irby. Commissioner Gail Miller was not in attendance.

3. INVOCATION:

The Pledge of Allegiance was delivered by Mayor Myra L. Taylor.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. APPROVAL OF AGENDA:

6. APPROVAL OF CONSENT AGENDA AND PULL LIST (deferrals and deletions):

Vice Mayor Johnson pulled agenda items 19-2, 19-4, 19-7, 19-8, 19-9, 19-10, 19-11, 19-12, and 19-13 and Commissioner Holmes pulled agenda item 19-1 from the Consent Agenda for discussion under agenda item 15 – Action Items.

Mayor Taylor informed the Commission that 18A4 and 19-2 would be deleted from the agenda.

Attorney Geller advised the Commission that they have in front of them a slightly revised version of 19-7 on the consent agenda with the only change being the citation of resolution numbers previously adopted.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to approve the agenda, consent agenda and pull list.

There being no discussion, the motion passed by a 4-0 vote.

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Holmes	Yes
Commissioner Miller	Not present
Mayor Taylor	Yes

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

Commissioner Tydus recognized the following members of the community for their expression of concerns and inquires to the Commission which have not gone unnoticed or fallen on her deaf ears, but they've always been a part of her decision making: John Riley, Steve Barrett, Alvin Burke and Eldridge Redmon.

Additionally, Chief Cheryl Cason of the Opa-locka Police Department presented the Citizen Recognition Award to Calvin Russell for his continued efforts in keeping Opa-locka safe. Commissioner Tydus followed by presenting Calvin Russell with a commendation for his efforts.

8. APPROVAL OF MINUTES:

Special Commission Meeting – 07/06/2011
Regular Commission Meeting – 07/13/2011

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to approve the minutes of the Special Commission Meeting of July 06, 2011 and the Regular Commission Meeting of July 13, 2011.

There being no discussion, the motion passed by a 4-0 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Not present
Mayor Taylor	Yes

9. 17th CONGRESSIONAL DISTRICT OF FLORIDA REPORT:

10. STATE SENATORS REPORT:

11. STATE REPRESENTATIVES REPORT:

12. DISTRICT ONE - COUNTY COMMISSIONER REPORT:

Larry Gardner, Miami-Dade County Commissioner Barbara Jordan's Office (District 1) came forward and reported that he provided Hurricane Preparedness booklets for the citizens on the table out front.

Vice Mayor Johnson expressed her appreciation for Commissioner Jordan's involvement in the job creation event on July 16, 2011.

13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

Danny Cardeso, Battalion Chief, Miami-Dade County Fire Rescue Department, 6460 NW 27 Avenue, Miami, Florida, came forward to address any concerns from the Commission.

Mayor Taylor briefly discussed the conclusion of a distracting matter pending before the Commission on Ethics that rose from her vocal support of the 2010 Annual Civil Rights Supper sponsored by City of Opa-locka, the Opa-locka Educational and Cultural Foundation and Miami Lakes Mayor Michael Pizzi.

Commissioner Holmes informed the Commission that he would be leaving early due to the death of several family members.

14. PUBLIC PRESENTATION:

**1. Opa-locka Community Development Corporation
re: Opa-locka Historic Architecture**

Stephanie Williams-Baldwin, Senior Vice President of Opa-locka CDC, 490 Opa-locka Boulevard, Opa-locka, Florida came forward and introduced Mary Minns and Latisha Allen. Latisha Allen, Opa-locka CDC intern from the University of Pennsylvania made a brief presentation highlighting her findings relating to the architectural styles in Opa-locka while completing a comprehensive study on historical residential structures.

**2. Civil Air Patrol
re: Opa-locka Cadet Squadron**

Travis Stuart and Lt. Delgado, Group 7, Civil Air Patrol located in the US Coastguard Base, Opa-locka Executive Airport came forward for a presentation. Mr. Stuart provided a brief history on the Civil Air Patrol's establishment and mission. He requested the city's support in getting the word out and organizing transportation for the youth to and from the meetings.

14a. CITIZENS' FORUM:

1. Alvin Burke of 2928 NW 132 Street, Opa-locka, Florida, appeared before the City Commission and voiced his concerns regarding the filming of a movie in Opa-locka called "Baghdad". He went on to say that all future filming in the city should be approved by the Commission.

