

CITY OF OPA-LOCKA
“The Great City”

CLERK’S ACTION SUMMARY MINUTES
REGULAR COMMISSION MEETING

June 26, 2013

7:00 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 7:00 p.m. on Wednesday, June 26, 2013 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 Dorothy Johnson, Commissioner Luis B. Santiago, Commissioner Timothy Holmes, Vice Mayor Joseph L. Kelley and Mayor Myra L. Taylor. Also in attendance were: City Manager Kelvin L. Baker, Sr., City Attorney Joseph S. Geller and Deputy Clerk Sha’mecca Lawson. City Clerk Joanna Flores was not in attendance.

3. INVOCATION:

The Invocation 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):

Commissioner Johnson deferred item 19-5 until the July 10, 2013 Regular Commission Meeting.

The following items were pulled from the Consent Agenda to be discussed separately under Action Items: 19-1, 19-2 and 19-4 (Commissioner Johnson).

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

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

Commissioner Johnson	Yes
Commissioner Santiago	Yes
Vice Mayor Kelley	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

Vice Mayor Kelley acknowledged the kind concerns from his colleagues, citizens and staff regarding his accident.

8. APPROVAL OF MINUTES:

Regular Commission Meeting – 06/26/2013

It was moved by Commissioner Holmes, seconded by Commissioner Johnson to approve the minutes of the Regular Commission Meeting of June 26, 2013.

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

Commissioner Johnson	Yes
Commissioner Santiago	Yes
Vice Mayor Kelley	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes

9. 24th CONGRESSIONAL DISTRICT OF FLORIDA REPORT:

10. STATE SENATORS REPORT:

11. STATE REPRESENTATIVES REPORT:

12. DISTRICT ONE / DISTRICT TWO - COUNTY COMMISSIONER REPORT:

Larry Gardner, of Miami-Dade County Commissioner Jordan’s Office (District 1) came forward and said on behalf of Commissioner Jordan he is happy to be of assistance to the City of Opa-locka.

Commissioner Santiago asked about the status of the bleachers.

Mr. Gardner responded that the bleachers were approved.

Commissioner Johnson said city needs support working with staff on the condition of State Road 9. The condition is deplorable. In addition, she asked for support in Tallahassee regarding the appearance of Tri-Rail.

13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

14. PUBLIC PRESENTATION:

1. Tania Reynolds, Program Director Kids and the Power of Works (KAPOW)

Tania Reynolds, Kids and the Power of Works Program (KAPOW) came forward and informed the City Commission that the goal of the KAPOW program is to bring business and community volunteers into elementary and middle school to encourage future success. The city just completed its first year of participation in the program. She thanked City Manager Baker and Wonda Cooper for their assistance. The city partnership this year is with Dr. Robert B. Ingram Elementary School. In May, students and teachers worked with the students on a field trip. She recognized Lynelle Mays for her outstanding leadership as a city volunteer. Charles Brown, Director of Parks and Recreation, was also recognized for his volunteer efforts and participation.

She presented an award to the city for making the connection between schools and community and the city's ongoing commitment to excellence. She hopes there will be many more years of partnership in the program.

2. Albert Milo, Principal Related Urban

Albert Milo, of 315 South Biscayne Boulevard, Miami Florida 33131, came forward and stated that the Town Center Elderly Project had previously been approved, which includes a 2nd phase. In addition to elderly housing, it has been discussed on how to include a commercial component.

The 1st phase is going well. The building will be topped off within 3-4 days and will be completed on time by January 2014 – which will have 127 units.

In addition, he understands the city needs a City Hall and has heard the challenges the city has experienced to find a permanent home. He has a concept for the city to consider as part of the 2nd phase. It is based on a programmatic usage model utilized by the City of Pinecrest. This design combined their City Hall with the Police Station. Parking would be included.

It would be a two story structure. The Police Department would be on the first floor and City Hall offices would be on the second floor. The Opa-locka Moorish motif would be factored into the design. The building would enhance the site and increase pedestrian traffic. This in turn would promote additional commercial activity and economic development on Opa-locka Boulevard. The proximity to Sherbondy Park is also a positive factor. He reviewed traffic pattern activity to accommodate pedestrian activity.

The building would be a green certified building and features would include reflective roofing, low flow plumbing fixtures, an emergency generator and insulated impact windows. There would be two levels of parking in the building and parallel parking in the front. The ground floor would have 10,800 square feet of usable space. The second floor would have 12,600 square feet of usable space.

Commissioner Holmes said the drawing previously provided had four floors.

Mr. Milo responded, yes. There has been some revision based upon the Pinecrest model he had discussed. If the city wanted more or less that is an option.

Commissioner Holmes asked how many square feet the building has and if parking is allotted on the 1st and 2nd floors.

Mr. Milo responded that the building plan has 27,000 square feet with two levels of parking.

The first floor would be for the Police Department and the second floor would be for the municipal offices and City Hall. The parking garage would be detached behind the building.

Commissioner Holmes asked if there would be separate elevators for the Police Department and the City Hall office space.

Mr. Milo responded, yes. The Police Department entrance would be separate on the first floor. The City Hall office would contain the elevators.

Commissioner Holmes asked if a cost had been prepared.

