

**CITY OF FLORIDA CITY
REGULAR COMMISSION MEETING MINUTES**

MARCH 11, 2014

1. ROLL CALL

Mayor Otis T. Wallace	Present
Vice Mayor R.S. Shiver	Present
Commissioner Eugene D. Berry	Present
Commissioner Avis Brown	Present
Commissioner Sharon Butler	Present

Also Present:
Jeff P. Cazeau, City Attorney
Henry Iler, City Planner
Pedro Taylor, Police Chief
Richard Stauts, CRA Director

Mayor Wallace called the meeting to order at 7:30 P.M.

2. PLEDGE OF ALLEGIANCE

Commissioner Brown led the commission in the Flag Salute.

3. APPROVAL OF MINUTES

A Motion was made by Commissioner Butler to approve the Minutes of the Commission Meeting of February 25, 2014. Seconded by Commissioner Brown. All voted in favor. The Motion was carried.

4. CITY ATTORNEY’S REPORT

City Attorney Jeff Cazeau stated the legal affairs of the City remain in order.

↔ Mr. Cazeau also informed the commission of a public records request lawsuit from Citizens Awareness Inc. Mr. Cazeau voiced this group went to the police department and made a public records request. Finding the police department did not respond to them as quickly as they wanted, Citizens Awareness Inc. went two

days later and filed a lawsuit against the City of Florida City.

In talking to other city attorneys, Mr. Cazeau realized Citizens Awareness Inc., that very day went to other cities in Miami Dade County (City of Palmetto Bay, City of Homestead) with similar requests and filed lawsuits against those cities as well.

This same group, under a different name has gone through the State of Florida requesting public records then filing lawsuits against the cities. Florida City is simply another victim.

Florida State Statute allows payment of attorney's fees for filing these lawsuits if one does not receive the response desired when making a request for public records. Mr. Cazeau stated, if the organization had simply called the City Clerk, who is the City's custodian of all records, the matter would have been immediately resolved. Instead they went through the Police Department - a waste of taxpayers' money, Mr. Cazeau assured the commission the matter will be taken care of.

5. CURRENT AGENDA

NONE

6. COMMITTEE REPORTS

Due to the overwhelming response and success at the city's gym, Mayor voiced we are about to order additional bleachers for the facility. The Erik Spoelstra camp is also doing well.

7. OLD BUSINESS

A.) **Vacancy of Planning & Zoning Board Appointments**

Commissioner Butler recommended Julia Green and Commissioner Brown recommended Donald Prager for the two Planning & Zoning Board vacancy appointments.

A Motion was made by Commissioner Berry approving the two appointments. Seconded by Vice Mayor Shiver. All voted in favor. The Motion was carried.

B.) Second Reading: Resolution No: 14-09- A Resolution of the City Amending the Unusual Use approval for the Rock-Mining Operation of Applicant, Atlantic Civil on the 658 Acre Parcel located south of (theoretical) SW 360 St & East of SW 167 Ave

By way of recap: Commission Meeting of 02/25/14:

The applicant, Atlantic Civil Inc., is requesting several amendments to its currently approval resolution 11-40 and the associated Development Agreement executed on April 21, 2008 between the company and the City. The subject rock mining project was approved in 2007 on a 589 acre site located south of (theoretical) SW 360th St and east of SW 167th Ave. The mining operation has been proceeding steadily over the past seven (7) years and the City has received regular payments from the applicant of \$.10/ton of soil excavated.

The purpose of the request is to amend the resolution and development agreement for this project to specify that the finished lake depth shall not exceed the maximum depth authorized by the permits issued from federal, state, regional and local regulatory agencies. At the time in 2007 when this unusual use application was first approved, many of the environmental permits were still undergoing agency review. Now that all of the required permits have been issued, it is appropriate to limit the depth of excavation to no more than that authorized by the multiple agency permits.

The same wording would also be inserted in Paragraph 6 of the Development Agreement. The applicant is also requesting that Para 20 of the Development Agreement be modified to continue to provide for a 20- year project completion timeframe.

