

CITY OF OPA-LOCKA
"The Great City"

Clerk's Action Summary Minutes
Special Commission Meeting

July 31, 2012

4:00 p.m.

Opa-locka Municipal Complex
780 Fisherman Street, 2nd Floor
Opa-locka, FL 33054

1. CALL TO ORDER:

Mayor Myra L. Taylor called the meeting to order at 4:00 p.m. on Tuesday, July 31, 2012 on the 2nd Floor of the Opa-locka Municipal Complex, 780 Fisherman Street, 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, Commissioner Gail E. Miller, and Mayor Myra L. Taylor. Also in attendance were: City Manager Kelvin L. Baker, Sr., Assistant City Attorney Hope Calhoun, and Interim City Clerk Joanna Flores.

3. INVOCATION:

The Invocation was delivered by Mayor Myra L. Taylor.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. RESOLUTIONS:

a) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, SETTING FORTH THE PROPOSED MILLAGE RATE OF 9.3736 OF AD VALOREM TAXES FOR THE CITY OF OPA-LOCKA, FLORIDA, AS REQUIRED BY LAW, FOR THE BUDGET FOR FISCAL YEAR 2012-13; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST AND FINAL PUBLIC HEARINGS TO CONSIDER THE PROPOSED MILLAGE RATE AND TENTATIVE BUDGET FOR FY 2012-13; AND DIRECTING THE CITY MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Calhoun.

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

Vice Mayor Johnson asked for an explanation as to the increase in the proposed millage rate.

Manager Baker explained that the proposed millage rate is a 6% increase over the current year's millage rate. This rate is very important in that this is the ceiling amount and this amount cannot increase, but it can decrease.

Commissioner Miller asked, what is the current millage rate?

Manager Baker stated that the current millage rate is 9.1526.

Manager Baker stated that the Commission is establishing the maximum, but it would be ultimately up to them to decide on that. This legislation does not lock the city to the proposed millage rate, it just allows flexibility and in looking at the dollars that it yields compared to where they are right now, it's close to about \$400,000.000 in revenue.

Commissioner Holmes expressed his support on the legislation for the proposed millage rate.

Commissioner Tydus agreed with the legislation due to the fact that this is a proposed millage rate; it sets the ceiling as the City Manager has indicated and if there is a way to go down then the Commission has time to consider that. With that in mind, she said she was in favor of the resolution setting a proposed millage rate.

There being no further discussion, the motion passed by a 5-0 vote.

Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

b) 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 (PHCD) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AWARD IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) TOGETHER WITH ANY ADDITIONAL CDBG FUNDS AWARDED TO THE CITY FOR THE REHABILITATION OF LIFT STATION # 8; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Calhoun.

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

There being no discussion, the motion passed by a 5-0 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes

Commissioner Tydus	Yes
Commissioner Miller	Yes
Mayor Taylor	Yes

c) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH C & I CONSTRUCTION AND DESIGN, INC. FOR THE REHABILITATION OF SANITARY SEWER PUMP STATION 8, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY-TWO THOUSAND SIX HUNDRED TWENTY SIX DOLLARS (\$652,626.00), PAYABLE FROM ACCOUNT NUMBER 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 Miller to pass the resolution.

Commissioner Holmes expressed his concerns relating to this contractor already performing services on another pump station and the city waiting until that project was almost complete before bringing this item forth. The project should be awarded to whatever contractor could get the work completed ASAP. He continued to express his frustration relating to the pump stations and the process.

Vice Mayor Johnson asked for clarification because the resolution reflects the wording "rehabilitation" which to her means a temporary fix. The city has spent a lot of money on repairing the pump stations and she is very concerned. She said she doesn't like the idea, especially with the amount of money being spent, to continue to say rehabilitation.

She continued by saying that she was not comfortable with the term "rehabilitation".

Commissioner Holmes recalled when the bids for this pump station came in at around \$400,000.00 about a year ago and now the bid is at \$650,000.00. He reiterated that this project was held back purposely until C & I Construction was almost complete with the other project.

Of further concern to Commissioner Holmes was that the same company is trying to get the work at the Master Pump Station. He suggested that the City Manager move on the pump stations as soon as possible.