He further expressed his frustration relating to a city official promoting the movie on Hot 105.

2. Eldred Redmon of 2766 NW 131 Street, Opa-locka, Florida, came forward and requested that the Commission initiate an investigation as to whether or not the hiring practices at a local Supermarket are discriminatory.

3. John Riley of 2963 NW 135th Street, Opa-locka, Florida, appeared before the City Commission and suggested in terms of the issue with the speaker before him that they read Chapter 11A of the Miami-Dade County Code of Ordinances and put the complaint before the Miami-Dade County Commission on Human Rights.

4. Johnnie Green of 2091 Wilmington Street, Opa-locka, Florida, appeared before the City Commission accompanied by a group of citizens and expressed her gratitude for the cleaning of the alleys, making the streets safer and quick responses from the City Manager and staff in addressing issues relating to the quality of life.

She went on to voice her concerns regarding the number of abandoned houses, cars, illegal dumps, trash piles, unsafe and vacant structures. She asked, how long will it be before businesses are brought into compliance with the code? She said there are illegal businesses that are not zoned (i.e. illegal truck storage on NW 145th Street & NW 22nd Avenue) and food trucks operating without the required permit.

She further spoke in opposition to the ordinance for a waste transfer station.

5. Martha Collins, Opa-locka resident since 1950 came forward and reminded the Commission of the Cuyahoga property, cement plant and condos that was put on the residents. She urged the Commission to not allow the waste transfer station in the city.

6. Luvenia Spears, long time resident of the City of Opa-locka came forward and spoke in opposition to the Waste Transfer Station. Of further concern was the lack of an Opa-locka Express bus stop at the Royal Palms Apartment Complex.

7. Joel Bowman of 2290 Service Road, Opa-locka, Florida, appeared before the City Commission and expressed his concerns regarding the schedule of bulk trash pick up not being adhered to and as a result he received a citation.

Mrs. Green suggested that the City Commission deal with the waste transfer station issue because there are other concerned citizens who could not be present at the meeting, but are watching it on television at home and they would like to see their concern addressed.

Mayor Taylor asked Attorney Geller whether the Commission could take the agenda item out of context to vote on it.

Prior to taking the agenda item out of context, Vice Mayor Johnson said she was going to make a motion because this specific item slipped her viewing prior to although she voted "yes" on first reading of the ordinance. She said she has concerns about any environmental coming into the community because overall it will impact the quality of life.

She continued by saying she would be making a motion to rescind the first reading of the ordinance on June 22, 2011.

Commissioner Holmes suggested that the Commission first allow the business owner the same opportunity given to the citizens.

8. Russell Mackie, Regional Vice President, Waste Pro of Florida came forward and cleared up some misconceptions about the project they are trying to bring forward to the City of Opa-locka. The project is for a world class recycling facility that would be completed enclosed indoors in this blighted building that's been empty for two years. They would come in and spend millions of dollars to upgrade the building and create hundreds of jobs. This is not trash or solid waste, but clean commodities (i.e. paper, plastic, metal) and it will all be enclosed indoors.

He continued by saying that this is a recycling facility with clean commodities and the language in front of the Commission was put together by staff. The city is not currently receiving any tax base on this building because it is empty. Additionally, Waste Pro is the second largest waste and recycling company in the State of Florida operating 1400 collection vehicles with a couple of thousand employees.

He further continued by attempting to clear up the misconceptions about their business.

Vice Mayor Johnson asked, what other city is the company located that is similar to the size of Opa-locka?

Mr. Mackie replied, St. Augustine, Florida.

Vice Mayor Johnson expressed her concerns regarding the waste transfer station. She said she wasn't in favor of putting businesses on the tax roll if it will affect the quality of life of citizens. Of further concern was whether environmental studies had been conducted.

Mr. Mackie explained how the materials are collected at the source and then brought back and processed.

Vice Mayor Johnson stated that she is concerned because there are already several recycling businesses in the industrial area behind the Opa-locka Police Department operating without a license. There is not enough information as it relates to how this business would impact the city years from now.

Mr. Mackie advised that these facilities are very common and both of the waste companies the city currently has operate similar facilities throughout the state. This is a 200 sq foot building which previously housed a recycling business and because of all the other unauthorized operations, his company thought it would be good to ask for permission.