Mr. Milo, responded that this facility including the parking garage and financing probably would cost up to \$8 million dollars. He would work with the city to do a design build package for payments in the \$400,000 range.

Commissioner Holmes said he thought the cost had been previously discussed in the range of \$6 million dollars.

Mr. Milo responded that the cost depends on the design. The cost should be no more than \$8 million dollars.

Commissioner Santiago asked if this plan was for a four story building.

Mr. Milo responded, no. It is a two story plan, but that should be enough to accommodate the city's needs.

Commissioner Santiago asked how many parking spaces would be provided.

Mr. Milo responded, with two stories of parking it will have 62 or 63 parking spaces.

Commissioner Santiago asked is that is enough parking for the police cars.

Mr. Milo responded that there is another building for the police and the entire force does not have to be relocated to the new building. But having police presence downtown would enhance the area.

Commissioner Santiago asked are there building codes to require Middle East motif.

Mr. Milo responded, yes. The buildings and roofs do not all have to look like that. Through art and streetscapes the Moorish design criteria can accomplish this.

Commissioner Santiago asked if the building would have a cargo/commercial elevator.

Mr. Milo responded, yes. There would be plenty of meetings to discuss design and building requirements.

Mayor Taylor thanked Mr. Milo for his presentation and said the commission would discuss the building with the City Manager.

14a. CITIZENS' FORUM:

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

(19-1) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BURTON AND ASSOCIATES, TO UPDATE THE WATER AND SEWER RATES STUDY, AT A COST OF \$16,280, AND TO PERFORM A STORMWATER RATE STUDY AT A COST OF \$9,935, WITH THE TOTAL COST NOT TO EXCEED \$26,215; PAYABLE FROM ACCOUNT 61-513312; 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 Johnson, seconded by Commissioner Holmes to discuss the resolution.

Commissioner Johnson asked the City Manager what impact does the previous legislation passed have on this resolution because it appears to have a significant impact on the citizens.

Manager Baker responded that the rate study will address current and future needs as it relates to proposed county rate increases. If there is a revenue deficiency, it would provide some type of recovery in the rate analysis.

Commissioner Johnson asked to have "revenue deficiency" defined.

Manager Baker responded if the city's expenditures exceed revenues collected, then part of the rate study would show how to recover, catch up and move forward in the future.

Commissioner Johnson said if the projection showed an increase would that go onto the citizens. There was a decrease knowing Miami-Dade water costs were going to increase in the future and this concerns her. It is hypocritical to give a decrease and now plan for potential increases that will impact the citizens.

Vice Mayor Kelley said his concern with the study is to make sure it is followed. Once the money is going to come out of the Water and Sewer Fund, the city should do what the study indicates. This study is to be expedited and incorporated into the upcoming budget. The city needs to follow the recommendations or it will be a waste of money.

Manager Baker confirmed the money would come out of the Water and Sewer Fund and the study results would be incorporated into the upcoming budget.

Mayor Taylor said the City Manager will come back to report on the study results to the commission. She said she sponsored a resolution to roll back rates because the citizens could not take an increase. The residents needed some relief. She noticed the County is increasing the Sewer rate and not the Water rate. She asked, why a study can't be done on just the Sewer?

Manager Baker said at this point in time the notice is preliminary. There is also another letter from the County saying the increase could be 4%. He is concerned that the County has approved a \$1.6 billion dollar bond issue. At this time it is hung up in court, but it has passed second reading. The question is, will it land in 2014 or 2015. The rate study analyst will be able to factor this into the study and help the city to be better prepared.

Mayor Taylor asked about doing a study on the Sewer rate only as the Water rate is not increasing.

Manager Baker said his recommendation is to have the study stretch out more than one year to better forecast future impact. There is a term called "smoothing of the rates", which means if the study takes a longer period of time to factor into its analysis, the rate impact can be reduced over time. A one year snapshot would produce a greater impact.

Mayor Taylor said she is not comfortable with the legislation as it is, because it appears that the water rates will be increased to offset the cost of the sewer rates.

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

Commissioner Holmes	Yes
Commissioner Johnson	Yes
Commissioner Santiago	Yes
Vice Mayor Kelley	Yes
Mayor Taylor	No

(19-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AMEND RESOLUTION NO. 12-8429 DESIGNATING AND AUTHORIZING SIGNATURES FOR ALL CITY ACCOUNTS; 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 Johnson, seconded by Commissioner Holmes to discuss the above resolution.

Commissioner Johnson asked what the current titles are on all of the accounts because there should be three people. She thought the City Clerk was part of this.

Manager Baker responded the current structure is the City Manager, the Finance Director and the Assistant Finance Director. This is used for paying of bills and cutting of checks.

Commissioner Johnson said these are the same titles as in the past. Also in the past, the City Clerk was included as a third signature.

Mayor Taylor said she recalled the City Clerk as an alternate. It takes two signatures to complete these tasks.

Commissioner Johnson said it always takes two signatures and there was an alternate. She noticed in the correspondence that it only included the Manager and two of his reporting staff. She thinks it is important to segregate financial reporting responsibility. She thinks the City Clerk should be included.

Mayor Taylor said it would be a good idea to separate the financial responsibility. She thought Ms. Parchment was in the last legislation.

Commissioner Johnson said Ms. Parchment and the Director of Finance report to the City Manager.

