

CITY OF OPA-LOCKA
“The Great City”

CLERK’S ACTION SUMMARY MINUTES
SPECIAL COMMISSION MEETING

September 6, 2013

10:30 A.M.

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

1. ROLL CALL:

Mayor Myra L. Taylor called the meeting to order at 10:30 a.m. on Friday, September 6, 2013 on the 2nd Floor of the Opa-locka Municipal Complex, 780 Fisherman Street, Opa-locka, Florida.

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., Assistant City Attorney Oliver Gilbert and City Clerk Joanna Flores.

2. INVOCATION:

The Invocation was delivered by Vice Mayor Kelley.

3. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

4. RESOLUTION:

a) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RESCINDING RESOLUTION NO. 13-8666 AND AUTHORIZING THE CITY MANAGER TO MOVE CITY OFFICES TO 3400 NW 135TH STREET, BLDG B, OPA-LOCKA, FLORIDA, INSTEAD OF MODULAR TRAILERS AS A MORE COST EFFECTIVE OPTION AT A COST OF \$12,673.33 MONTHLY AND A TOTAL COST ESTIMATE FOR THE MOVE OF \$80,500.00, PAYABLE FROM ACCOUNT NUMBER 19-519390, NON-BUDGETED; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

The above resolution was read by title by Assistant City Attorney Gilbert.

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

Commissioner Johnson asked Attorney Gilbert can he include the following language “a year from October 1st 2013 to October 1st 2014”. She said she saw several things in the lease which will require further legal sufficiency. These issues needs be addressed.

Manager Baker said the annual total cost is \$12,673.00 times twelve payments.

Attorney Gilbert said the total cost is approximately \$152,000.00 for the year and \$80,000.00 for moving cost.

Commissioner Johnson wants the dates for October 1st 2013 to October 1st 2014 to be incorporated into the rental lease agreement and the resolution. She wants legal sufficiency stated in the lease and since there are going to be some changes made to the lease, this could be done as well. In addition, putting the dates in the legislation gives the City Commission control.

Attorney Gilbert said if going forward the commission decides to move, the current version of the lease is not what will be approved. The approval is essentially for the City Manager to negotiate the lease and for the Legal Department to review it. There are things in the lease that are going to have to change.

Commissioner Johnson informed Attorney Gilbert that she wants the lease brought back to the City Commission for final approval.

Note: This portion of the minutes is transcribed in verbatim form.

Commissioner Johnson: To the Manager in your documentation on the traffic study, kudos for number 2 and number 3, but I do think you need to have some sort of request that staff seek public input with that *Right Turn Only* sign because the people are not used to that there, however it can be made an easy transition, I would appreciate it. As well as the moving of the bus bench. All of that, you need to have some sort of public hearing or Town Hall meeting prior to, Mr. Manager.”

Note: This concludes the verbatim portion of these minutes.

Commissioner Johnson asked that on the third page, number 4, the repair for fence; is the city doing that and is it included in the Contingency?

Manager Baker said the owner will be doing the repairs.

Commissioner Johnson directed Attorney Gilbert to make sure all things listed are in the minutes. She is assuming that there will be a flagpole on the property flying both the City and State Flag.

Manager Baker said yes.

Commissioner Holmes said he is trying to find out why there is a Special Meeting and a resolution on this issue. At the last meeting the City Commission gave the City Manager direction to move into modular units, he was under the impression that the City Manager was following those directives. When he votes and passes a resolution he expects it to be followed. He does not support this resolution.

Commissioner Santiago said he understands the position of Commissioner Holmes. The majority of the commission should vote and approve issues. The City Manager found an alternative that will save the citizens money and the city has to move out of the current building. The owner wants the city out at the end of the month. He asked Manager Baker about remaining at the current location.

Manager Baker said the city is scheduled per the resolution to be out of the current building by the end of the month.

Commissioner Holmes said he is hearing the issue of saving money. The city could have purchase the Town Center building several years ago for \$6,000,000.00 or less. He tried to get staff to negotiate this in the past, but his colleagues did not support it. Moving into the modular units will save the city money. He thought he made himself clear that his vote was for the modular units. The building the city is considering moving into is a health hazard. The crime in the area is a safety hazard as well. Just this week, he has a report of a car robbery in that area, it is not safe for the employees. Police cannot be deployed over there 24/7. City Hall does not need to be over there.

Commissioner Santiago said there is crime all over the city. It is not an issue just to that area. There are two schools in the area. He does not want to move into a contaminated building. He asked Manager Baker if he knew of any contamination issues.

Manager Baker said he is not aware of anything harmful to residents in the area.

Commissioner Santiago said if there were contamination issues, DERM would be involved.