Mayor Taylor asked that the ordinance for Waste Transfer Station is taken out of context.

Attorney Geller informed the Mayor that ordinances on second reading are always public hearings anyway, so it would be a public hearing whenever they reach that item on the agenda.

Mayor Taylor said she would now move into public hearing for the ordinance.

Commissioner Holmes suggested that Mayor Taylor finish Citizens' Forum and then proceed with the public hearing.

9. Joseph L. Kelley of 485 Dunad Avenue, Opa-locka, Florida, appeared before the City Commission and expressed his concerns relating 18A2 (ordinance for Magnolia North Overlay), 19-1 (resolution for millage rate), 19-2 (resolution to suspend non essential spending), 19-5 (resolution extending and enhancing the operation of the city bus shuttle service), 19-11 (resolution dealing with pumps stations 1 & 2) and 19-13 (resolution ratifying the City Manager's action for the purchase and installation of trees).

10. Elliot Flanders of 1941 Wilmington Street, Opa-locka, Florida came forward and asked that the city address the ongoing illegal parking on Wilmington Street.

11. Albert Jones of 1200 Oriental Boulevard, Opa-locka, Florida came forward and requested that the city look into the recent increase in the number of commercial vehicles traveling on NW 151 Street from NW 22nd Avenue to NW 37 Avenue.

12. Steve Barrett of 633 Sharar Avenue, Opa-locka, Florida, appeared before the City Commission and requested sidewalks on Sharar Avenue. He continued by reiterating what was previously stated about the movie "Baghdad" which portrays the city in a negative way.

Attorney Geller advised that a vote was needed to take agenda item 18B3 out of order and consider it next on the agenda.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to take 18B3 out of order.

There being no discussion, the motion passed by a 4-0 vote.

Vice Mayor Johnson	Yes
Commissioner Holmes	Yes
Commissioner Tydus	Yes
Commissioner Miller	Not present
Mayor Taylor	Yes

18B3: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 86-8, SECTION 6.11 (B) AND 6.12 (B) OF THE LAND DEVELOPMENT CODE PROVIDING FOR THE ADDITION OF WASTE TRANSFER STATION AS A SPECIAL EXCEPTION USE WITHIN THE I-2 AND I-3 ZONING DISTRICTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on June 22, 2011). *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

Mayor Taylor opened the floor for a public hearing.

1. Alvin Burke, Vice Chairman of the City of Opa-locka Planning Council came forward and stated that this item went through the Planning Council process which included advertisement, notice, and public hearing. He went on to say that the property is approximately 2 miles away from the nearest residence. He recalled that many years back, there was a similar type of business at that same location called Planet Recycling.

He suggested that the Commission allow this business to make a presentation before them prior to making a decision. Although there are other waste contractors in the city who disapprove of this business, he said this item went before the Planning Council and they are recommending approval.

Mayor Taylor asked, how did the Planning Council feel that the city was going to benefit from this company?

Mr. Burke said that as long as the building remains vacant, the city cannot generate any taxes from it. In addition, this business will generate jobs for Opa-locka residents.

After receiving many calls from concerned citizens and because there was a possibility she would not be present at the meeting due to being out of town, Vice Mayor Johnson recommended that the citizens attend the commission meeting to voice their concerns.

She continued by saying that she is not convinced because other than jobs, what are the benefits for the city. This business is asking for a special exception. The city is giving something, but what will they receive in return. The majority individuals who live in the city want the best for the city, but she is not convinced about the benefits to the city from this particular business. As a small city, the City of Opa-locka is in need of retail.

Mr. Burke reiterated that this item went through the Planning Council process and it is not fair to the applicant for the citizens to now come in under the last public hearing in opposition of this item.

Commissioner Holmes explained to the Commission that Mr. Burke is saying that the same residents who are present should have been a part of the process early on.

He recommended that the City Manager continue the ordinance until September 14, 2011 to allow for the business to make their presentation to the Commission.

Mayor Taylor asked for clarification from the Commission because Vice Mayor Johnson wanted to rescind the first reading and Commissioner Holmes wanted to defer the ordinance until the next regular commission meeting.

Vice Mayor Johnson agreed with letting the first reading stand and deferring the ordinance.

Commissioner Holmes reiterated his recommendation to defer the ordinance until the next regular meeting to allow the business owner to make their presentation to the

Commission. Additionally, the city should address all the transfer stations in the city and not just this particular one.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to defer the above ordinance to September 14, 2011.