Mayor Taylor asked Attorney Geller if names could be changed.

Attorney Geller responded, yes.

Manager Baker said the primary two individuals in the process are himself and the Finance Director. In the event that the Finance Director is not in place, there has to be a second person. That goes for all financial matters. In the Finance Director's absence, there must be someone designated to sign on his/her behalf. That is what this resolution will accomplish.

Commissioner Holmes said the Finance Director just retired. He asked which two names are currently on the list.

Manager Baker responded, Ms. Charmaine Parchment is an alternate, and she was also an alternate in the previous piece. He is already on the accounts; Dr. Orji is being eliminated and will be replaced with Ms. Sophia Miller. That would be three.

Vice Mayor Kelley looked at the documentation that the commission passed in July of last year and said he would want the City Clerk there. He agreed on the Manager and the second person whoever that may be; either Ms. Miller or Ms. Parchment, but he prefers the City Clerk which would provide some balance as the position reports to the City Commission as well.

Mayor Taylor asked Commissioner Johnson if it was her intent to have the City Clerk be the 4th person, or take Ms. Parchment's place.

Commissioner Johnson said she thinks this matter should be in legislation and not just in discussion. She wants the responsibility to be separated, it looks cleaner. The City Clerk should be added.

Vice Mayor Kelley said he thought the City Clerk was always on the signatures. In July 2012, signatures were passed and the City Clerk was not included. He had assumed the City Clerk was included and a part.

Commissioner Holmes suggested that the City Clerk is added to make it four signatures.

Mayor Taylor asked Attorney Geller to make changes to the resolution.

Attorney Geller responded, he would do so, but needed to get clarity on exactly how it should be written.

Mayor Taylor asked Commissioner Johnson what her preference was.

Commissioner Johnson said she is suggesting making the City Clerk one of the three signatures.

Commissioner Holmes said he is suggesting adding a signature making it four.

Commissioner Johnson said the Manager, Finance Director and the alternate all report to the same office. The City Clerk reports directly to the City Commission and should be a part. If there is to be a 4th person, the City Clerk should attest to everything.

Mayor Taylor asked if Commissioner Johnson wants to eliminate Ms. Parchment.

Commissioner Johnson responded that Ms. Parchment was originally the Grant Writer. Now she does not hear anything currently about Grant Writer. She has heard of a new Grant Writer, but she pulled a PA Form and did not see a change of position. She wants to deal with facts.

Manager Baker said Ms. Parchment is an Accountant.

Commissioner Johnson asked if she was a Grant Writer.

Manager Baker said no.

Commissioner Johnson said the Manager has said the signatures would be the Director and the Assistant Director and now there is an Accountant.

Manager Baker said Commissioner Johnson can do what she wants, but it is uncommon to have someone outside of the Finance Department, as this has day to day dealings with the banking institutions and everything else.

Mayor Taylor said the Manager already has two including himself and the Assistant Finance Director, so there is already coverage in Finance. So what is being discussed is

getting a third party. Ms. Parchment is already in and can sign as an alternate. She agrees with Commissioner Johnson.

Commissioner Holmes said if the City Clerk was named in July 2012 and was never added into the signature account, he does not recall City Clerks in the past signing off on checks. Why do it now. The City Clerk has enough to do handling City Clerk responsibilities. The Finance Department should handle the signatures, with Manager Baker and the two other positions.

Commissioner Johnson said she wants her colleagues to understand the organizational chart; there is a Director of Finance.

Manager Baker said that is correct.

Commissioner Johnson asked if there was a new hire and what is the title.

Manager Baker said the new hire's title is Assistant Director of Finance.

Commissioner Johnson asked if the Finance Director and Assistant Director of Finance are the two primary positions in the Finance Department.

Manager Baker said that is correct.

Commissioner Johnson asked what tier is the Accountant in.

Manager Baker said at this time he has no Finance Director. When one is named then this will change.

Commissioner Johnson said that is not in the legislation. There is no language for temporary appointment. If this is temporary, than this has her support. She further stated that the commission can do as it likes. If this resolution can be changed to reflect temporary appointment she will support. What has happened in the past is that this can go on for years. She will rescind her request to add the City Clerk if the resolution can include temporary language for the whole thing.

Commissioner Holmes asked that would be four signatures instead of three.

Mayor Taylor said no. The resolution would stay the way it is, but would include the word "temporary". The City Clerk will not be added.

Attorney Geller said Section 2 of the resolution would read as follows: "EFFECTIVE IMMEDIATELY", as it reads, "KELVIN L. BAKER SR. AND SOPHIA MILLER, ASSISTANT FINANCE DIRECTOR / INTERIM FINANCE DIRECTOR. IN THE ABSENCE OR INABILITY OF THE INTERIM FINANCE DIRECTOR/ASSISTANT FINANCE DIRECTOR." He then said, there is another issue of the absence of this position or the Manager. It should read "IN THE ABSENCE OR INABILITY OF THE INTERIM/ASSISTANT FINANCE DIRECTOR OR THE CITY MANAGER TO SIGN FOR ANY REASON UNTIL A PERMANENT FINANCE DIRECTOR IS NAMED. CHARMAINE PARCHMENT, ACCOUNT MAY SIGN IN THEIR PLACE."