Manager Baker explained that "rehab" is a universal term used in the utility industry; however, the scope of this work with both of these items being approved is to go in, change out and rebuild the wet wells, install new pumps, wiring, fitting, etc. The end analysis is a new lift station with new controls and everything else. In doing utility type of work, there is a continuous need for better maintenance and things of that nature. These are for a complete rehab.

If what Commissioner Holmes stated was accurate, Vice Mayor Johnson asked, what caused the drastic change in the pricing?

Although Manager Baker would have to yield to staff on Vice Mayor Johnson's question, he answered the earlier part of the discussion on the two lift stations. Just last week the city received a letter from the County on the funding and it was his desire to have these two items brought forth in September, however, the funding would go away if the Commission waited until September. This is what prompted him to move forward with these two items to avoid the city losing out on the funding made available by the County. This is the urgency of getting these two items getting approved this evening.

Vice Mayor Johnson again expressed her concern as it related to the previous statement about the increase in amount and how this item was publicized because she would not want one person or one company to have every project in this city.

Commissioner Holmes suggested that the City Manager speak with the appropriate staff to see how the city could save money with the repairs of the pump stations.

Mohammed Nasir, Public Works Director for the City of Opa-locka came forward and provided an explanation on the concern relating to the increase in the amount.

Manager Baker said his understanding is that everything the director made known was part of the bid specifications.

Vice Mayor Johnson expressed her concern as it relates to the current conditions of the pump station citywide.

Commissioner Miller said that the Commission has voted on a number of resolutions for these pump stations, but nothing has been done. After passing these resolutions for the amount of money, she hoped that the city would not have to spend additional dollars on these pump stations in the years to come.

Manager Baker said he could not give an affirmative answer because the lift stations are governed and ran by the Department of Environmental Protection and there are constant changes in the rules and regulations. Should something change in Five years from now, being in the utility business, by law the city would have to make whatever adjustments necessary. But should all things stay even, the city should be in good shape.

Commissioner Tydus expressed her concern as to the whereas in the resolution that reads: "until the county approves the remaining balance of \$202,000.00, the city will not finalize arrangements with the contractor or issue a notice to proceed with the rehabilitation of pump station # 8". She asked, what would be the conditions upon which the county might not approve and then what happens?

Manager Baker explained that the city has received an affirmative that they will find the funding; however, this resolution needs to be put in place and worded as is to give the assurance that until those dollars actually materialize, they will not be able to issue the notice to proceed.

Commissioner Tydus added that this would put the project at another halt or standstill where we've been all along.

Manager Baker said that the city's part of the agreement with Miami-Dade and part of the station being under a moratorium; the city has done its part. It really puts the burden on the county at this point because they represented initially a commitment for those funds. The city has transmittals from them confirming that they would fund the remaining of what is left and he plans to hold them to it.

Vice Mayor Johnson asked, what is the possibility of receiving change orders with this project?

Mr. Nasir stated that there should not be any change orders.

Vice Mayor Johnson requested that language be included in the resolution should there be any change orders, it must come before the City Commission. She was not real comfortable with the direction of the city's expenditure versus what they presented to the Commission. She provided an example of recent legislation for stormwater which reflected an amount of \$7,500.

Because the resolution authorizes the negotiation of the contract, Attorney Calhoun suggested that as the contract is finalized and negotiated that that specific language is put directly into the contract.

Vice Mayor Johnson said she would agree if Attorney Calhoun is going to be the legal sufficiency for the city then she would like for that language to be incorporated into the contact.

Attorney Calhoun provided the amendment as follows: "to make sure the contract includes language that change orders over the amount \$5,000.00 be presented to the City Commission for approval".

Commissioner Holmes suggested that any change orders for any amount must come before the City Commission for approval.

Vice Mayor Johnson agreed with Commissioner Holmes suggestion and asked that this verbiage be included in the amendment.

Attorney Calhoun stated that as per Commissioner Holmes the amendment would say "any change orders should be approved by both the city and the county" because the county money is also being used.

Vice Mayor Johnson stated that the change orders must first be approved by the city and then concurred by the county.

Attorney Calhoun stated the motion to be made by the Commission as follows: "any change orders to the contract between the City of Opa-locka and C & I Construction Design, Inc. must be brought and approved first by the City Commission and then through the county as appropriate".

Mayor Taylor asked, would that language becomes a "whereas" in the resolution?