There being no discussion, the motion to defer passed by a 4-0 vote.

Commissioner Miller	Not present
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes

Mayor Taylor announced that the ordinance was deferred to the September 14, 2011 Regular Commission Meeting so that everyone could get a better understanding of what this business is and the impact it would have on the city.

15. ACTION ITEMS (items from consent agenda pull list):

19-1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, SETTING THE PROPOSED MILLAGE RATE OF 9.1526 OF AD VALOREM TAXES FOR THE CITY OF OPA-LOCKA, FLORIDA, FOR THE BUDGET FOR FISCAL YEAR 2011-2012; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND FINAL PUBLIC HEARINGS TO CONSIDER THE PROPOSED MILLAGE RATE AND TENTATIVE BUDGET FOR FISCAL YEAR 2011-2012; AND DIRECTING THE CITY MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER BEFORE DUE DATE OF AUGUST 4, 2011; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution read by title by Attorney Geller.

Attorney Geller continued by reading the following into the record: *"The proposed operating millage rate of 9.1526 necessary to provide the ad valorem taxes required to balance the tentative fiscal year 2012 general fund budget is hereby approved. The computed rollback rate of 9.1526 is to hereby be provided to the Property Appraiser in accordance with FS 200.065 and the proposed operating millage is 0% deviation from the rollback rate. The date, time and place of the first budget hearing to consider the proposed millage rate and the tentative budget should be September 6, 2011 commencing at 5:01 p.m. and the date, time and place of the final budget hearing to consider the proposed millage rate and the tentative budget should be September 20, 2011 commencing at 5:01 p.m."*

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

Vice Mayor Johnson asked, what was the previous year's millage rate?

Faye Douglas, Budget Administrator for the City of Opa-locka came forward and stated that the millage rate for this current fiscal year is 8.8000. The proposed millage rate is 9.1526 and it is considered the roll back rate which will generate the same level of tax revenue received this year because the properties value decreased by 8.91%. This is the tentative millage rate and when adopting the millage rate in September, the city has the opportunity to go down but it cannot go up.

Vice Mayor Johnson asked, why hasn't the city had community engagement on this issue?

Manager Finnie said that in his report he was going to ask the Commission to have two budget workshops to discuss the budget. The city has just started a preliminary budget and they are starting the process. He anticipated community workshops in the upcoming weeks as this item moves forward.

Vice Mayor Johnson said she would not support the resolution because the city should have had community engagements in advance.

Manager Finnie explained that the focus had been on the budget amendment and hopefully they would get that done and then they will work on the budget.

Commissioner Tydus stated that adopting the resolution for a tentative millage rate is a time sensitive matter. As was stated by the budget director, the millage rate can go down. As it is set in the resolution, there is no increase in taxes and it is the roll back rate generating the same level of tax revenue. For the sake of time and the provision that the millage rate can be decreased, she said she is in favor of passing the resolution. Subsequent workshops and town meetings can still be held, but this is a very time sensitive matter.

There being no further discussion, the motion passed by a 3-0 vote.

Commissioner Tydus	Yes
Commissioner Miller	Not present
Commissioner Holmes	Yes
Vice Mayor Johnson	Out of room
Mayor Taylor	Yes

Commissioner Holmes left the meeting.

It was moved by Commissioner Tydus, seconded by Vice Mayor Johnson to modify the order of the agenda to consider agenda items 18B1 and 18B2.

There being no discussion, the motion passed by a 3-0 vote.

Vice Mayor Johnson	Yes
Commissioner Holmes	Not present
Commissioner Miller	Not present
Commissioner Tydus	Yes
Mayor Taylor	Yes

18B1: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING ORDINANCE 10-23, THE GENERAL FUND BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on July 13, 2011). *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

Mayor Taylor opened the floor for a public hearing. There being no persons to speak on the public hearing, the public hearing was closed.

It was moved by Vice Mayor Johnson, seconded by Commissioner Tydus to pass the above ordinance.

Vice Mayor Johnson noticed that another amendment was provided which she assumed had changes. She directed the City Manager to make sure the changes are put on the record.

