

Law Offices of Pam E. Booker, Esq.

Riviera Beach, FL 33404

(772) 971-8676

July 11, 2016

City Council
City of Westlake
4005 Seminole Pratt Whitney Road
Loxahatchee, FL 33470

Ref: Agreement for City Attorney Services

Dear Mayor and Council Members:

I am pleased that you choose to engage my services as legal counsel for the City of Westlake. This is an exciting opportunity as we embark on the creation of a new City, with your leadership and guidance, you can create the City of your collective vision. I have been in local government for approximately twenty years, most recently serving as City Attorney for one of the largest cities in the state of Florida. In that twenty-year period, I gained experience in the areas of land use and zoning, community redevelopment areas, annexations, municipal finance, procurement and contract law, litigation and appellate representations to name a few. I am confident that those experiences will be beneficial to the City of Westlake.

Please allow this letter to set forth our understanding as to the nature and scope of the legal services I will provide for the City, the amount of my fees for those services, the manner in which my fees for those services shall be determined and the terms upon which you will make payment.

1. **Nature of Services:** You have engaged me to serve as City Attorney. My services will include the representation of the City, working with the Mayor, City Council, the City Manager and all administrative staff, in all legal matters relating to the City's affairs, from day to day administrative issues to the development of policies and programs from Council and the City Manager. The general services that the Firm will provide include, but are not limited to, all areas of general municipal law, land use and zoning, building, permitting, code enforcement and lien law, procurement and contract law, constitutional and legislative issues, as well as some litigation and dispute resolution in all administrative levels.

I will attend the regular, special and workshop meetings of City Council, Planning and Zoning meetings and meetings with the administration as they arise from time to time. If clerks or paralegals are used, there will not be additional costs for their services to the City.

Outside counsel may be required for more specialized services such as civil rights, labor and employment issues, collective bargaining, eminent domain, litigation, appellate representation, environmental and sustainability law, and municipal finance.

2. **Fees for Services:** You will be charged and agree to pay for my services on the following basis:

A. *Monthly Retainer Fee:*

The Firm will charge a base fixed retainer fee \$132.69 per hour, based upon a forty (40) hour work week, for an annual amount of \$276,000, to be paid in monthly increments of \$23,000.00, per month for the preparation of ordinances and resolutions and attending up to two regular monthly Council meetings, one monthly Planning & Zoning Board meeting and one monthly Code Enforcement Magistrate meeting, up to a total of 50 Council/Planning Advisory Board/Code meetings per year for the twelve-month period commencing July 2016. The fee also includes providing general legal advice to the City and its council members, attending meetings with other community representatives as required to carry out the legal services for the City.

The monthly retainer includes, the cost of liability insurance, medical benefits, training and continuing education courses. The monthly retainer includes the review of standard documents and response with comments, a quarterly report and a litigation report as needed. The drafting and preparation of legal documents will be included. The monthly retainer includes all telephone calls/email/teleconference/video conference with individual City Council members, the City Manager, staff, consultants, City Board members and Committee members as authorized by the City Council.

B. *Hourly Rate:*

The Firm will charge for those matters not covered by the base retainer fee, and hourly rate of \$225.00 per hour for all attorney's handling all other legal services including litigation, municipal bond financing, labor law and any other general legal advice or services including meeting with Council Members, the City Manager, staff and/or consultants related to such work, review and preparation of proposed ordinances, contract or other matters. The Firm's practice is to charge for actual time expended, but not less than 2/10ths of an hour for each activity.

C. *Fiscal Year Budget:*

For each fiscal year of the City, the compensation paid to the City Attorney under the terms and conditions of this agreement shall be an amount approved by the City in its fiscal year budget. Each fiscal year during the budget review and approval proceedings, the City may consider price adjustments to compensate

for market conditions and the anticipated type and amount of work to be performed by the City Attorney during the upcoming fiscal year of the City.

In the event the fiscal year budget is not approved prior to the first day of the fiscal year, the City Attorney's compensation under this Agreement will continue at the rate currently in effect at the time of renewal. Upon the approval of the fiscal year budget, there will be a retroactive fee adjustment, which will be invoiced on the first month thereafter.

3. **Costs:** In addition to attorney's fees included above, the Firm will add a 2.5% administrative fee to each bill to cover administrative cost such as delivery charges, communication services/telephone charges, photocopies, postage, faxes, legal software and computer research expenses.

Non-incident costs such as court reporter expenses (including cost of transcript and court reporter's fee for attendance), court costs (such as filing fees, service of process, newspaper publication costs, subpoena costs, witness fees, recording fees, etc.), accounting and appraisal fees, expert fees, trial/hearing exhibit costs, investigation costs, and applicable lobbyist registration fees, will continue to be itemized and billed.