Attorney Calhoun said it could become a "whereas" in the resolution if the Commission would like.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to amend the resolution to include the amendment above as read into the record by the Attorney.

There being no further discussion, the amendment passed by a 5-0 vote.

Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

There being no further discussion, the motion on the resolution as amended passed by a 5-0 vote.

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes

d) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COMTECH ENGINEERING, INC., FOR THE REHABILITATION OF SANITARY SEWER PUMP STATION 10, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED SEVENTY SIX THOUSAND FIVE HUNDRED FORTY THREE DOLLARS AND THIRTY CENTS (\$676,543.30), PAYABLE FROM ACCOUNT NUMBER 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 Calhoun.

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

Vice Mayor Johnson recalled a matrix coming before the Commission previously which was not included in this packet. She mentioned that one of the companies had a cash flow problem.

Faye Douglas, Budget Administrator for the City of Opa-locka came forward and stated that the previous City Manager wanted to make it a practice that one company would not be working on two stations at one time. When Pump Station 10 was evaluated, C & I Construction, Inc. came out first, however, they were already working on two stations and that is why Comtech was recommended by the City Manager. The city did not know if the company had a cash flow problem, but in the event it could be that if a contractor is working on two pump stations at one time that they cannot start working on the third one because of limited staffing, etc. This was something that was done to protect the city in order to move forward quickly.

Vice Mayor Johnson recalled C & I Construction working on a project at City Hall and while they were working on that project, they had a cash flow problem. She said she is a little concerned because she could remember the alteration on the matrix. She expressed further concerns relating to the evaluation committee, however, she is not comfortable at this point.

Manager Baker stated that has the previous City Manager not have prepared the recommendation reflected in the resolution then the Commission would be dealing with the same contractor getting both jobs, which could create some issues. Not being there, not knowing all of the nuances of what occurred, he concurred with that knowing the urgency of getting the lift stations up and running as quickly as possible without having the same contractor doing all of the work in the city and this recommendation does allow the city to give the business to someone else.

Vice Mayor Johnson questioned why someone would hold a project until a contractor is almost completed so that they can get pump station 8. If that was the case, then Comtech should have been the recommendation for pump station #8 and then they should have to move forward.

Manager Baker stated that the bids are based on pricing and on the pricing for this item, Comtech came in as the second lowest. If this recommendation is not acceptable to the Commission then the option would be to go to the lowest bidder which would be the same contractor discussed. Then the city will have one contractor doing two major construction projects at one time.

Vice Mayor Johnson stated that if she understood correctly, one contractor is already doing two projects. She expressed her concern relating to pump station #8 being held up to allow for the contractor at Sherbondy Park to complete that project so that they can be awarded an additional project. Of additional concern were the inaccurate information and the drastic increase in the amount of money for completion of that project.

Manager Baker accounted for the last letter from the county locking in the funding and therefore he is moving this project forward. In terms of timing and the history, unfortunately, he cannot comment on much of it.

Because of the history surrounding the city's pump stations, Vice Mayor Johnson suggested that going forward that the City Manager have the City Clerk do some research on the history because of the amount of money spent on water & sewer. Although these items are necessary, she said she was not comfortable. She further encouraged the City Manager to make sure everything is documented.

Commissioner Holmes suggested that the City Manager take control of this situation and make sure this type of situation does not occur again.

There being no further discussion, the motion passed by a 5-0 vote.

Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to include the same amendment to the resolution as reflected in the previous resolution.

There being no discussion, the motion on the amendment passed by a 5-0 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Mayor Taylor	Yes

Mayor Taylor requested that the City Manager educate the Commission on the word "rehabilitate" because to them it means repair or put together or utilize another word.

Manager Baker briefly provided an overview of the rehabilitation process for the lift station, but he would come up with another word to utilize.

Commissioner Tydus complimented Manager Baker for making every effort to make an executive decision based on the timeline that has been set by the county.

Commissioner Holmes mentioned receiving an invitation to the City of North Miami's Ribbon Cutting Ceremony on their new recreational building and they started construction prior to Opa-locka starting on theirs.

6. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Holmes, seconded by Commissioner Miller to adjourn the meeting 4:50 p.m.



MAYOR

ATTEST:



INTERIM CITY CLERK