Manager Finnie explained that the revised document incorporated the last changes received which names the only employees that have cars 24 hours, eliminated 10 data cards, articulated the removal of Risk Management Department as a description, and articulated the savings by switching from MCI to AT&T through the State of Florida.

Vice Mayor Johnson asked, did any of the numbers change?

Manager Finnie said that none of the numbers changed. In the meeting with Vice Mayor Johnson, she requested that the document is very specific as to what those things were and he has responded to that.

There being no further discussion, the motion passed by a 3-0 vote.

Commissioner Holmes	Not present
Commissioner Miller	Not present
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

18B2: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING ORDINANCE 10-24, THE PROPRIETARY AND SPECIAL REVENUE FUNDS BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011; ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A", REFLECTING CHANGES (INCREASES) IN REVENUE SOURCES AS FOLLOWS: CAPITAL PROJECTS (FUND 320), ONE MILLION SEVEN HUNDRED NINE THOUSAND FOUR HUNDRED AND THIRTY DOLLARS (\$1,709,430); SPECIAL LAW

ENFORCEMENT (FUND 165), TWENTY FIVE THOUSAND DOLLARS (\$25,000); CAPITAL IMPROVEMENT DEBT SERVICE (FUND 230), SIX MILLION NINE HUNDRED THIRTY FIVE THOUSAND DOLLARS (\$6,935,000); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on July 13, 2011). *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

Mayor Taylor opened the floor for a public hearing.

Marc Cooper of 14561 NW 25 Avenue, Opa-locka, Florida, appeared before the City Commission and stated that he is the owner of an industrial property near the Opa-locka Police Department. He said he tried to secure a loan from Hard Equity Lenders since his credit is no good and no one would loan money in Opa-locka.

There being no further persons to speak on the public hearing, the public hearing was closed.

It was moved by Vice Mayor Johnson, seconded by Commissioner Tydus to pass the above ordinance.

Vice Mayor Johnson said that the city transferred \$275,000.00 out of the proprietary fund. She asked, what is the proprietary fund used for?

Manager Finnie explained that the enterprise fund is dollars generated from the water & sewer utilities and can be used for infrastructure improvement and to fund a certain percentage of administrative costs.

Vice Mayor Johnson asked, how does this fit into Sherbondy Park based on the correspondence she'd seen?

Manager Finnie advised that the recommendation has not been made as of yet. He said he would have to review that correspondence, and if it does exist, then it was inadvertent because there was nothing released from his office on Sherbondy Park. However, he had discussions in terms of long term plans and what needs to be done to fix Sherbondy Park. He recalled that it may have come up in a general discussion he had with Vice Mayor Johnson, a "what if" discussion.

Vice Mayor Johnson stated to the City Attorney that she never heard of a city affecting anyone's credit.

Attorney Geller said he would be happy to speak to the gentleman, because he didn't know the reference either.

Mayor Taylor said that Mr. Cooper was right.

If what Mr. Cooper stated is true and he was denied financing because he is in the City of Opa-locka, Manager Finnie said that would be redlining. He said he would have to speak

to the gentleman assuming it is more complicated then the location. However, throughout the country, a lot of areas are not priorities for funding through institutions today.

Vice Mayor Johnson said she knows it is redlining and there are things that need to be looked at from a legal point, but she has never heard it directly like that because an individual has a business in Opa-locka.

Manager Finnie said that if an individual has a balance sheet that shows the business operations are profitable then there isn't a problem in getting financing.

Mayor Taylor said she had experienced redlining some time ago with her business because of where it was. She suggested that the City Attorney speak to Mr. Cooper.

Since the city was looking at another banking institution, she suggested that this issue is put on the table.

Manager Finnie said he would like the opportunity to meet with the company.

There being no further discussion, the motion passed by a 3-0 vote.

Commissioner Holmes	Not present
Commissioner Miller	Not present
Commissioner Tydus	Yes
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

19-4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO SUBMIT AN APPLICATION FOR INCLUSION IN THE STATE REVOLVING FUND (SRF) LOAN PROGRAM TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF WATER RESOURCE MANAGEMENT IN THE AMOUNT OF TEN MILLION DOLLARS (\$10,000,000.00); 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 Vice Mayor Johnson, seconded by Commissioner Tydus to pass the above resolution.

Vice Mayor Johnson expressed her concerns as it relates to the spending, salary increases and employee salaries. The city is not in a position at this time to borrow 10 Million Dollars when they just passed the bond.