4. **Payment of Fees and Costs:** My invoices will be submitted to you on a monthly basis and each invoice will be due and payable when rendered. You must understand that if any invoice remains unpaid for more than thirty (30) days after it is rendered, the firm reserves the right in our discretion (subject to court approval, if necessary) to cease to provide further legal services to you. You will, however be liable to the firm for the payment of any fees earned and any cost incurred by the firm through that time, together with applicable taxes.
5. **Representation of Other Clients:** The Firm is bound by the rules of legal ethics not to represent any client if the representation of that client will be directly adverse to the interest of another client, unless each such client consents to such representation after consultation. Should such a situation arise, you will be immediately informed and a proposed manner to address the conflict will be provided by the firm.
6. **Withdrawal from Representation and Termination:** The City may at any time choose to terminate this agreement with or without cause with ninety (90) days notice to the firm. The City will be liable for fees and costs incurred through the date of termination, including the monthly retainer. The firm likewise, reserves the right to withdraw from representing the City, if you have misrepresented or failed to disclose material facts to the firm or if we disagree about the course of action which should be pursued.

7. **Fees for Other Legal Services:** In the event the City requests the Firm to render legal services with respect to other matters outside the scope of this representation agreement, the other matters will be handled on an hourly basis, and fees and costs will be payable under the same terms and conditions as provided for in paragraph two of this letter.
8. **Governing Law:** This agreement shall be governed by the laws of the State of Florida, Palm Beach County. Any and all legal action necessary to enforce the Agreement will be held in Palm Beach County, Florida. No remedy herein conferred upon any party is intended to be exclusive of any other remedy and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof.
9. **Notices:** All notices will be in writing and shall be sent by certified mail, return receipt requested or by overnight delivery using a nationally recognized courier service.

Notices to City Attorney:
Pam E. Booker
2650 Lake Shore Drive, Unit 1704
Riviera Beach, FL 33404

Notices to the City:
City of Westlake, Mayor
4001 Seminole Pratt Whitney Road
Loxahatchee, FL 33470

Notices to City Manager:
Severn Trent Environmental Services, Inc.
210 North University Drive, Suite 702
Coral Springs, Florida 33071
Attn: Bob Koncar, General Manager

10. **Commencement of Representation:** If the foregoing is agreeable to you, please acknowledge your understanding and agreement by signing this letter and delivering it to the Firm. The Firm shall commence representation pursuant to the monthly retainer agreement as of June 27, 2016, with payment due for July 2016. At the discretion of the City Manager, the Firm shall commence work at the hourly rate contained herein as of the date of the City's acknowledgment and agreement below.
11. **Risk Management:** To the extent occasioned by the negligent act or omission or failure of the City Attorney, the attorney may defend and hold harmless the City, its officers, agents and employees, from and against any and all claims, losses or

liability, or any portion thereof, including attorney's fees and costs, the employees, or damage to property accessioned by a negligent act, omission or failure of attorney.

To the extent not attributable to the negligence or willful misconduct of the City, and to to extent permitted by Florida law and to the extent not attributable to the negligence or willful misconduct of Attorney, City shall indemnify, defend and hold harmless the attorney, its officers, agents and employees, from and against any and all claims, losses or liability, or any portion thereof, including attorneys fees and costs, arising from injury or death to person, the employees, or damage to property occasioned by a negligent act, omission or failure of the City. Nothing herein shall constitute or be construed as a waiver of the protections, immunities, and limitations of liability afforded City pursuant to Florida Statutes §768.28.

In the event that claim(s) raised against the Attorney on account of this agreement, or on account of the services performed hereunder, is/are covered under Attorney insurance policies, the Attorney shall not be responsible for any loss, damage or liability beyond the limits and conditions of such insurance policies. With respect to any other causes of actin and/or claims arising under this Agreement, or otherwise arising as a result of, or on account of, the services provided hereunder, Attorney total aggregate liability shall not exceed an amount equal to the amount of annual compensation for such services during the Agreement year in which such cause of action and/or claim is raised against the Attorney.

The Firm is honored to represent the City of Westlake and looks forward to a long and positive relationship as we build the City together. I appreciate the confidence you have placed in my Firm and will make every effort to perform my services in a prompt and efficient manner. If you have any questions or concerns, please do not hesitate to contact me to discuss your concerns.

Sincerely,
The Law Offices of Pam E. Booker, P.A.

By: Pam E. Booker, Esq.

ACKNOWLEDGEMENT AND AGREEMENT

Having been duly authorized by an affirmative majority vote of the members of the City Council for the City of Westlake, Florida, the undersigned has read this representation agreement and on behalf of the City of Westlake, Florida, agrees to the terms and conditions contained herein.

AGREED AND ACCEPTED on _____, 2016

City of Westlake, Florida

Roger Manning, Mayor

7. **Completion of Work:** Completes work assignments within reasonable or set time frames. (In this context, "reasonable" means a time frame which is acceptable to Council in terms of their priorities, and in consideration of the attorney's ongoing workload.)

