

CITY OF PAHOKEE
MINUTES
REGULAR COMMISSION MEETING
Tuesday, July 22th, 2008

Mayor Whitaker called the meeting to order at 7:35 P.M. in the 2nd Floor Commission Chambers of City Hall, 171 North Lake Avenue, Pahokee, Florida.

Invocation:

Vice Mayor Babb did the invocation and led the pledge of allegiance to the flag.

Roll Call of Elected Officials:

Mayor Wayne Whitaker	Present
Vice Mayor Keith Babb	Present
Commissioner Allie Biggs	Present
Commissioner Henry Crawford	Absent
Commissioner Diane Walker	Present

Others in Attendance:

City Manager Matt Brock, Deputy City Clerk Susan Feltner, City Attorney Mimi McAndrews, Public Services Director Art Cobb, Jr., I. T. Andrew Denton, Sergeant At Arms Lt. Alonso, Director of Finance Derrek Moore, Parks and Recreation Director Herbert Crawford, Port Mayaca Gardens Director Art Ivester and Naji Tobias (Sun Newspaper).

Additions, Deletions and Approval of Agenda Items:

City Manager Brock asked that under New Business Item O-5 be removed to be studied further by the City Attorney and that Item O-1 become Item O-6 in the order to be handled. In place of Item O-5, he would like to substitute considering a voting delegate for the League of Cities meeting.

Approval of the Minutes:

No minutes were ready for approval at this time.

Consent Agenda:

1. Res. 2008-55 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA DECLARING THE NEED FOR AN ECONOMIC TRANSITION AND SUPPORT PLAN IN RESPONSE TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S INITIATIVE TO PURCHASE ALL UNITED STATES SUGAR CORPORATION ASSETS; PROVIDING FOR MUTUAL COOPERATION WITH THE STATE OF FLORIDA AND THE SEWMD PROVIDING FOR DISTRIBUTION OF THIS

RESOLUTION TO ALL INTERESTED PARTIES; AND DECLARING AN EFFECTIVE DATE.

2. Res. 2008-56 A RESOLUTION OF THE CITY COMMISSION FOR THE CITY OF PAHOKEE, FLORIDA SUPPORTING THE ESTABLISHING OF A MULTI-MODAL LOGISTICS COMPLEX (INLAND PORT) IN THE GLADES.

Vice Mayor Babb moved, and Commissioner Biggs seconded the motion to approve the consent agenda in its entirety. The motion passed unanimously.

Proclamations:

1. Mary Helen Blakeslee
2. Doctor Caesar Orduna

Commissioner Biggs moved, and Vice Mayor Babb seconded the motion to approve both of the proclamations. It was approved unanimously.

Report of the City Manager:

1. Tomorrow night at 6:00 p.m. there is going to be a Grant/Code Enforcement Workshop.
2. Mr. Brock would like to propose a Special Meeting of the Commission in a week, on July 29th at 6:00 p.m., for the sole purpose of amending the existing '08 budget.

Commissioner Biggs moved, and Vice Mayor Babb seconded the motion to approve the Special Meeting of the Commission. The motion was approved unanimously.

Report of the City Attorney:

Unintelligible.

Presentations:

1. Take Stock in Children, by Ms. Annie Mincey. She represents a non-profit, state wide organization in existence since 1995. Their purpose is to go into communities to encourage teens to have a better career after they graduate high school. They offer student advocacy, mentoring and tutoring. To be eligible, the child has to have at least a 2.3 GPA, good attendance in school, no behavior problems inside or outside the school, no criminal activities and they cannot do drugs. They are looking for mentors, per state regulations, and they brought applications with them.

Ordinances:

None.

Resolutions:

None.

Old Business:

1. Regional Water Plant - No update
2. Middle School - No update
3. Regional Hospital - The Mayor said the Hospital is two months ahead of schedule and moving along very well.
4. Herbert Hoover Dike - No report.
5. Habitat for Humanity - Captain Silva spoke of the ongoing dialogue about the four acre parcel on Rardin Avenue where the old school was. The Habitat people are hopefully going to hammer out a purchase agreement and get that project going. At that point, they will take the two properties the city has and will go ahead and develop those at the same time. In addition they are trying to put together a little committee for the western communities that will help Habitat put together a road map to go forward with different projects in the region. Not just in Pahokee, but hopefully in Belle Glade and South Bay. Anyone interested in being part of that committee, should get with him.
6. Update regarding consideration of rental agreement with Emilio Perez, for use of City owned property located at 246 E. Main Street - City Manager Brock said that there was an updated report on the dais from Susie Feltner (Code Enforcement), as well as some photos. He asked City Attorney McAndrews to address the lease agreement as well.

Ms. McAndrews told the Commission that the lease agreement that was sent to them was also sent to Mr. Perez and he and she made a few changes. The Commissioners' copy should say on the front page, year one, year two. Ms. McAndrews left blank the part about him putting down a deposit on the building.