Understanding Vice Mayor Johnson's concern, Manager Finnie concurred, but he was doing it in anticipating the city's future needs. If the city were approved for this money, he would not recommend drawing it down, but they would have it as a line of credit should they need it in the future.

Vice Mayor Johnson said that the city didn't get the total support from the community on the bond and this is too close behind each other to come again for 10 Million Dollars. She recommended that the resolution is deferred and brought back at a later time to be able to get the citizens involved.

Manager Finnie deferred the resolution until after the completion of the budget process.

Mayor Taylor asked, is the city using the bond money for leverage?

Manager Finnie replied, yes.

Commissioner Tydus asked, what is the deadline for the application?

Manager Finnie said it was not time sensitive.

The seconded and motion were withdrawn. The above resolution was deferred.

19-7. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AND EXECUTE AMENDMENT NO. 3 OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT AGREEMENT NO. LP6768, BETWEEN THE CITY OF OPA-LOCKA AND FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) FOR THE NW 143RD STREET STORMWATER DRAINAGE / ROADWAY PROJECT EXTENDING THE COMPLETION DEADLINE FOR ONE (1) YEAR; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by C.M.

The above resolution was read by title by Attorney Geller.

Attorney Geller advised the Commission that this is the resolution they have a new version on the dais and the only change are some prior resolutions.

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

There being no discussion, the motion passed by a 3-0 vote.

Commissioner Miller	Not present
Commissioner Holmes	Not present
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

19-8. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AND EXECUTE AMENDMENT NO. 6 OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT AGREEMENT NO. LP6071, BETWEEN THE CITY OF OPA-LOCKA AND FLORIDA DEPARTMENT OF

ENVIRONMENTAL PROTECTION (DEP) FOR THE NW 128TH STREET STORMWATER DRAINAGE / ROADWAY PROJECT, EXTENDING THE COMPLETION DEADLINE FOR ONE (1) YEAR; 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 Vice Mayor Johnson, seconded by Commissioner Tydus to pass the above resolution.

Vice Mayor Johnson asked, did the city have money for this particular project before?

Manager Finnie replied, yes. The resolution is for the extension of the grant agreement with the State of Florida for NW 128th Street in order to be able to keep the funds for another year until the project is completed.

Vice Mayor Johnson expressed her concerns about the city's procurement process relating to how vendors are selected.

Manager Finnie said that the city is holding the money and this would have to come back before the Commission to go out for an RFP process.

Vice Mayor Johnson stated for the record that she doesn't want this item to come back as a ratification resolution.

There being no further discussion, the motion passed by a 3-0 vote.

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Not present
Commissioner Holmes	Not present
Mayor Taylor	Yes

19-9. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE MIAMI-DADE COUNTY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AWARD, IN THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) FOR THE REHABILITATION OF LIFT STATION 8 PROJECT FOR THE CONTRACT PERIOD OF JANUARY 1, 2011 THROUGH DECEMBER 31, 2012, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, WITH THE REMAINING COSTS TO BE PAID BY THE CITY, PAYABLE FROM ACCOUNT NO. 35-535630; 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 Vice Mayor Johnson, seconded by Commissioner Tydus to pass the above resolution.

Vice Mayor Johnson asked, is this item connected to Sherbondy Park Village?

Manager Finnie replied, no. The Sherbondy Park project is connected to pump station 11A which is the following item on the agenda.

Vice Mayor Johnson stated that money was budgeted for the pump stations and now the city is accepting the award from Miami-Dade County for lift station 8. She asked, was lift station 8 not a part of that?

Manager Finnie said the city raised money for capital, but they were always in the business to raise more money. As a result, the city raised an additional \$100,000.00 for lift station 8, therefore, this is money coming in.

Vice Mayor Johnson asked, so is this an award from Miami-Dade County that would leverage what the city already has set aside for lift station 8?

Manager Finnie replied, yes. The city applied through the grant process and was awarded \$100,000.00.

Vice Mayor Johnson asked, would this amount be sufficient to finish this lift station?

Manager Finnie replied, yes.

