

CITY OF OPA-LOCKA
“The Great City”

CLERK’S ACTION SUMMARY MINUTES
SPECIAL COMMISSION MEETING

Tuesday, November 20, 2012
12:15 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 12:15 p.m. on Tuesday, November 20, 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 Dorothy Johnson, Vice Mayor Joseph L. Kelley, Commissioner Luis B. Santiago, Commissioner Timothy Holmes and Mayor Myra L. Taylor. Also in attendance were: City Manager Kelvin L. Baker, City Attorney Joseph S. Geller, and 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:

Commissioner Johnson requested information as to who sponsored the resolutions because the agenda doesn’t reflect the sponsor of each.

Mayor Taylor indicated that the actual resolution reflects the sponsor of each of the resolutions. She continued by saying that resolution (a) is sponsored by the Mayor and (b) is sponsored by the City Manager.

Attorney Geller added that resolution (a) is co-sponsored by Commissioner Santiago.

a) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO CONDUCT A CLEAN UP AND BEAUTIFICATION OF THE CITY PRIOR TO THE HOLIDAYS AT GATEWAY LOCATIONS WITHIN THE CITY, INCLUDING THE PLACEMENT OF NO LESS THAN THREE LARGE CHRISTMAS TREES, AT A COST NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00) PAYABLE FROM

ACCOUNT NUMBER 41-541340; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

The above resolution was read by title by Attorney Geller.

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

Commissioner Johnson asked whether the resolution is referring to a clean up by the Public Works department, Urban Rangers, and the inmates. She continued by asking for clarification as it relates to the resolution.

Mayor Taylor stated that the resolution refers to all of the above would be involved in this beautification. She mentioned that the basic premise behind this resolution is to give the residents a clean gateway for the holiday. After thinking about the wording when the resolution came before it read "emergency" or something, but yes the holiday is upon us and it would be nice to have a clean city and she wants Opa-locka to look just as beautiful on the gateways.

Commissioner Johnson asked for clarification as to how the \$60,000.00 came about and requested an outline of the anticipated expenditures for the beautification. Additionally, although the resolution reflects an account number, in reviewing her budget, she didn't see anything in the budget for 2012-2013 emphasizing beautification for 2013.

Manager Baker indicated that the resolution calls for an amount not to exceed, but obviously when meeting the needs of the community, if they were to really get in there, the number would probably be much higher than this. This is a number the city has come up with to make some impact in the overall community and clearly it would take much more than this, but this is a number they can work with during these times to make some impact.

Commissioner Johnson stated that although she understood the objective, her question is how the city arrived to \$60,000.00 and what is the breakdown of the services to be provided with the cost of each? She continued by asking, who is going to perform the work?

Manager Baker said that this figure is an estimate and the work would be done by a combination of contractors and city employees.

Commissioner Johnson said that the City Manager has not asked for approval to go out for a contractor. What she understood from the sponsor of the resolution is that it would be Public Works, Urban Rangers, and the inmates. But the City Manager has added on outside contractor(s) and she is not approving anything because there is nothing in front of her that indicates this is going to outside entity(ies) at all.

Manager Baker directed Commissioner Johnson attention to Section 2 of the resolution which includes language to that effect.

Commissioner Johnson directed the City Attorney to read into the record the language in Section 2 since he pointed it out.

Attorney Geller read Section 2 of the resolution into the record as follows: *“the City Commission hereby directs and authorizes the City Manager to solicit competitive proposals for a contractor or contractors to conduct a clean up and beautification of the city prior to the holidays”*. The intention was not to have because of time it wouldn't really permit a full RFP process but still to solicit competitive proposals in some fashion possibly going to contractors the city had worked with. But the intention is that to the extent outside contractors would be necessary, in the interest of time, nonetheless, the city needs to look at getting some type of competitive proposals for any work that has to be sent out whether that's soliciting multiple bids, obtaining at least three or more, if possible. Anything the city is going to do to outside contractors needs to be subject to some kind of competitive process.

Commissioner Johnson recalled having this same conversation with Mr. Geller last year and they didn't do an emergency. Every year during this time, people put bulk trash out, but what she understood is that this is not residential, but the gateways and she consider the gateways to be NW 22nd Avenue and NW 27th Avenue, but she doesn't see where it would cost \$60,000.00. Based on her concerns, she said she would not support the resolution. With good planning, the city should pre-plan for this every year. Although she is in support of a clean city, she doesn't support and she doesn't know what holiday this resolution is referencing but Thanksgiving is upon them so she would assume it is talking about Christmas. Between now and Christmas, she believe the city can get this completed with the three existing entities. She would support the holiday trees her colleague mentioned, but she would not support it at the amount stated in the resolution. She reiterated that she would not support the resolution until she can get better clarification.