Staff has reviewed these requests and recommends approval. The proposed maximum lake depth will be limited as provided and required by federal, state, regional and local permits applicable to this project. The modification should not have any significant adverse consequences for the City. The completion timeframe extension to maintain the initial 20 year period is consistent with the intent of the Development Agreement.

Resolution 14-09 amends the unusual use approval for the rock mining operation of the applicant, Atlantic Civil, Inc. on the 658 acre parcel located south of (theoretical) SW 360th St & East of SW 167th Ave.

A Motion was made by Commissioner Berry to read Resolution 14-09 by caption only. Seconded by Vice Mayor Shiver. All voted in favor. The Motion was carried.

Rick Stauts on behalf of the Clerk who was voiceless this evening, read Resolution 14-09 by caption only.

The floor opened for public comments. There were no comments from the public. The floor closed.

A Motion was made by Commissioner Butler for the passing and adoption of Resolution 14-09. Seconded by Vice Mayor Shiver. All voted in favor. The Motion was carried.

8. **NEW BUSINESS**

A.) **Resolution No: 14-13: A Resolution of the City pertaining to the Adoption of Certain Fees & Charges for Building Permits, Inspections, Certificates and Related Services Et Al**

City Attorney, Jeff Cazeau requested this item be deferred to the commission meeting of 03/25/14.

A Motion was made by Vice Mayor Shiver for approval of Mr. Cazeau's request. Seconded by Commissioner Berry. All voted in favor. The Motion was carried.

B.) **First Reading: Ordinance No: 14-02: An Ordinance Establishing Section 62- 276, "Home Occupations" Of the City's Code of Ordinances Et Al**

Mayor voiced this item needed "no action" this evening. He requested the commissioners review the ordinance which will be brought back at the 03/25/14 commission meeting for first reading.

C.) Resolution # 14-12: A Resolution of the Mayor & City Commission Approving a Contract with Coreland Construction in the amount of \$486,783.00 Et AL

On January 14, 2014 the Florida Department of Economic Opportunity approved the single source procurement of Coreland Construction Corp. to complete the Friedland Manor Generator Installation Project. The completion of the project is to be paid for with funding from the CDBG DRI Wilma 3 contract with the County and funds from the Surety for the prior contractor. Both the State and County agreed that a single source procurement for this \$486,783 contract was the proper and efficient way to obtain a good contractor to complete this construction contract before the height of the next hurricane season.

Baljet Environmental was able to verify the quality of work and performance of Coreland Construction Corp. with their references during a prior contract procurement process and recommended Coreland Construction Corp at that time. Coreland Construction completed the NW 7th Street Streetscape contract for the CRA and staff has no hesitation to recommend them for this contract award.

Staff is seeking permission for the Mayor to execute a contract with Coreland Construction in the amount of \$486,783, subject to recordation of the required Performance and Payment Bonds and furnishing the Certification of Insurance.

Resolution 14-12 approves the contract with Coreland Construction for \$486,783.

The floor opened for public comments. There were no comments from the public. The floor closed.

A Motion was made by Commissioner Berry for Mr. Stauts (Mr. Stauts was assisting the City Clerk who was without a voice this evening) to read Resolution 14-12 by caption only. Seconded by Vice Mayor Shiver. All voted in favor. The Motion was carried.

Mr. Stauts read Resolution 14-12 by caption only.

A Motion made by Commissioner Butler for the passing and adoption of Resolution 14-12 Seconded by Commissioner Brown. All voted in favor. The Motion was carried.

9. **CITIZEN'S PRIVILEGE**

NONE

10. **ADJOURNMENT**

There being no further business before the Commission, A Motion was made by Commissioner Butler to adjourn the Commission Meeting of March 11th, 2014. Seconded by Commissioner Berry . All voted in favor. The Meeting adjourned at 8:00 P.M.

OTIS T. WALLACE, MAYOR

JENNIFER A. EVELYN, CITY CLERK