_____ 6-Outstanding _____ 5-Excellent 4-Very Good _____ 3-Good _____ 2-Fair
_____ 1-Poor _____ 0-Unsatisfactory

Comments:

City Attorney has stated to me that she has never missed a deadline and usually has work uploaded well ahead of the deadline. I do have concerns with the size of the legal budget and the implementation of outside council. For instance Ms. Booker engaged outside counsel and we individually sat through an hour long presentation by outside counsel only to have to again sit through the exact same presentation as a group on the dais . I feel we could have benefited from sitting through the presentation as a group the first time. perhaps some of my questions were not thought of by my colleagues on the council and vice versa. We simply perform better as a group. Not to mention the money the city would have saved with a single presentation Vs Six. Ms. Booker reconciles the size of her budget with the fact that the city has "100% of her attention and resources" as our full time city attorney, and that her Budget amount includes normal benefits provided such as Health Insurance and

Achievements: Identify a few of the top achievements or strong points you observed in the City Attorney over the past year.

Comments:

Ive observed the passing of ordinances as achievements.
However, I was actually really disappointed here. In my private interview with Ms. Booker she couldn't identify in the last 12 months a single item she would call a "Top Achievement". There were many items that were still ongoing or future objectives but not a single "great achievement to reference"

Objectives: List two-to-three performance objectives that you feel are important for the City Attorney to work on for the coming year.

Comments:

Top objective is, I would like to see a dynamic shift in Ms. Bookers relationship with the City Manager. The "in-fighting" between departments I feel is extremely counter productive to the City's health and prosperity.

Another objective is Id like to see the City Attorneys focus shift away from drafting or influencing policy and narrow to legal counsel alone. For example when I asked Ms. Booker what her "Top Objective" was for next year she said and I quote "In regards to the HAPPY program I would like that all the developers have home inventory available in the 250k-300K price range to assist home buyers with our down payment assistance program". As valiant as that effort may be I do not believe that it should be the City attorney's focus, let alone her top objective. The policy and direction the city takes in regards to the happy program should come solely at the direction of council.

APPROVAL

OF

MINUTES

(May 5, 2020)

The Opa-locka Planning & Zoning Meeting

P&Z Clerk's Summary Minutes

Virtual P&Z Meeting

Tuesday, May 5, 2020

7:00 P.M.

- **CALL TO ORDER:**

Chairman Elio Guerrero called the Virtual Planning & Zoning Meeting to order at 7:00 p.m. on Tuesday, May 5, 2020.

Pursuant to Executive Order No. 20-69, issued by the office of the Governor Ron DeSantis On March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b) 2, Florida Statutes.

An opportunity was given to the public to email the Planning & Zoning Clerk prior to the Planning & Zoning Meeting with any questions/comments/concerns on items we will hear on this evening's P&Z agenda. This meeting is being streamed live at <https://www.youtube.com/user/CityofOpalocka>.

Since this is a virtual meeting as authorized by the Governor of the state of Florida, again, Members of the public wishing to address the P&Z have been offered the opportunity to do so. Public comments will be included as part of the public record for this virtual meeting and will be considered by the P&Z prior to any action taken.

I ROLL CALL:

The Planning & Zoning Board of the City of Opa-locka, Miami-Dade County, met in a special virtual session on Tuesday, May 5, 2020 at 7:00 p.m. The following members of the Planning & Zoning Meeting were present: Board Member Germane Barnes, Board Member Claudienne Hibbert-Smith, Board Member Dawn Mangham, Board Member Lloyd Tyler, & Chairman Elio Guerrero.

* Board Member Rose Tydus was absent.

Also in Attendance were Planning & Community Development Director, Gregory Gay, Zoning Official, Gerald Lee, City Planner, Corion Delaine, Administrative Assistant, Kinshannta Hall, and Attorney Pam Booker.

II INVOCATION AND PLEDGE: Board Member Lloyd Tyler led the Prayer and the Pledge of Allegiance was stated after the Prayer.

III APPROVAL OF MINUTES: Discussion of Minutes from December 10, 2019 Meeting

Chairman Elio Guerrero asked if a motion could be made to have the minutes approved from December 10, 2019 meeting.

Board Member Mangham: I have a correction. The correction would be on page four. It is the last paragraph where it states Board Member Germane Barnes made a motion to defer the item pending resubmission I believe the word “of “needs to be removed contingent upon approval.

Board Member Dawn Mangham made a motion to approve the minutes with the stated correction. Board Member Lloyd Tyler second the motion.

There being no discussion, the motion passed by a 4-0.