Vice Mayor Johnson stated to the City Attorney that the language in many resolutions reads "in a form acceptable to the City Attorney", however, she doesn't see it ever come back before the Commission. As mentioned before, she requested that all items come back to the Commission because she doesn't want it to be like BB&T. She further directed the City Attorney to bring a resolution back, if it was necessary, to accomplish what she is requesting.

Mayor Taylor referred to the end of Section 2 which reads "with the remaining cost to be paid by the city". She asked, would this \$100,000.00 and the money set aside for this lift station be sufficient to complete it?

Manager Finnie replied, yes.

Attorney Geller clarified that there is some money set aside already, but it is city money.

There being no further discussion, the motion passed by a 3-0 vote.

Commissioner Miller	Not present
Commissioner Tydus	Yes
Commissioner Holmes	Not present
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

19-10. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE

MIAMI-DADE COUNTY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AWARD, IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) FOR THE REHABILITATION OF LIFT STATION 11A PROJECT FOR THE CONTRACT PERIOD OF JANUARY 1, 2011 THROUGH DECEMBER 31, 2012, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, WITH THE REMAINING PROJECT COST TO BE PAID BY THE CITY, PAYABLE FROM ACCOUNT NO. 35-535630; 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 Vice Mayor Johnson, seconded by Commissioner Tydus to pass the above resolution.

Vice Mayor Johnson asked, how much money was put aside for the lift station?

Manager Finnie replied, \$450,000.00.

Vice Mayor Johnson suggested that the resolution is amended to include the amount of the remaining project cost to be paid by the city and in parenthesis the account number for the \$450,000.00.

Attorney Geller advised that the account number is specified and if the Vice Mayor wants the amount to be specified also then he can certainly do that.

Manager Finnie clarified that the city has budgeted \$450,000.00 for this project, however, now that it has the grant, the amount of money the city will spend is \$250,000.00.

Vice Mayor Johnson asked, is this project connected to Sherbondy Village?

Manager Finnie replied, yes.

Vice Mayor Johnson asked, is this to offset what they were going to give us for the project?

Manager Finnie replied, no.

Vice Mayor Johnson requested that the \$250,000.00 be included in the resolution.

Manager Finnie said that staff is telling him the estimated number is \$450,000.00.

Vice Mayor Johnson asked, what is the remaining cost to be paid by the city?

Manager Finnie replied, \$250,000.00.

For the record, Vice Mayor Johnson requested that the remaining project cost to be paid by the city be included in the resolution.

For clarification purposes, Manager Finnie asked to have a public discussion.

Mayor Taylor stated that a number would have to be put in the previous resolution as well.

Fritz Armand, Public Works Director for the City of Opa-locka came forward.

Manager Finnie asked, 11A has already been designed?

Mr. Armand replied, correct.

Manager Finnie asked, in that cost of the design, does that include the \$450,000.00 being discussed?

Mr. Armand replied, yes.

In terms of where they are right now, Manager Finnie asked, can the city get the lift station done including the design cost for \$450,000.00?

Mr. Armand said that the design cost has already been paid.

Manager Finnie rephrased his question and continued by asking, if the cost of the design is calculated, plus the cost to complete the lift, would that equal \$450,000.00?

Mr. Armand said that the cost may be more because this is just an estimate until the city goes through the step by step cost proposal to know exactly what the cost is.

Manager Finnie said that staff is suggesting, which he concurs, that the estimated project cost is \$450,000.00. There is another item on the agenda for the Commission to grant him the authority to go out and bid the cost of construction on 11A. The bid has to be brought back to the Commission and at that point and time, he would reconcile if the cost is more or less.

Vice Mayor Johnson said that the account number referenced in the resolution already has an amount in it and lift station 11A has been around since 2007. She said she was not asking for the cost, but the amount of money in the line item that is referenced in the resolution?

Faye Douglas, Budget Administrator for the City of Opa-locka came forward and stated that in the current year's adopted budget there is \$3,585,000.00 in account number 35-535630. There were multiple capital projects the city had planned to do this year including 11A which the city budgeted \$450,000.00.

Manager Finnie stated that the city has an aggregated account with over \$3,000,000.00 and of that, \$450,000.00 is allocated for lift station 11A.

Although the funds in that account are grouped, Vice Mayor Johnson said there was a document submitted to the Commission in 2008 that has the breakdown. Until the city gets straight with the numbers, she will leave before she allows this to happen.

Mayor Taylor suggested that Vice Mayor Johnson ask her question.