As the sponsor of the resolution, Mayor Taylor said she could not see that \$60,000.00 would hold up a clean up that is well needed in the city for the people. It is not so much the money, \$60,000.00 in the overall scheme of things is really not a whole lot of money, but the city wants to have a clean up. The overall idea is to clean the gateways for the holidays for the residents. This is where the emphases should be. The city will utilize the Public Works Department, the Urban Rangers and anybody the city can use to help do the gateways because there is not enough to go all over, but they do have manpower to go out and get this done. The city and gateways is in a condition that doesn't look good for the Christmas holiday. She said she could not see anyone not supporting the overall reasoning for it.

Commissioner Santiago said he didn't see any reason why the Commission would not give the citizens a very happy and clean holiday. The city must be clean in the month of December and this should commence as soon as possible for completion by December 1, 2012. The city should also use all available resources for this project. The city will no longer come in last for everything. He said he is in support of the resolution because he wants to see this community clean and ready for the holidays.

Vice Mayor Kelley said he would not support this resolution in its form, but he supports Christmas trees with a price. Secondly, he didn't receive the information until a few

minutes ago and since the City Manager decided to give clarification on it, then he would hold him accountable for getting the information quicker.

He continued by saying that Section 2 of the resolution talks about soliciting competitive proposals for a contractor or contractors to conduct a clean up. One of the sponsors indicated Public Works, Urban Rangers and the prisoners. He asked for clarification on this.

He further requested that the City Manager provide a breakdown as it relates to the memorandum sent on the Christmas trees, the trees, shrubs, repair of sidewalks, and the clean up of litter and debris that he is taking out of the funds, what the percentage is and how much of that it would be. In talking about repair of the sidewalks and talking about the gateways, the city has sidewalks in need of repairs all over, some of which he has brought to the City Manager's attention even since he's been in office. This item does not have a good feel to it and he doesn't think the city should spend \$60,000.00 on a clean up that the city can do; however, he would support Christmas trees if that is broken down. He said he would like to know specifically the amounts because when he did the research to find out, and it is interesting this came broken down after he met with one of the City Manager's staff and that sounds fishy. At that time, he asked the question as to how it was broken down and looking at the item there was not enough money in the "other contracted services" where this would have come out of to support \$60,000.00. But now all of a sudden at 11:15 a.m. there is a breakdown and there is enough money. Everybody wants a clean city, everyone wants it beautiful for the holidays for the residents because they don't deserve anything less but when you put a blank amount of \$60,000.00 for clean up without the breakdown of costs. Until the city can provide a breakdown in the costs then he probably could look at this differently, but to lump it all the way it is, the city doesn't have it because if the city is going to spend out of this two general funds and the City Manager didn't indicate what line item. He asked, what line items are these coming out of in the general fund?

Manager Baker stated that he has not fully determined which ones specifically.

Vice Mayor Kelley said when he asked the question, he was told it was coming out of contracted services because that is the line item that was given in the original account. He asked, was that changed because when he looked at the resolution given to him by the Clerk this morning, it had an account no. 41-541340. He asked the City Manager if he is now saying that is not the line item.

Manager Baker indicated that what he is saying is that part of the funding is coming from general fund and that's what the document makes reference to.

Vice Mayor Kelley asked, but you don't know where it is coming from?

Manager Baker responded, not exactly. The city has not decided specifically on which ones but it is coming from the general fund.

Vice Mayor Kelley asked, and of the repair of the sidewalks, how much money is that?

Manager Baker said that in terms of how much will come out of that fund once they have done a full evaluation of the gateways and what is actually needed then they will know specifically how much of that. What the resolution provides is a cap of an amount that will not exceed.

Vice Mayor Kelley stated that part of the problem is that a lot of stuff has been done and is done appears done on caps. Right now the city's budget is imbalance and it doesn't have the money that the City Manager says it has in these line items all over the budget and now they want to do a cap of potentially what may be in it. This is not the way the city wants to really be able to fund and do what they need to do for the community, the employees, for the business community, for the overall picture where they all want to make everybody happy and make the city a great place which is ultimately all of their goals. This cannot be done operating as such. There is a complete master plan for the sidewalks. He asked, is that correct?

Manager Baker said there is a plan.

Of concern to Vice Mayor Kelley was that the city has a sidewalk plan and why not implement that plan which should be inclusive of the gateways. There are people out there that are in need of sidewalk repairs and/or new sidewalks if the city is going to go that route and they would love to have all of it done whether it is Christmas, Thanksgiving, Hanukah, New Years, whatever it may be. This is not good policy to set. If the city wants to put Christmas trees in all of the segments of the city, if this was brought separately then that would be one thing, but \$60,000.00 to go out and bid to a contractor or contractors then no he is not in favor of it. This is not how the city should be spending taxpayer's dollars. He said that he didn't have a problem keeping the money in-house, but to send it outside with just an open flow because it doesn't even say what percentage will be used for outside contractors.