Germane Barnes	Yes
Dawn Mangham	Yes
Lloyd Tyler	Yes
Elio Guerrero	Yes

IV. PUBLIC HEARING:

- 1. APPLICANT NAME:** DENNIS C. STACKHOUSE
1314 E. LAS OLAS BLVD 648
FT. LAUDERDALE, FL 33301
- PROPERTY OWNER :** 441 OPA LOCKA BLVD LLC
15 PLEASANT STREET
WOODSTOCK, VT 05091
- PROPERTY ADDRESS:** 441 OPA LOCKA BOULEVARD, OPA-LOCKA, FL 33054
- REQUEST:** A RESOLUTION OF THE PLANNING & ZONING BOARD OF THE CITY OF OPA-LOCKA, FLORIDA, RECOMMENDING DEVELOPMENT AGREEMENT AMENDMENT AND APPROVAL FOR THE CONSTRUCTION AND OPERATION OF A DIALYSIS CENTER ON THE PROPERTY LOCATED AT 441 OPA-LOCKA BOULEVARD AND IDENTIFIED BY FOLIO 08-2121-004-0590, IN THE B-2 ZONING DISTRICT AND FOR THE RELOCATION OF 20 PARKING SPACES FROM THIS SITE TO THE END OF THE RIGHT OF WAY OF BAHMAN AVENUE AND THE DEDICATION OF FOUR PARKING SPACES ON THE CITY PARKING LOT ON THE SOUTH SIDE OF ALI BABA AVENUE; PROVIDING FOR AN EFFECTIVE DATE.

The Applicant, Mr. Oscar Robayna came before the Planning & Zoning Board to present their project via zoom with a power point presentation.

Oscar Robayna: We went back after the December meeting and discussed with Public Works the requirements they wanted for the actual proposed locations for drainage. We came up with a design for these exact locations. The parking spaces are depended upon the survey information. A total of 15 spaces will be constructed along the roadways in addition of the plans that we already have. A total of 38 parking spaces will be within 500 feet of 780 fisherman.

Chairman Guerrero: Any additional questions or concerns anyone?

Chairman Guerrero: Can we get staff recommendation.

Mr. Delaine: This project had already come before us already. So far the applicants have met our requirements and staff recommends approval.

Board Member Barnes: Staff is okay with the parking being so dispersed?

Mr. Gay: The whole purpose was to produce additional parking that will be serving the 780 fisherman site. When the developer owned the 780 Fisherman site he had an agreement in place

that the other sites will be supplemental parking. Upon his selling he did retain ownership of those particular properties. This additional parking will also serve the uses within the downtown area as well.

Chairman Guerrero: How will the patients know? It seems to me that the parking is all over the place. How will they be directed to the parking spaces?

Oscar Robayna: The original agreement that Mr. Gay is mentioning allowed for those spaces to be 500 feet of 780 Fisherman. We focused on locations that were already utilized. Most of the parking lot to the west there is where most of our parking is. People can park along Perviz.

Chairman Guerrero: Will there be signs to keep other people from parking in those spots?

Mr. Robayna: It's basically public parking. It's for the downtown area and 780 Fisherman.

Board Member Barnes: I have a question for Attorney Booker. As a point of clarification the request that we are looking at now is for the resolution of the relocation of 20 parking spaces from the current folio to the end of the right of way of Bahman Avenue in dedication of four parking spaces in the parking lot on the south side of Ali Baba Avenue? It seems like these 20 parking spaces are not at the location as the request says.

Attorney Booker: That was something that I was seeking additional clarification on prior to this meeting. What appears in the site plan looks like those 20 additional sites that were shown in the graphic. There was information from the Public Works Director on these additional sites that were dispersed. I was trying to nail down the calculations to make sure we had the right number of what is being provided.

Board Member Barnes: Thank you, I just wanted to make sure that was on the record. Based on what this says these parking spaces should be at the end of the right of way of Bahman and 4 spaces of the south side of Ali Baba Avenue. I see the ones on Ali Baba Avenue but I don't see the other 20 at the end of the right of way of Bahman Avenue.

Oscar Robayna: *(Explains on the Power point Presentation)* These are the 20 parking spaces that are being mentioned there and in order to finish the offsetting the remaining parking spaces and allow the City to have 100 percent replacement for this actual parking lot you are using right now the additional spaces are being proposed within that 500 ft. radius. This is going to be constructed the site plans regards to the other locations are preliminary site plan which was added on later.

Chairman Guerrero: Any other questions?

Chairman Guerrero: Public Open is now open. How do we go about this?

Attorney Booker: Does the Clerk have anyone that wishes to speak?

CRA Clerk Hall: At this time I haven't had any submissions or emails or concerns as of yet.

Chairman Guerrero: Public Hearing is now closed.

Chairman Guerrero: Can I get a motion for item number one on our agenda.

After carefully reviewing all documents and asking a few questions Chairman Elio Guerrero asked for a motion to approve or deny the request. Board Member Lloyd Tyler made a motion to approve the recommending development agreement amendment and approval for the construction and operation of a dialysis center on the property located at 441 Opa-locka Blvd and identified by folio 08-2121-004-0590, in the B-2 zoning district and for the relocation of 20 parking spaces from this site to the end of the right of way of Bahman avenue and the dedication of four parking spaces on the City parking lot on the south side of Ali-Baba Avenue; providing for an effective date. Board Member Dawn Mangham second the motion.