Vice Mayor Johnson said she had already asked the question. She continued by asking, what is the amount of money for this particular lift station?

Manager Finnie replied, at this particular time it is \$450,000.00.

Vice Mayor Johnson asked, out of the \$3.5 Million Dollars, what else has been used for all lift stations because the city has paid over and over again for many lift stations that have come before the Commission.

Manager Finnie said he would have to give the Commission a report as to how much has been actually spent because the only information he currently has available is the amount budgeted.

Vice Mayor Johnson explained that her reasoning for going this route was due to the enterprise money and capital improvement projects can come out of that fund and grouped into this number. The Commission must know the amount being used, the budgeted amount and the remaining balance on the account.

NOTE: This portion of the minutes is transcribed in verbatim format.

Manager Finnie: *"Commissioner, again you are correct and we created the monster and let me explain how we created the monster. We did a very good job two, three years ago of talking about how we allocated money and how we were going to spend money. We built up anticipation. We never spent the money and then when we began to spend the money, it was done on a piece mill basis which created this confusion. The confusion is that we've had money and spent a lot of money. We have not spent a lot of money unfortunately because...we have not spent a lot of money. So we would give you an accounting report of how much was allocated, how much we spent and where we are. However, respectfully because time is of the essence, I employ you to support this resolution so we can accept the grant from the county and there will be another item on the agenda and I will ask you to support that so I can get 11A done simultaneously with the completion of the Sherbondy Park building. Please, please. Thank you!"*

NOTE: This concludes the verbatim portion of these minutes.

There being no further discussion, the motion passed by a 3-0 vote.

Commissioner Holmes	Not present
Commissioner Miller	Not present
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

19-11. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO USE THE POOL OF QUALIFIED CONTRACTORS ESTABLISHED FOR PUMP STATIONS 1 AND 2

SOLICITED UNDER RFQ 11-18041200 AND REQUEST COST PROPOSAL FOR REHABILITATION OF PUMP STATION 11A IN ORDER TO MEET THE COMPLETION DEADLINE OF SHERBONDY PARK COMMUNITY CENTER; 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 Vice Mayor Johnson, seconded by Commissioner Tydus to pass the above resolution.

Vice Mayor Johnson asked, would the passage of this resolution now allow for the completion of 11A?

Manager Finnie said this would allow the city to get a bid for the actual cost of 11A and complete 11A. He anticipated on having 11A completely by December if the resolution was passed on that day.

Vice Mayor Johnson expressed her frustration with the building being complete and held up for months. She asked, how did the city arrive with contractors established for pump stations 1 and 2? She suggested that lift station 11A go out for bid.

Manager Finnie stated that he believes the pool of contractors was approved by the Commission after a process.

Vice Mayor Johnson disagreed with Manager Finnie and requested to see a copy of the legislation because a copy was not a part of the package. Of concern was that the city was going to utilize those contractors for pump stations 1 and 2 to do the work for lift station 11A. Also, when the city publicized for the RFP, it was for pump stations 1 and 2 and now the city is going to give the work to a contractor who bided on 1 and 2.

Manager Finnie explained the purpose for going this route was due to this item being an emergency. The concern is that the Sherbondy building would be complete before the lift station and there would be an empty building waiting for a lift station. Because this is an emergency, he said he thought he could use the list approved by this Commission to get a contractor to provide the cost for the completion of 11A. This is the only way he can get the lift station done in time to meet the completion of the building project.

Vice Mayor Johnson said she would not support this resolution because that building didn't just now get built. The city is required to go out for bid on 11A because the RFP was not publicized to include other lift stations. The city did the same thing with the contract for Wright & Partners, LLC and then came back and tried to switch. She said she would not support this because it is wrong. The RFP was put out for pump stations 1 and 2, therefore, another RFP must go out for lift station 11A.

She went on to inform the Mayor that she is leaving the meeting.

Manager Finnie asked, if he recommended this resolution is pulled, would Vice Mayor Johnson stay for the remainder of the meeting?

Vice Mayor Johnson continued to gather her items and left the meeting at 9:30 p.m.

ADJOURNMENT:

Mayor Taylor declared the meeting closed due to the lack of quorum. The meeting adjourned at 9:30 p.m.



MAYOR

ATTEST:



CITY CLERK