Commissioner Johnson asked Manager Baker when he was going to hire a Finance Director.

Manager Baker said he does not have a viable candidate at this time, but he hoping to put someone in place soon.

Commissioner Johnson said she would like to add the term of September 30, 2013, which is the end of the fiscal year. She asked Attorney Geller if this could be worked in.

Attorney Geller said yes.

Commissioner Johnson asked if that would take care of this financial period.

Manager Baker said yes.

Commissioner Johnson asked Attorney Geller if the title changes made were supported with a Personnel Action Form.

Attorney Geller said he did not make any title changes. The Manager has stated that the Assistant Finance Director which is the position he hired, is the Interim Finance Director until he names a permanent.

Commissioner Johnson said she won't put the conversation on the record about the contract but she wants to know if Attorney Geller and Manager Baker understand her.

Attorney Geller said he is not sure he is following what Commissioner Johnson is saying.

Commissioner Johnson asked if Manager Baker understood what she was saying regarding who was covering what.

Manager Baker said he thinks he is aware of what she is referring to.

Commissioner Holmes said there is too much time being taken on this issue and to move the amendment.

It was moved by Commissioner Holmes, seconded by Commissioner Johnson to amend the resolution to include the revised language.

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

Commissioner Johnson	Yes
Commissioner Santiago	Yes
Commissioner Holmes	Yes
Vice Mayor Kelley	No
Mayor Taylor	Yes

It was moved by Commissioner Johnson, seconded by Commissioner Holmes to pass the resolution as amended.

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

Commissioner Johnson	Yes
Vice Mayor Kelley	No
Commissioner Santiago	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes

(19-4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS AND/OR ACTIONS TO CREATE A BUSINESS IMPROVEMENT DISTRICT (BID) IN THE NILES GARDENS AREA; 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 Johnson, seconded by Commissioner Holmes to discuss the above resolution.

Commissioner Johnson said she is not comfortable with all the requirements and she does not see anything for City Commission approval and would like to see City Commission approval added to the resolution. She asked Attorney Geller to work on the language.

Attorney Geller said the language would be as follows in Section 2 at the end: "SUBJECT TO FINAL APPROVAL BY THE CITY COMMISSION."

Vice Mayor Kelley said he would also like City Commission approval. He asked if there has been a financial impact analysis conducted. Usually these initiatives have preliminary analysis to see what the potential is.

Manager Baker said the City instituted a study some years ago to look at two types of components to accomplish this. One is a Special Taxing District and the other is a Business Improvement District. The Business Improvement District seems to be the preferred way to go. This district is set up by the Mayor and City Commission. Individuals are appointed to a board and they have oversight responsibilities as to how funds and improvements are carried out.

Vice Mayor Kelley said his question was did this study look at other areas other than the Niles area; it was his understanding that it did.

Manager Baker said he was not certain. He would defer to Howard Brown on that issue.

Vice Mayor Kelley said if it is going to be done, it makes sense to look at all the potential areas. He asked, does the Nile Gardens area consist of just the area referred to as Nile Gardens?

Howard Brown, Community Development Director, said that was correct. A few years ago an analysis was done. Financials were looked at in partnership with the Opa-locka Community Development Corporation (CDC). The numbers are old. Nile Gardens has not been defined by this body yet. It is probably south of 135th Street between 42nd Avenue to 27th Avenue down to the canals.

Vice Mayor Kelley said some consider Nile Gardens to start at 135th Street and stop at 32nd Avenue, and does not go down into Cuyahoga. He asked, would this study include the Cuyahoga area.

Mr. Brown said it would not include Cuyahoga but that could be examined at another time. This is typically for the business owners on Cairo Lane, 127th Street and Alexandria. The BID was a recommendation to address the infrastructure road drainage issues over on Cairo Lane, 127th Street and in that area.

Vice Mayor Kelley asked when the study was done, were other areas included?

Mr. Brown said no. This came from the business owners in that area.

Vice Mayor Kelley said he would like to see something that encompasses the Cairo Lane area. The businesses there are willing to do something in partnership with the city to improve those roadways. It makes sense to look at that as well. He agrees with his colleagues that plans need to come before the Commission prior to implementation.

Commissioner Johnson asked Mr. Brown if he mentioned the Opa-locka CDC as a partner because she does not see this mentioned in the legislation.

Manager Baker said no, the CDC is not a partner.

Commissioner Johnson said Mr. Brown said the CDC was a partner and he knows what he is talking about.

Commissioner Holmes said if there is a debate on this, why not pull it and bring it back later. The Commission should deal with what is in front them.

Mayor Taylor asked Attorney Geller about the amendment with the final approval language.

Attorney Geller said the language goes at the very end of Section 2.

It was moved by Commissioner Johnson, seconded by Commissioner Holmes for the amendment.