Commissioner Johnson said she wants to deal with facts. She supports what Commissioner Holmes said. Based on what was discussed at the last meeting she is trying to be reasonable and it goes against her judgment. After meeting with the City Manager yesterday, she went to speak with the Management of the building about having to move by October 1st and at that time, Mr. Stackhouse said he did not get any calls to extend this period of October 1st for a couple of weeks. She is also hearing about environmental concerns, there have been studies done of chronic conditions of children in that area. People need to do research on their own, the information is available. Look at legislation, look at the videos and talk with the people, they will let you know. When she met with the City Manager yesterday, she asked him to include funds for rectifying this, but the funds were not included in the figures. She asked Manager Baker to confirm this.

Manager Baker said yes.

Note: This portion of the minutes is transcribed in verbatim form.

Commissioner Johnson: For the record, So the things I brought up with him, I don't even want to discuss it, it is not worth it. But I do want, if the majority decides that is what we are going to do, and we got a mandate of October 1st to be out with a couple of weeks, I am willing with everything that is in me saying no, for the team and for betterment of the city. I strongly believe what Commissioner Holmes said, strongly. But when I have not enough facts to deal with and this is all choice I have to make, so be it. But let me tell you, I think at the end of the day, opposition with each other with respect is zilch and I think it wrong. I think we should allow everyone to say whether you agree or not, that is our right as elected officials. Madam Mayor, I would also like to present an addition to this information here, because it has to be rectified, there is a cost related. I would also like put on the record that I told the Manager that even if we use our personnel, it's not zero, because everybody is being paid. It may be indirect, but it needs to show a small soft cost. I have been in business for fifteen years and in corporations for twenty-nine years, it not for anyone to say I have not been in business. I am not trying to go against anyone. But in all due respect, if it is going to be a savings and the Manager showed me a little and we worked back and forth and it was not easy because I am not an easy person to influence, but I don't think we have another choice at this point. It hasn't been presented to me. I totally support Commissioner Holmes. Four of us did at that time, and this is the alternative that was presented to me. And yesterday, by myself, along with the Assistant City Manager I went over to the site, for the first time since 1985 I ever walked ground on that site. I was able to make some suggestions at that point, because I am concerned about ADA. And the others I have talked with the Manager."

Note: *This concludes the verbatim portion of these minutes.*

Commissioner Holmes asked Manager Baker if the modular option was still being considered.

Manager Baker said yes.

Commissioner Holmes said he wished someone would have contacted him and told him what was on the agenda while he was out of town. When a majority passes a resolution, which is what the City Manager should go by. When this came about, the first thing that should have been done was to try to rescind the resolution and that was not done. The move for the modular units does not have a package like the one before him for this considered move. This was done in a day or two. It is a health hazard over there, and when the wind blows the smell from the dump is strong. The City of Opa-locka can do better.

Vice Mayor Kelley said he would like to hear Commissioner Johnson's amendment when he is done. He asked Manager Baker about the layout for 17 regular spots for employees, are the other spots for employees with disabilities or health issues?

Manager Baker said that is correct.

Vice Mayor Kelley said there are fifteen total spots for people coming to conduct transactions with the city and a number on the opposite side – what is the total number? What is the status of the *Right Turn Only* sign – is there a way to get slow down signage on the concrete? This is a concern for him.

Manager Baker said he will put a request in if that is the wish of the commission to modify the speed limit.

Vice Mayor Kelley said he would like to mitigate and slow the traffic flow on that entrance on 135th Street. He said DERM approved the site based on the city fixing the lift station in this current year; he is concerned about the time frame. There has been a lot of back and forth and heartburn on this issue. He is looking at the economic side of it for the savings of moving for one year. Given the budget challenges, he realizes this is difficult and if there is a savings it needs to be looked at. He was frustrated that the initial resolution passed by the commission should have gone further. He will support this with Commissioner Johnson's amendment.

Mayor Taylor asked Commissioner Johnson where the amended language should be inserted.

Note: This portion of the minutes is transcribed in verbatim form.

Commissioner Johnson: I want the time frame in the resolution as well as the contract, and I think \$50,000.00 needs to be put aside to retro-fit what needs to be done, the Attorney understands, I don't want you to ask him to interpret what I am saying. And then secondly, within 60 days, Mr. Manager, we need an Air Quality Control Check - Air Quality Control Check. Mr. Attorney, that also needs to be speculated into the agreement. Because the quality of life for all of us as elected officials is on our shoulders, and I don't want nobody's blood on mine. Verbatim for the minutes, I would like to make that as a motion, I repeat again, to make sure that the dates of October 1st 2013 through October 1st 2014, and \$50,000.00 be set aside to retro-fit the facility to be fit for city staff. Within 60 days, there will be an Air Quality Control of that area. That needs to be east, west, north and south, not just that spot. It should also be stated in the agreement Mr. Attorney."