There being no discussion, the motion passed by a 3-1.

Germane Barnes	No
Dawn Mangham	Yes
Lloyd Tyler	Yes
Elio Guerrero	Yes

2. APPLICANT NAME: GPT NW 42ND AVENUE OWNER LLC
90 PARK AVENUE, 32 FLOOR,
NY, NY 10016

PROPERTY OWNER: GPT NW 42ND AVENUE OWNER LLC
90 PARK AVENUE, 32 FLOOR,
NY, NY 10016

PROPERTY ADDRESS 12700 NW 42ND AVE. (LEJEUNE RD.)OPA-LOCKA, FL33054

REQUEST: A RESOLUTION OF THE PLANNING & ZONING BOARD OF THE CITY OF OPA-LOCKA, FLORIDA, RECOMMENDING FINAL SITE PLAN REVIEW APPROVAL FOR THE CONSTRUCTION AND OPERATION OF A WAREHOUSE/DISTRIBUTION CENTER ON THE PROPERTY LOCATED AT 12700 LEJEUNE ROAD IDENTIFIED BY FOLIO 08-2129-000-0032, IN THE B-3 ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.

The applicant Mr. Goldstein came before the Planning & Zoning Board to present their project via zoom with a power point presentation. This is an application for a site plan approval. I

would like to request since we are item “3” as well if I could make my presentation once for the benefit for both of these applications if that is okay.

Chairman Guerrero: That’s fine.

Mr. Goldstein: I didn’t get sworn in but I would be happy to do that.

Attorney Booker: If you would like Mr. Goldstein I can go ahead and sworn everyone in that is speaking on behalf of your client.

Mr. Goldstein: That would be great.

Attorney Booker: Do you all swear that everything on this item will be the truth?

Mr. Goldstein and Staff *All in Favor said “Yes”.

Mr. Goldstein: We are requesting site plan approval as well as parking space sides that are allowed in the commercial mix use district. Staff is recommending approval. The property itself is about 28 acres. It currently has an auto auction that has a lot of wrecked vehicles that are up for resale. The property top left slides show the entrance into the property what it looks like. The slide to the upper right from the gratny you can see over the wall of what it looks like. The bottom slide is the canal that separates the north portion of the property just on the other side of the canal. The property is zoned commercial with a mix use overlay. The site plan shows four buildings three of which are very traditional. In order to address the Moorish architecture we’ve done studies and highlighted several portions with Moorish highlights and themes. We think that this is a great investment helping and approving the local economy. The cost is about 53 million dollars and 4 million will go towards permits and impact fees. In terms of traffic there are about 1358 daily trips with the auto auction. We will reduce the reduction in traffic. It will also be a sewer and water main extension for this project as well. It will upgrade the area. We have done a fair amount of outreach in terms of the neighborhood. In terms of the Developer Agreement we spent time putting it together. We committed ourselves and analyzed the infrastructure needs. In terms of jobs we are preparing a community outreach plan hosting job fairs and other things at the time of construction. We will be done building this within 48 months from when we start moving forward. That’s really it in terms of this application. I would like to end my presentation. We are happy to ask any questions at this time. We ask for recommendation of approval for both item 2 and 3.

Chairman Guerrero: Are there any questions for the applicant?

**(No questions were asked at the moment)*

Chairman Guerrero: Can we hear from staff on the item.

Corion Delaine: In review of the project due to it being in an industrial area primarily it is not in conflict with the current area. Staff doesn’t have any objections. It is consistent with the other businesses in the current area. In terms of the site plan review it has crossed off all criteria in regards to the operation of the facility. At this time staff is recommending approval of the site plan with any modifications or conditions that may be made by the Planning & Zoning board.

Chairman Guerrero: Do we have any questions for staff? Madam Clerk do we have any public opinions?

CRA Clerk Hall: No Sir. Chairman at the moment we do not have any comments.

Chairman Guerrero: Public comments are closed. Can I get a motion?

Board Member Barnes: I move to approve item 2 on the agenda.

Chairman Guerrero: Can I get a second?

Board Member Mangham: I second.

There being no discussion, the motion passed by a 4-0.

Germane Barnes	Yes
Dawn Mangham	Yes
Lloyd Tyler	Yes
Elio Guerrero	Yes

- 3. APPLICANT NAME:** GPT NW 42ND AVENUE OWNER LLC
90 PARK AVENUE, 32 FLOOR,
NY, NY 10016
- PROPERTY OWNER:** GPT NW 42ND AVENUE OWNER LLC
90 PARK AVENUE, 32 FLOOR,
NY, NY 10016
- PROPERTY ADDRESS** 12700 NW 42ND AVE. (LEJEUNE RD.) OPA-LOCKA, FL 33054
- REQUEST:** A RESOLUTION OF THE PLANNING & ZONING BOARD OF THE CITY OF OPA-LOCKA, FLORIDA, RECOMMENDING DEVELOPMENT AGREEMENT APPROVAL FOR THE CONSTRUCTION AND OPERATION OF A WAREHOUSE/DISTRIBUTION CENTER ON THE PROPERTY LOCATED AT 12700 LEJEUNE ROAD IDENTIFIED BY FOLIO 08-2129-000-0032, IN THE B-3 ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.