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

Commissioner Johnson	Yes
Commissioner Santiago	Yes
Commissioner Holmes	Yes

Vice Mayor Kelley	Yes
Mayor Taylor	Yes

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

Commissioner Johnson	No
Commissioner Holmes	Yes
Vice Mayor Kelley	Yes
Commissioner Santiago	Yes
Mayor Taylor	Yes

16. NEW ITEMS:

17. PLANNING & ZONING:

A. HEARINGS:

B. APPEALS:

18. ORDINANCES/RESOLUTIONS/PUBLIC HEARING:

A. FIRST READING/PUBLIC HEARING:

B. SECOND READING ORDINANCE/PUBLIC HEARING:

C. RESOLUTIONS/PUBLIC HEARING:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CONSIDER THE REQUEST OF ECOLOGICAL PAPER RECYCLING, INC., FOR SITE PLAN APPROVAL TO OPERATE A PAPER RECYCLING FACILITY AT 2350 NW 149TH STREET, OPA-LOCKA, FOLIOS 08-2122-027-0070, 08-2122-027-0060, AND 08-2122-025-0391; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by C.M.

The above resolution was read by title by Attorney Geller.

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

It was moved by Vice Mayor Kelley, seconded by Commissioner Santiago to pass the above resolution.

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

Commissioner Santiago	Yes
Commissioner Holmes	Yes
Commissioner Johnson	Yes

Vice Mayor Kelley	Yes
Mayor Taylor	Yes

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN NICHOLAS STRATIGAKES – FD OPA LOCKA FLORIDA 13553 NW 22ND AVENUE BETWEEN OPA-LOCKA BOULEVARD AND NW 135TH STREET, OPA-LOCKA, DESCRIBED AS FOLIO 08-2122-013-0100; FOR THE PURPOSE OF CONSTRUCTION A FAMILY DOLLAR STORE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. Sponsored by C.M.

The above resolution was read by title by Attorney Geller.

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

It was moved by Commissioner Santiago, seconded by Commissioner Johnson to pass the above resolution.

Commissioner Johnson said she saw the letter from Family Dollar and she would like to see a strong effort to employ citizens from the neighboring area including Opa-locka.

Commissioner Holmes said the Family Dollar store is in a bad location. A gas station would be better due to the pedestrian traffic.

Commissioner Santiago said there is already a gas station next to that corner.

Vice Mayor Kelley said he saw the Family Dollar letter. He supported the parking changes with reservations. He mentioned the ordinance passed with South Florida Work Force in terms of hiring and asked is it up and running.

Manager Baker said that is correct.

Vice Mayor Kelley said he knows that he cannot force businesses to hire a number of people. He said he is all for development, but he has seen this before and Family Dollar could have agreed. He asked if the people who made this agreement are not the actual people that make the final decisions?

Mr. Brown replied, that is correct.

Vice Mayor Kelley asked if the city reached out to the people who make the final decisions to share the city's concern.

Mr. Brown responded, yes. The city reached out to the Family Dollar attorney who provided the letter in front of the city commission. He did respond after the letter was sent, if the development was approved, he would sit down with the city to talk about numbers.

Commissioner Johnson asked if staff went down to the Family Dollar stores to see the number of employees.

Mr. Brown said no.

Commissioner Johnson said she did and 80% of the employee zip codes are in Opa-locka, but three actually live in Opa-locka.

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

Commissioner Santiago	No
Commissioner Johnson	Yes
Commissioner Holmes	No
Vice Mayor Kelley	No
Mayor Taylor	Yes

Commissioner Holmes said there is a misconception about how the city is run. One person does not run the city as this vote has shown.

Mayor Taylor asked Attorney Geller how to proceed since one resolution was for construction and the other for a site plan.

Attorney Geller said it is on the agenda and still needs to be considered.

3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CONSIDER THE REQUEST OF NICHOLAS STRATIGAKES – FD OPA LOCKA FLORIDA 13553 NW 22ND AVENUE, LLC, (“APPLICANT”) FOR SITE PLAN APPROVAL TO CONSTRUCT A FAMILY DOLLAR STORE AT EAST SIDE OF 22ND AVENUE BETWEEN OPA-LOCKA BOULEVARD AND NW 135TH STREET, FOLIO 08-2122-013-0100; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by C.M.

The above resolution was read by title by Attorney Geller.

Mayor Taylor opened the floor for a public hearing.

Mr. Nicholas Stratigakes, President of Atwater Group, 19 South LaSalle Street, Chicago, Illinois came forward and said he work with developer for the proposed Family Dollar Store.

He said there has been significant time and research done with Family Dollar about hiring, jobs and creating a development on this site. The average store employs 6-10 people and prefers to employ locally. Regarding the Development Agreement with the city, he cannot sign an agreement because he does control the hiring practices. He owns the property and would be the landlord for Family Dollar. Family Dollar put the letter together because they are not in a position to execute a Development Agreement with his name on it. They will use all efforts to hire locally, that is their goal. He is the largest

landlord in the United States and is a resident of the State of Florida. He owns roughly 100 Family Dollar stores throughout the country. He attends every community meeting and understands jobs are very important. He will own this property long-term and will not be selling. He will be spending \$1.6 million dollars of his personal money on this proposed store. There is no need to wait to discuss after a Development Agreement is passed. He is willing to talk about this and how the project will benefit the community.

Mayor Taylor asked if he had any affiliation with the current Family Dollar in Opa-locka and if they are franchised.

Mr. Stratigakes said no. He said all Family Dollar stores are corporately owned. The location Mayor Taylor is referring to is an older store that they reused into an existing building. This would be a ground up brand new facility. Family Dollar wants to put infrastructure into brand new stores.