He reiterated that he would not support this item as presented because it does not do due diligence and the city is not in that big of a hurry to not do it right.

Commissioner Johnson stated that she is in support of clean-up, but she is not in support of the format in which it is being presented. She stated to the City Manager that the city is currently in a deficit and the city doesn't have this money. The resolution reflects that the city would be soliciting and it has been already stated on the record that if the city is going back to any of the previous vendors they must look at the record to see what type of services they have provided. She said she was not comfortable with the procurement function in the city as it is. Therefore, how can the city determine this?

Manager Baker said that the city would go through the regular procurement process in order to solicit bids.

Commissioner Johnson said that the City Attorney said the city would look at previous vendors in order for consideration. It appears that some sort of dialogue of conversation has already been happening.

Manager Baker said he had not been privy to any.

Commissioner Johnson asked for clarification from the City Attorney when he made that statement.

Attorney Geller advised that normally an RFP process is a lengthy process and it requires several months to accomplish. In this case because it was communicated to him that this matter was something that needed to be done on a shortened timeframe in order to be done by the holidays, the language she used was intended to include a quicker process where instead of issuing a formal RFP, the administration could contact various vendors, whether there are one used in the past, whether there are others, possibly publish an advertisement and try to solicit from multiple sources competitive proposals with those segments of the work the City Manager determines could not be done in-house and what needed to go to a contractor.

With all of the employees, Commissioner Johnson stated that the City Manager could get a team of people that can do overtime and get this done in less than five weeks. She expressed to the City Manager that in the last couple of meetings she was upset at some of his decisions on various issues.

As indicated by both the City Manager and the City Attorney with regards to the RFP process, Vice Mayor Kelley said that when this came up, it basically the same thing that came up as an add on item the other night, that the RFP has been out for the alleyways, medians, etc. The City Manager indicated that it had gone out, but subsequently he learned that it had not gone out.

Manager Baker said that when he responded to Vice Mayor based on his understanding because it had already been approved by the Commission. Once it is approved by the Commission, staff is instructed to prepare the necessary documents and send it out. That was his understanding at that time that is why he responded, but after that he learned that it had not been released yet.

Since that RFP had not gone out, Vice Mayor Kelley said that this item could have been a part of that RFP because there was an addendum on that item to go out to include the cleaning that would cover the gateways. He asked the City Attorney whether the City Commission did that.

Attorney Geller said he believed the city did, but he doesn't have the language.

Vice Mayor Kelley asked, why does the city need this resolution if they did that to encompass putting it in the RFP that was already going out that has not gone out?

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

Vice Mayor Kelley No

Commissioner Holmes said he didn't get a chance to respond on this item, however, after hearing the comments and having understanding of what is being said, but he does know the city is in need of a clean up of the gateways. He suggested that the auto shops on NW

22nd Avenue and the apartments on NW 22nd Avenue is part of this clean up. He said he would support this on the basis of trying to do something for the people on NW 22nd Avenue on the East Side of Opa-locka and also on the west side near the apartments on NW 37 Avenue.

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

b) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA--LOCKA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT WITH MARY MEANS AND ASSOCIATES TO PROVIDE SPECIALIZED CONSULTING SERVICES FOR HISTORIC CITY HALL, BEGINNING NOVEMBER 1, 2012 THROUGH OCTOBER 1, 2013, IN AN AMOUNT NOT TO EXCEED \$60,000.00, PAYABLE FROM ACCOUNT NO. 44-541823; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

The above resolution was read by title by Attorney Geller.

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

Commissioner Johnson suggested that the City Manager refer to the cover page when this item was first presented to the Commission at the Regular Commission Meeting. The scope of services outlined on last Wednesday appears to be the same concern she had last week. She asked for a better understanding as to why the city needs to pay \$60,000.00 when in the vision 20/20 comprehensive plan, this was part of that grant received by another organization in this city.

Manager Baker said that it is professional recommendation that the city goes with a firm who has a proven track record of working on historical sites. The historical City Hall is the crown jewel of the city and as City Manager he would like to make sure it is handled with the best and most talented individuals to assist in this process to ensure a good product at the end. Understanding that there are concerns, but he wants to take advantage of the time and the season they are in while things may be slowing up arenas to get the contract button up and get things moving as they move forth with the architecture plan for City Hall.

Commissioner Johnson stated that the scope of services provided in which there was lengthy discussion, nothing in this package has changed at all. It's the same duplicate information provided previously.