Attorney Gilbert: If it pleases the commission, Section 2 of the resolution could be amended to read; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, HEREBY RESCINDS RESOLUTION NO. 13-8666 AND AUTHORIZES AND DIRECTS THE CITY MANAGER TO RELOCATE CITY OFFICES AS A COST EFFECTIVE OPTION TO 3400 NW 135TH STREET, BLDG B, OPA-LOCKA, FLORIDA, INSTEAD OF MODULAR TRAILERS AT A COST OF \$12,673.33 MONTHLY WITH A TOTAL ESTIMATE COST OF RELOCATION AT \$80,500.00, PAYABLE FROM ACCOUNT NUMBER 19-519390, NON-BUDGETED; THIS RESOLUTION SHALL AUTHORIZE A LEASE AGREEMENT FROM THE TIME SPAN OF OCTOBER 1ST 2013 TO OCTOBER 1st 2014.

Commissioner Johnson said that is her motion. She said she will make that a directive to the City Manager.

Note: This concludes the verbatim portion of these minutes.

It was moved by Commissioner Johnson, seconded by Vice Mayor Kelley to discuss the amendment.

Vice Mayor Kelley said he wants to know about the retro-fitting.

Commissioner Johnson said \$50,000.00 was separate, because the cost is not in the lease. She is going to do it now as a separate motion.

Mayor Taylor wanted clarification on what was being voted on.

Commissioner Johnson said the vote was on the first amendment to the resolution.

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

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

Commissioner Johnson said her next motion is to budget \$50,000.00 to retro-fit the facility and directing the City Manager to conduct within 60 days an Air Quality Control Check.

It was moved by Commissioner Johnson, seconded by Vice Mayor Kelley to discuss the amendment.

Vice Mayor Kelley asked about the retro-fit, what is it exactly that Commissioner Johnson is asking for?

Commissioner Johnson said it was a laundry list, but she will let Manager Baker reply.

Manager Baker said the concept in looking at the facility, was to spend the minimal amount of dollars necessary with the understanding that the move is to a temporary location.

Vice Mayor Kelley said he needs more specific details.

Manager Baker said in some cases there will be partitions instead of closed office spaces. The action environmental study will come out of that as well.

Vice Mayor Kelley asked about the modifications. He is trying to understand the cost.

Commissioner Johnson said she asked Manager Baker about the partitions the city previously had, if they are utilized that will be a savings. There may be some rooms there that needs to be sound-proofed; for example the Attorney's office. She does not know it all without itemizing it. If the commission wants to lower the amount; that is fine, but there should be something in place in case the owner can't do it.

Vice Mayor Kelley says he does not want to vote on \$50,000.00, he would like the amount to be lower, closer to \$25,000.00. He wants to stay with the concept of cost savings and the city shouldn't get too comfortable because this is a temporary location. If

the environmental study will require more, the commission can consider that at another time.

Commissioner Johnson said that is acceptable.

Commissioner Santiago said he recommends \$30,000.00.

Mayor Taylor asked if the Air Quality Control Check is included in the \$25,000.00.

Commissioner Johnson replied, yes.

Mayor Taylor asked Manager Baker if the cost for the study was included in his numbers.

Manager Baker said no, he did not have a number. Yes, there is a cost. He thinks it is within the means of what is being discussed.

Attorney Gilbert said the commission is going to move Section 3 and make that Section 4. Section 3 will now read: THIS RESOLUTION ALLOCATES AN ACTIVE DELIVERY OF NO MORE THAN \$25,000.00 FROM ACCOUNT 16-519390 TO RETRO-FIT THE FACILITY AND TO CONDUCT AN AIR QUALITY CONTROL CHECK. THE AIR QUALITY CONTROL CHECK MUST BE PERFORMED WITHIN SIXTY (60) DAYS OF SIGNATURE OF THE LEASE AND EXECUTION OF THE CONTRACT.

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

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

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

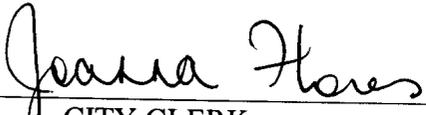
Commissioner Johnson	Yes
Commissioner Santiago	Yes
Vice Mayor Kelley	Yes
Commissioner Holmes	No
Mayor Taylor	Yes

5. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by Commissioner Johnson, seconded by Vice Mayor Kelley to adjourn the meeting at 11:15 a.m.


MAYOR

ATTEST:


CITY CLERK