Mayor Taylor asked if Mr. Stratigakes had anything to do with the hiring practices. The city is on a mission to bring jobs to its citizens. The city is not going to be friendly to businesses that are not friendly to its people.

Mr. Stratigakes said he understands the due diligence with current Family Dollar and it would show they do hire locally and prefer to do so. His influence with this agreement is to have Family Dollar put in writing that they will use all reasonable efforts to hire before the fact, not after the fact.

Mayor Taylor asked if Mr. Stratigakes had any control over that.

Mr. Stratigakes said he has control to the extent of the construction jobs and having an open bidding process. He will sit down with staff to discuss the construction jobs which will be created, and the economic impact of the store located here from a tax-base, real estate tax increment, sales tax creation, jobs creation and retail growth.

Vice Mayor Kelley said the commission needs to conduct due diligence and get economic opportunity for its residents. He has heard information not provided before but he is still not comfortable with doing things after the fact.

Commissioner Holmes said to be fair, the commission is going to have to reconsider the previous vote or this is dead. Without a favorable vote, there is no use to go any further.

Vice Mayor Kelley said in his opinion, the Development Agreement and the Site Plan are two separate items. He can support the Site Plan but that doesn't give them the right to do anything because the Development Agreement is not in place. He does not preclude discussion on the Site Plan.

Attorney Geller said that is correct, but something needs to be added. The Site Plan can be approved, if approved it cannot go forward without a Development Agreement. There are two ways this can be addressed. If the Site Plan is approved, the commission can move to reconsider the Development Agreement. That can be done by any of the three commissioners on the prevailing side. If the Site Plan is approved and there is not a successful reconsideration of the Development Agreement, the city could continue to

negotiate further on the Development Agreement and bring it back at a subsequent meeting for consideration. Either of those would still allow them to go forward if those occurred. First a vote must be taken on the Site Plan. It is only dead if the commission takes no other action.

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

Commissioner Johnson said she has looked at the Family Dollar philosophy from the website and has talked to employees in the store and they try to hire locally using parameters such as mileage.

It was moved by Commissioner Johnson, seconded by Vice Mayor Kelley for discussion on resolution 18 C3.

Vice Mayor Kelley said he will support the Site Plan because he liked the second option Attorney Geller described. He wants to work further on the Development Agreement.

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

Commissioner Santiago	Yes
Commissioner Holmes	No
Commissioner Johnson	Yes
Vice Mayor Kelley	Yes
Mayor Taylor	Yes

Attorney Geller asked if Commissioner Santiago is still looking to proceed or is he going to defer to the Vice Mayor's point.

Commissioner Santiago asked Attorney Geller what his options were.

Attorney Geller said as a member of the prevailing side Commissioner Santiago can bring a motion for reconsideration or he can defer to the Vice Mayor's point and ask that the Development Agreement be renegotiated.

Commissioner Holmes said that if the motion to reconsider fails, that is it.

Attorney Geller said that if the same item fails on reconsideration, if it is brought forth and fails it cannot be further reconsidered. If a different item with a different set of parameters was brought to the commission, the commission can do what it wants with it, but this same item cannot be brought back.

Commissioner Santiago said he wants to reconsider the vote.

It was moved by Commissioner Santiago, seconded by Commissioner Johnson for reconsideration.

Commissioner Johnson wants clarification on the resolution being voted on.

Attorney Geller said this is a motion to reconsider the previous vote on item 18 C2.

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

Commissioner Santiago	Yes
Commissioner Holmes	No
Commissioner Johnson	Yes
Vice Mayor Kelley	No
Mayor Taylor	Yes

Attorney Geller said the commission is back on 18 C2 and must dispose of the item in some fashion.

Commissioner Holmes suggested that the Commission keep in mind that what Vice Mayor Kelley requested is not being included into this.

Vice Mayor Kelley said he would assume there needs to a motion and second for discussion.

Attorney Geller said that is correct, but there is another option. Now that the item is back before the commission, and is not defeated or passed, the item could be deferred to a time certain at the next meeting, it does not have to be re-advertised; it could be simply deferred to the next meeting which still keeps it alive.

Vice Mayor Kelley said he would prefer to defer it until the next meeting and take some time to review and fine tune the Development Agreement. It requires further discussion with Mr. Stratigakes, city staff and the commission.

Commissioner Holmes said to stop making things so hard.

It was moved by Commissioner Johnson, seconded by Vice Mayor Kelley to defer item 18 C2 to the July 10, 2013 Regular Commission Meeting.

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

Commissioner Santiago	Yes
Commissioner Holmes	No
Commissioner Johnson	Yes
Vice Mayor Kelley	Yes
Mayor Taylor	Yes

C. RESOLUTIONS/PUBLIC HEARING:

19. ADMINISTRATION:

CONSENT AGENDA:

(19-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ISSUE A

REQUEST FOR PROPOSALS TO QUALIFIED DESIGN BUILD CONTRACTORS FOR RUTLAND STREET ROADWAY AND DRAINAGE IMPROVEMENTS BETWEEN NW 23RD AVENUE AND NW 22ND AVENUE, INCLUDING DRIVEWAY APRONS FROM NW 24TH AVENUE TO NW 22ND AVENUE, PAYABLE FROM ACCOUNT NUMBER 47-541807; 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 Holmes, seconded by Vice Mayor Kelley to pass the above resolution.