Mayor Whitaker wanted to know if it is normal procedure for the City to ask for a deposit and the City Attorney said that this was not your "normal deal" and you might want a deposit in case something happens. The Commission, led by Mayor Whitaker, and Mr. Perez settled on a month's rent as the deposit.

Code Enforcement Officer Feltner, sitting in for the City Clerk, said that the repairs that needed to be made are not a band aid.

She also said that the memo was about requirements for the permitting and that the repairs need to be done correctly.

Commissioner Walker asked Mr. Perez if he'd had an opportunity to review the information supplied by the building official and Mr. Perez replied that he had. Mr. Perez said that he'd hired a general contractor from West Palm Beach, who had even gone under the building, and that was where he'd gotten the one hundred thousand dollar (\$100,000.00) dollar figure to put the building in operation.

The Mayor asked for a motion to approve the lease. Mr. Perez said that he did not know what item number 4 was.

The City Attorney explained that it is a bond between the contractor and Mr. Perez, not with the City. Mr. Perez said that he was going to start working within 60 days, once he got the lease on hand. The contractor told him that it would take about four months to renovate the whole building and finish the work, three to four months.

Per Ms. Feltner, the permitting is going to require the signed and sealed drawings and the permits. Other than that, these are just suggestions and recommendations and the requirements are still at the discretion of the Commission.

The Mayor said that still there was nothing there that could not be fixed and Ms. Feltner agreed with him. The Mayor asked for a motion to approve the lease.

Commissioner Babb asked if there was anything in the lease that would mean having to bring the building up to code and the City Attorney said that she was 99.9% sure that it was in the lease, directing Vice Mayor Babb to look under number 9A.

Commissioner Walker wanted to know if Mr. Perez had gotten clarification on item four and he said yes. They continued to discuss specific parts of the lease and the building official's recommendations.

The City Attorney pointed out that the one hundred thousand dollar (\$100,000.00) amount is not in the lease, and that we could not possibly hold any tenant to a dollar amount as long as the building is up to code, that is all you care about.

A motion to accept the lease was made by Commissioner Biggs and Commissioner Walker seconded the motion. The motion passed unanimously.

7. Commissioner Biggs wanted to add the Marina Lease as this item. The Commissioner asked, "when were they going to get the lease signed and if there has to be an amendment, then later on do what you have to do, but right now the lease needs to be signed to make Pahokee a better place. In 2006 they voted to give them this extension and now all of a sudden there is a hang up on it. Mistakes have been made and corrected, however, you are holding back someone who has invested a lot money in the City." The Commissioner said she felt even the community would feel better if they go ahead and do what has to be done expediently. She said, "we need to be the same way with everybody and if we cannot explain why, then let's move on."

The Mayor asked the attorney to address the Commissioner's comments.

City Attorney McAndrews said that the intent was to have it on the agenda for the next Commission meeting. They have spoken with Mr. Sheehan about that and he is aware of it. We have looked at what was in the original contract vs. what he is actually going to do and how that is different from what is in the plan.

Commissioner Walker asked if the contract is on hand and City Attorney McAndrews stated that the State would have had to have written the amendment to the lease that the City has with the Marina and she has not had a chance to review it. She wanted to know if the Marina had been discussed and approved in '06, why is it back here?

City Attorney McAndrews said that what the City Commission had approved in 2006 was for staff to go forward and ask the Governor's office for the extension. The Governor's Office wants to make sure the request comes from the entire Commission and not just one person, because it is a big long process that took two years for them to put it on the agenda and for the Trustees to even vote on it. What was approved two years ago was approving the City and Everglades to go up and ask for this extension. Two years ago we did not have a contract, they just approved it at the Governor's Office. Now we have to write an amendment to the lease and anytime there is an amendment or a contract, you have to sign it as a party, you have to agree that

you are fine with the language, that you approve for the Mayor to sign it.

Mayor Whitaker and Jim Sheehan went over particulars in the Marina lease and the original agreement.

The Commissioners continued asking the City Attorney and Mr. Sheehan questions about the length of time on the Marina lease amendment and its economic feasibility. Upon questioning from the Mayor, Mr. Sheehan said he'd received about seven and a half million dollars in grant money from the City of Pahokee.

New Business:

1. Presentation and Review of City of Pahokee Fiscal Year 2009 Annual Budget. (Hard Copy to be Delivered in the Mailbox Today.)
2. Incentives vs. Proclamations.
3. Approval of Charter Review Committee Meeting Schedule.
4. Selection of Audit Committee Members for 2007 Audit.
5. Consideration of Second Memorandum of Understanding for Rural Catalyst - Bridgett Merrill. (Remove)
6. Voting Delegate.

Citizens Comments/General Concerns:

Correspondence, Comments and Concerns of the City Commissioners:

Commissioner Biggs:

Vice-Mayor Babb:

Commissioner Walker:

Mayor Whitaker:

There being no further business before the Commission, the meeting was adjourned at approximately 10:55 p.m.

Wayne Whitaker, Mayor

ATTEST: Raquel Diaz, City Clerk