Chairman Guerrero: We've already heard from the applicant. Does staff have anything to add?

Corion Delaine: In regards to the DA there were a few adjustments that staff recommended. Staff recommended incorporating the Moorish design into their developer agreement to ensure that they are in compliance with the City code as well as their job fair. We also required a requirement not just to have a job fair but include training also.

Mr. Goldstein: For the record, we agree to commit to those conditions. We haven't had a chance to modify the developer agreement yet. We have committed in writing to meet those conditions.

Attorney Booker: the legal department has received that correspondence with Mr. Goldstein and they will continue to work out those final provisions as this moves forward.

Chairman Guerrero: Any public opinions on this item Madam Clerk?

CRA Clerk Hall: No sir.

Chairman Guerrero: Can we get a motion on the DA approval?

Board Member Barnes: It would be requesting a motion for item number 3 contingent upon the client and the City has agreed upon with an addendum? Is that correct Attorney Booker?

Attorney Booker: It would be a motion to approve with the conditions indicated by staff and agreed upon by Mr. Goldstein.

Board Member Barnes: I move to approve item 3 contingent upon the items being added to the agreement as agreed upon Mr. Goldstein and his client and the city department.

Chairman Guerrero: Can I get a second?

Board Member Mangham: I second.

There being no discussion, the motion passed by a 4-0.

Germane Barnes	Yes
Dawn Mangham	Yes
Lloyd Tyler	Yes
Elio Guerrero	Yes

- 4. APPLICANT NAME:** TNJ REALTY, LLC
2257 SOUTHWEST 132ND AVENUE,
MIRAMAR, FL 33027
- PROPERTY OWNER :** TNJ REALTY, LLC
2257 SOUTHWEST 132ND AVENUE,
MIRAMAR, FL 33027
- PROPERTY ADDRESS:** SITE COMPOSED OF MULTIPLE PARCELS: 1340 E
SUPERIOR STREET; 13730 NW 27 AVENUE; 13720 NW 27
AVENUE; 13620 NW 27 AVENUE; 1245 OPA LOCKA
BLVD; 1201 OPA LOCKA BLVD; & VACANT PARCEL
BETWEEN 1245 OPA LOCKA BLVD & 13620 NW 27
AVENUE; VACANT PARCEL BETWEEN 1201 OPA LOCKA
BLVD & 1340 E SUPERIOR STREET, OPA LOCKA, FL
33054
- REQUEST:** A RESOLUTION OF THE PLANNING & ZONING BOARD
OF THE CITY OF OPA-LOCKA, FLORIDA,
RECOMMENDING APPROVAL OF THE SITE PLAN FOR
THE CONSTRUCTION OF A RETAIL CENTER ON THE
EIGHT PARCEL SITE BOUNDED BY SUPERIOR STREET,
NW 27 AVENUE AND OPA LOCKA BOULEVARD ON THE
PARCELS IDENTIFIED BY FOLIOS 08-2121-007-2680, 08-
2121-007-2690, 08-2121-007-2630, 08-2121-013-2010, 08-2121-
013-2020, 08-2121-007-2650, 08-2121-007-2660 AND 08-2121-
007-2670 IN THE B-2 ZONING DISTRICT; PROVIDING FOR
AN EFFECTIVE DATE.

The applicant Attorney Holland on behalf of TNJ Realty came before the Planning Zoning Board to present their project via zoom with a power point presentation.

Attorney Holland: We are a group of small African American investors that are trying to do something in Opa-locka. We are back to you now and we are trying to build a commercial enterprise. We ended up coming with an A-1 tenant Murphy Oil which is a high end which is similar to WAWA. The whole pad will be developed right now and we have a lease with Murphy right now. We are coming back before you to alter the site plan. Murphy is not a low end service station. We are hoping to have the ability to work with career sources and we will have a landscaping plan with the City which will be maintained overtime. Most importantly we would like to have it where the City has a fleet or a gas of stock for them and make it easy for the City. We are coming before you for site plan approval. This tenant gives us the ability to lock the entire site down. We are looking to have a shovel in the ground within the next 3-6 months if approved by you all and we seek your support in this modified site plan. I'm willing to answer any questions at this time.

Chairman Guerrero: You said you had prospects or restaurants?

Attorney Holland: Due to Covid-19 commercial businesses are struck right now but we anticipate the restaurants to still be the high end.

Chairman Guerrero: Any other questions?

***No questions were asked.**

Chairman Guerrero: Can we hear from staff?