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

Commissioner Santiago	Yes
Commissioner Holmes	Yes
Commissioner Johnson	Yes
Vice Mayor Kelley	Yes
Mayor Taylor	Yes

A. CITY MANAGER'S REPORT:

Mayor Taylor said the commission would like a spreadsheet prepared for them to review detailing the City Manager Report.

Manager Baker said that would be done.

Manager Baker said after several months of interviews, there is a new Assistant Chief of Police and he wanted to give the Chief of Police the opportunity to introduce him.

Chief of Police Jeffrey Key, 780 Fisherman Street, Opa-locka, Florida came forward and presented the new Assistant Chief of Police, Mr. Luis Vega. He brings experience, maturity and temperament that will benefit the city.

Manager Baker said a week ago a Department Budget Summit was held. A tentative budget schedule will be distributed by the end of the week to the commission including workshops and meetings to get through the budget process.

Approximately three weeks ago he met with the Miami-Dade Historical Preservation Board to discuss the possibilities of our city coming under their board. Several years ago the city decided to opt-out from under the County and set-up our own board. Due to the benefits afforded to the city, he has asked for further information that he will bring forward for consideration to allow the city to opt-in. There is a process and they are discussing this with the County Attorney. Hopefully in the next meeting or so he will have further information. By being a part, there is a grant capability. The requirements do not take complete control from the city.

The 151st Street Route for the shuttle bus service has been activated. Saturday service is expected to roll out in two weeks.

AMR service is wrapping up. Cycle 1 and Cycle 3 had a 98% accuracy rate. Cycle 2 that is scheduled to run the first week in July. After that the city will be fully automated. The clean-up work will continue.

The negotiations have wrapped up with the car wash location. He will be coming forward with a contract. The pilot project met with success, there is room for improvement but things are moving ahead.

The Round-About project off of Rutland is wrapping up. The contractor is gearing up to plant trees and all of the ground cover. Its looks really nice.

Burlington Street is 98 % complete. He is waiting on the trees to come in and he expects them to come in soon.

He will provide the commission a project list of the lift stations and their progress.

Commissioner Holmes asked about the status of the PBA contract. He would like it completed.

Attorney Geller said he expects to bring it before the commission for vote and approval in July before the break.

Commissioner Holmes asked about moving City Hall and had Manager Baker started doing research.

Manager Baker said no. He was waiting to see if he would get additional directions this evening.

Commissioner Holmes said the direction is to find the cost for the number of departments that need to move. He is tired of paying \$450,000.00 a month and not having any progress. It is ridiculous to find out that when trying to buy the building, the owner does not want to include the parking lots.

Manager Baker said he will get started. There are some numbers from last year and it just a matter of updating the numbers.

Commissioner Holmes said the potholes on 38th Avenue are bad, and have they been taken care of.

Manager Baker said has sent a request to the Director of Public Works and he will provide an update.

Esin Daniel Abia, Director of Public Works said the potholes have been taken care of.

Commissioner Holmes said the Cuyahoga area is a mess. He would like to get the owners to cut the grass or have the city cut it and bill them. He further said that the alley from Cuyahoga up to 22nd Avenue needs to be cut if it has not already been done.

He further said that he also received the City Manager's memo that the League of Cities is going to cancel our Liability on October 1st, 2013.

Manager Baker said that is the notice that was received. There is an ongoing discussion with them to renew it. There were some items requested of the city that were not followed and this is being addressed. He is also looking at other companies.

Commissioner Holmes said on the curb on York Street there is a leak that has been running since last year. There was an ordinance passed in 2011 that put the Code Enforcement Department under Building and License.

Commissioner Santiago commended Manager Baker for his service during the last 7 months.

Commissioner Johnson said she had heard that Park and Recreation employees attended an event and had to pay their own entrance fee and wanted to know if this was true.

Manager Baker said he is hearing that for the first time and will check into that.

Commissioner Johnson asked if he was clear on contracts, MOU's and agreements; that they must come back to the commission for approval. She gave him three sets of legislation for reference.

Commissioner Johnson said the Community Bingo announcements should go out on the water bills.

Commissioner Johnson wants the "ASAP" in the Manager's Action Items to reflect an actual date of completion. The signage in her welcome kit needs to be completed by the last meeting in July.

Manager Baker said the welcome is close to completion.

Commissioner Johnson expressed her concerns with the excessive signage on poles and other areas. There should be a community educational component to inform people of their responsibilities. During Operation Clean Sweep this was addressed, but it should be done again. This problem is bad for city branding and also the environment.

Commissioner Johnson said the Sherbondy Village Hurricane Preparedness Plan needs to be addressed. She would like an action plan by the next Commission meeting.

Vice Mayor Kelley said the Roundabout pavers were all white. The color is only within the circle. This could get dirty with scuffing and colors would be better.

Manager Baker said he agreed and would look into that.

Vice Mayor Kelley said the aprons for drainage on Burlington are apparent. He asked, is there a reason why they were not elevated?

He further said it may be too late to address on Burlington, but not for the front end of Rutland.

Manager Baker said he would look into that. It may be a design issue or grading issues with the street. The goal of designing those aprons is that a dip is needed with an inverted “V” to get the water to go into the swell areas.