Manager Baker said that the scope had not changed because it is his professional recommendation and he needs the expertise available to assist with this effort. This item is funded through a grant and the city needs to do all that it can to make sure they get the best product possible.

Commissioner Johnson asked for the name of the grant and clarified with the City Manager that no funds would come out of the city's budget because the City Manager just stated this is funded through a grant.

Manager Baker replied, yes. The project is the sole line item in the budget.

Commissioner Johnson asked, the City Manager has received money from the budget, placed it in an account, and there is a line item for the city to pay a consultant \$60,000.00.

Manager Baker said that part of the project is professional services and this is how this item would be funded and paid for.

Commissioner Johnson asked, when did the city receive the grant?

Manager Baker could not recall the exact date, but said the city has received approval for the grant as the City Commission is very much aware of.

In speaking to the County Commissioner for District 1, Commissioner Johnson said she is aware that the city has a timeline of 2013/2014 to have everything shovel ready. But wasn't under the opinion that the city received money from Miami-Dade County and she is glad the City Manager put that on record. She didn't recall the City Manager bringing any legislation to accept monies from Miami-Dade County and hopefully through the City Attorney at the next meeting legislation would be on the agenda to accept that grant.

She asked, what is the amount of money received as a part of the grant?

Manager Baker invited staff to come forward to address the concern.

Charmaine Parchment, Grant Administrator for the City of Opa-locka came forward and stated that as it relates to the GOB Two Million Dollars, the city has not received the contract. All documentation has been submitted in an effort to receive the money. She understands that for the first year 2013, the city should receive \$600,000.00 and then the rest on the following year.

Commissioner Johnson asked Manager Baker what monies had he received?

Manager Baker said it was the same.

Commissioner Johnson interjected and stated to the City Manager that he hasn't got any money.

Manager Baker explained that this is how grants work by letters of commitment stating that the city has been awarded. There are contracts and things of that nature that goes through the process of getting signatures, etc.

Commissioner Johnson said she has a not for profit organization for 15 years and she is very aware of the grant process. She also knows that he cannot spend something the city

doesn't have. A letter of intent does not mean the money is in the bank. She referred to the last meeting where staff came up and stated that the city has \$565,000.00 in the bank, but the city doesn't have the money. She expressed to the City Manager that she has lost confidence in him and she is very disappointed as to how he is responding.

In going back to the proposal, she asked, how did the city arrive at this individual versus anybody else?

Manager Baker stated that this person has a proven track record and has already done work in the community. With some understanding of how the organization functions and the needs of the downtown area, he felt it was ideal with that additional information, that additionally mindset, it would be helpful to include her with helping the city with this effort.

Commissioner Johnson asked why even put an RFP out if it would go to the person who fits in; this seems like a pre-decision. As an equal employment opportunity employer that should be a practice of the city.

Commissioner Santiago refreshed everyone's memory of his intent by his statements on this very same issue at the last meeting to look into the possibility of reducing the hourly rate of pay for this individual. After having an opportunity to read the materials and documentation thoroughly since that time, he said he believes the City Manager has to be sure that the City Manager is going to do the right job and that she will be the best for that kind of money. However, he doesn't have a problem supporting this item, but he wants to make sure this individual does an excellent job.

Vice Mayor Kelley said he is really torn when items come before the City Commission and then they come back on a special meeting tone; that's the first red flag. Secondly, with regards to this item, in the letter dated October 30, 2012 from the City Manager, the first part of the sentence says, reference to the City Manager from Mrs. Means: "you have expressed an interest in having me serve as the city's principle advisor". He said he is challenged by that wording because it indicates the city reached out to this individual. He has no knowledge of the qualifications other than what is presented. Everybody wants City Hall redone and they are thankful for the funding of it.

He continued by saying that his question the other night was "is this time sensitive" in terms of losing the funding. According to staff, what he is hearing now is that the city has the letter of intent, but has not received the funds which would indicate that time is not dramatic. He expressed his concern about going down this slippery slope of having contracts done based on the city's reaching out rather than the process in place for any vendor. If the city would have put out an RFP and Mary Means & Associates and staff came back through the recommendation process and said that the city should negotiate with them because they have the best service available, then he would have had no problem. Since the city reached out to this firm, it doesn't know whether there are other companies out there better which is a red flag to him in how the city does business.

He further expressed his concerns relating to how the city arrived at this firm which in the future the city could find themselves in grave challenges. Based on his concerns, he will

not support this resolution because he doesn't think the city should set the precedence of operating in such a manner.

Commissioner Holmes stated that he would not support this resolution because this individual called him trying to solicit his vote instead of just waiting to see what happens on the dais.

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

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

6. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Holmes, seconded by Vice Mayor Kelley to adjourn the meeting at 1:09 p.m.



MAYOR

ATTEST:



CITY CLERK