Corion Delaine: This project has already come before us. Due to some of the challenges they had to make some alterations. According to the site plan it is in zoning compliance and staff doesn't have any objections. At this time staff is recommending approval of the site plan with any modifications or conditions that may be imposed by the Planning & Zoning board.

Chairman Guerrero: Any questions for staff?

Board Member Barnes: How many gas stations do we have in the City of Opa-locka?

Mr. Gay: There are 13 gas stations in the City of Opa-locka.

Chairman Guerrero: Do we have any public opinions madam Clerk?

CRA Clerk Hall: No Sir.

Chairman Guerrero: Public comments are closed. Can I get a motion on item 4?

Board Member Tyler: I move to approve item 4.

Board Member Barnes: I second.

There being no discussion, the motion passed by a 4-0.

Germane Barnes	Yes
Dawn Mangham	Yes
Lloyd Tyler	Yes
Elio Guerrero	Yes

5. APPLICANT NAME: TNJ REALTY, LLC
2257 SOUTHWEST 132ND AVENUE,
MIRAMAR, FL 33027

PROPERTY OWNER : TNJ REALTY, LLC
2257 SOUTHWEST 132ND AVENUE,
MIRAMAR, FL 33027

PROPERTY ADDRESS: SITE COMPOSED OF MULTIPLE PARCELS: 1340 E
SUPERIOR STREET; 13730 NW 27 AVENUE; 13720 NW 27
AVENUE; 13620 NW 27 AVENUE; 1245 OPA LOCKA
BLVD; 1201 OPA LOCKA BLVD; & VACANT PARCEL
BETWEEN 1245 OPA LOCKA BLVD & 13620 NW 27
AVENUE; VACANT PARCEL BETWEEN 1201 OPA LOCKA
BLVD & 1340 E SUPERIOR STREET, OPA LOCKA, FL
33054

REQUEST: A RESOLUTION OF THE PLANNING & ZONING BOARD
OF THE CITY OF OPA-LOCKA, FLORIDA,
RECOMMENDING APPROVAL FOR MODIFICATION OF
THE DEVELOPMENT AGREEMENT FOR THE
CONSTRUCTION OF A RETAIL CENTER ON THE
PARCELS BOUNDED BY SUPERIOR STREET, NW 27
AVENUE AND OPA LOCKA BOULEVARD AND
IDENTIFIED BY FOLIOS 08-2121-007-2680, 08-2121-007-
2690, 08-2121-007-2630, 08-2121-013-2010, 08-2121-013-2020,
08-2121-007-2650, 08-2121-007-2660 AND 08-2121-007-2670
IN THE B-2 ZONING DISTRICT; PROVIDING FOR AN
EFFECTIVE DATE.

Chairman Guerrero: Can I hear from the applicant on the developer agreement.

Attorney Holland: We've already accepted those based on what staff has presented.

Chairman Guerrero: Is staff okay?

Mr. Gay: Staff is okay with the changes. The real modification is the description of the project itself that is the only change.

Chairman Guerrero: Do we have any public comments Madam Clerk?

CRA Clerk Hall: No Sir.

Chairman Guerrero: Public hearing is closed. Can I get a motion?

Board Member Barnes: I move to approve item 5 contingent upon modifications made to the developer agreement as agreed by the client and the City.

Board Member Tyler: I second.

There being no discussion, the motion passed by a 4-0.

Germane Barnes	Yes
Dawn Mangham	Yes
Lloyd Tyler	Yes
Elio Guerrero	Yes

6. APPLICANT NAME: CITY OF OPA-LOCKA

PROPERTY OWNER: CITY OF OPA-LOCKA

PROPERTY ADDRESS: THE CITY OF OPA-LOCKA, FL 33054

REQUEST: AN ORDINANCE OF THE PLANNING & ZONING BOARD OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 15-31, THE ZONING CODE, ARTICLE X: SIGN REGULATIONS; SIGNAGE DESIGN STANDARDS

A - SECTION 22-245, D PERMITTING OF VINYL SIGNAGE

B - SECTION 22-246 INCREASE SECONDARY SIGN AREA

C - SECTION 22-244 ALLOW NON-CONFORMING POLE SIGNS AND PROVIDE PROCESS CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE ZONING CODE AND AN EFFECTIVE DATE.

Chairman Guerrero: Can I hear from staff on the changes of the ordinance.

Mr. Lee: This is a sign regulation amendment. The department held three different workshops to get feedback from the public and at those meetings the business community gave us a lot of

comments. The workshops are already done and based on the information they have provided Staff has reviewed and we support approval of this particular amendment.

Chairman Guerrero: Does anyone have questions?

***No questions were asked.**

Chairman Guerrero: Madam Clerk, were there any public comments?

CRA Clerk Hall: No Sir. I want to state for the record that board member Hibbert is online with us.

Board Member Hibbert: Yes I am.

CRA Clerk Hall: I just wanted to state that for the record because I didn't know that you were logged on with us.