Vice Mayor Kelley asked what is the liability issue in his correspondence.

Manager Baker said it is the City General Liability Policy with the Florida League of Cities. Due to the city’s history over the last year, they will not be renewing. Back in 2003, they had asked for some items to be implemented. He is asking if these items are implemented that the policy be renewed.

Vice Mayor Kelley said one of the items was for the city to have a Risk Manager, which is not budgeted at this time. With the October 1st renewal date, this would have to be addressed in the current budget going forward. The position needs to be considered for addition to the next budget as a budgeted line item/position.

Manager Baker said he suggested in his discussions that the city would consider creating an Office of Risk Management. This would have to be discussed with leadership in Tallahassee. He is also looking elsewhere for other options.

Vice Mayor Kelley said in terms of cost and effectiveness the League of Cities may be the best option. In discussions, it needs to be clear about having a Risk Manager.

He further asked about the status of Segal Park.

Manager Baker said he is waiting on some other documents. There are foundation permit issues, such as geo-technical requirements that have to be addressed, and additional pilings being installed.

Vice Mayor Kelley said during the bidding process this area was known for sinking. He asked, and wasn’t this addressed?

Manager Baker said yes that was considered. Now, the recommendation is to add even more pilings over what the original tests said and that is a risky thing to debate. The city is waiting on some input from the County since this is their dollars. The project is on schedule and planned to complete in October.

Mayor Taylor asked if the Pump Station on Kasim Street was completed.

Mr. Abia said the Mayor is referring to Pump Station 8 and the project is not complete.

B. ACCOUNTS PAYABLE:

Sophie Miller, Assistant Finance Director and Interim Finance Director came forward and stated that all documents required for the report are part of the package provided to the Commission.

16. CITY ATTORNEY'S REPORT:

Attorney Geller said the PBA contract is anticipated to come before the commission for a final vote sometime during the month of July. The bargaining unit will have to vote, and if they approve it will come to the commission.

Commissioner Holmes would like Attorney Geller to bring a resolution for the next meeting to move City Hall.

Vice Mayor Kelley requested to meet with the City Attorney on the Villa Francine issue and wants to know what the status of the Charter is so the final meeting can be scheduled.

Attorney Geller said the meeting is scheduled for next Monday. The only question was the time and moving the meeting time up to 5:30 p.m. will not be an issue.

Commissioner Johnson asked about the status of the next Education Compact meeting.

Attorney Geller said he got the information from Miami Gardens and he will get with the Commissioner to make arrangements.

Commissioner Johnson said he needs to meet with her prior to the meeting and not the day of the meeting.

Attorney Geller agreed.

Commissioner Johnson said Risk Management is going to impact the City Attorney's budget. Risk Management monies are in the budget under the Law Department which is outsourced. There is a resolution that all litigation is to be reported and she has not seen any reports. All litigation is to be reported prior to settlement.

Mayor Taylor reminded Attorney Geller she wants to know about the deferred compensation.

17. CITY CLERK'S REPORT:

Commissioner Johnson asked Deputy Clerk Lawson to make sure to put on record that she recused herself from voting on item 8b at the previous Commission meeting and the documents were filed.

Deputy Clerk Lawson affirmed the request.

18. MAYOR/COMMISSION REPORT:

Commissioner Johnson said she would like to hold a Town Hall Meeting with her colleagues on civil discourse in conjunction with the Police Department.

She got some news from the Police Department regarding an oversight regarding the Family Night Out event. The church opposite Sherbondy Village has parking issues due to high vehicle and pedestrian traffic.

She is concerned about people sending mail using “The Great City of Opa-locka”. This is causing mail delivery problems and mail is being rejected.

She got official notification that the Post Office will not be closing, but employees will be shifted to other areas.

Commissioner Holmes said the city can pass a resolution changing the name and bring it to the Post Office and this should remedy the mail issues.

He asked the City Manager what the status is regarding Wright Security.

Manager Baker said there is a complete solution and it will be presented at the next meeting.

Commissioner Santiago said he wanted to remind the citizens about the July 4th event at Sherbondy Park.

Vice Mayor Kelley commended Commissioner Santiago for his efforts regarding the July 4th event.

He also reported that during a Crime Watch meeting held at the church, they also mentioned problems during football season. They have trash and parking issues that need to be resolved.

He thanked the Manager’s Office, Miss Douglas and Miss Cooper and all those involved with the Summer Job Initiative.

He has been working with the Citizens Committee for the Charter Review. They will have their final meeting on Monday. The recommendations will be brought to the commission for consideration and discussion. He would like to see legislation passed soon.

He is working on a business forum with the Beacon Council regarding hurricane preparedness. The date will be set soon to put out the flyers. He asked, the City Manager proposed having a Town Hall on hurricane preparedness?

Manager Baker said no, but that is possible.

Mayor Taylor reported that the Opa-locka Business Chamber is moving along nicely. There are now 20 members and growing.

She will be partnering with the Department of Parks and Recreation for a book bag giveaway on Saturday, August 10th. She asked Commissioner Johnson to work with her.

19. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by the Commissioner Santiago, seconded by Commissioner Johnson to adjourn the meeting at 9:35 p.m.



MAYOR

ATTEST:



CITY CLERK