(In the beginning of the meeting during roll-call CRA board Clerk Hall called attendance and at the time of calling board member Claudienne Hibbert she didn't answer and she wasn't logged on at the time.) Since this has taken place Board Member Hibbert only voted on the last item which is item 6.

Board Member Hibbert: I've been here since about 7:06pm

Chairman Guerrero: Public comments are closed. Can I get a motion?

Board Member Barnes: I move to approve item 6.

Board Member Mangham: I second.

Chairman Guerrero: Any additional questions or concerns anyone?

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

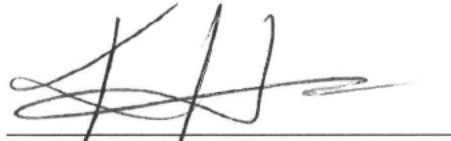
Germane Barnes	Yes
Claudienne Hibbert	Yes
Dawn Mangham	Yes
Lloyd Tyler	Yes
Elio Guerrero	Yes

STAFF UPDATE


VI ADJOURNMENT

Chairman Elio Guerrero adjourned the meeting.

Submitted by


Kinshannta Hall
Planning & Zoning Clerk

ATTEST:


Elio Guerrero
Chairman

APPROVAL

OF

MINUTES

(DECEMBER 10, 2019)

**PLANNING & ZONING MEETING
TUESDAY, December 10, 2019**

I ROLL CALL:

The Planning & Zoning Board of the City of Opa-locka, Miami-Dade County, met in a special session on Tuesday, December 10, 2019 at 7:09 p.m. at Sherbondy Village, 215 Perviz Avenue. The following members of the Planning & Zoning Meeting were present: Board Member Germane Barnes, Board Member Claudienne Hibbert-Smith, Board Member Dawn Mangham, Board Member Lloyd Tyler, & Chairman Elio Guerrero.

* Board Member Rose Tydus was absence.

Also in Attendance were Planning & Community Development Director, Gregory Gay, Zoning Official, Gerald Lee, City Planner, Corion Delaine, Administrative Assistant, Kinshannta Hall, and Attorney Pam Booker (Works with Attorney Burnadette Norris-Weeks).

II INVOCATION AND PLEDGE: Board Member Lloyd Tyler led the Prayer and the Pledge of Allegiance was stated after the Prayer.

III APPROVAL OF MINUTES: Discussion of Minutes from October 8, 2019 Meeting

Chairman Elio Guerrero asked if a motion could be made to have the minutes approved from October 8, 2019 meeting. Board Member Dawn Mangham made a motion to approve the minutes. Board Member Germane Barnes second the motion.

There being no discussion, the motion passed by a 4-0.

Germane Barnes	Yes
Dawn Mangham	Yes
Lloyd Tyler	Yes
Elio Guerrero	Yes

***There Were Technical Issues With the Recording Device. Please Be Aware That The Reading Minutes For December 10, 2019 Meeting are Summarized.**

IV. PUBLIC HEARING:

- 1. APPLICANT NAME:** DENNIS C. STACKHOUSE
1314 E. LAS OLAS BLVD 648
FT. LAUDERDALE, FL 33301
- PROPERTY OWNER :** 441 OPA LOCKA BLVD LLC
15 PLEASANT STREET
WOODSTOCK, VT 05091
- PROPERTY ADDRESS:** 441 OPA LOCKA BOULEVARD, OPA-LOCKA, FL 33054
- REQUEST:** A RESOLUTION OF THE PLANNING & ZONING BOARD OF THE CITY OF OPA-LOCKA, FLORIDA, RECOMMENDING FINAL SITE PLAN REVIEW APPROVAL FOR THE CONSTRUCTION AND OPERATION OF A DIALYSIS CENTER ON THE PROPERTY LOCATED AT 441 OPA-LOCKA BOULEVARD AND IDENTIFIED BY FOLIO 08-2121-004-0590, IN THE B-2 ZONING DISTRICT AND FOR THE RELOCATION OF 20 PARKING SPACES FROM THIS SITE TO THE END OF THE RIGHT OF WAY OF BAHMAN AVENUE AND THE DEDICATION OF FOUR PARKING SPACES ON THE CITY PARKING LOT ON THE SOUTH SIDE OF ALI BABA AVENUE; PROVIDING FOR AN EFFECTIVE DATE.

***Board Member Claudienne Hibbert-Smith enters the meeting at 7:15pm.**

The Applicant, Mr. Oscar Robayna came before the Planning & Zoning Board to present their project. The applicants provided details on how beneficial that their project and the benefits of contributing to the Community. After presenting the applicants were able to ask any questions.

Chairman Guerrero: Any additional questions or concerns anyone?

Chairman Guerrero: Any questions for staff? Public hearing is now open for item number one.

***Public Hearing is open.**

***Public Hearing is now closed (No questions) from the Public were asked.**

Board Member Tyler: You mentioned encroachment, can you briefly provide more details.

***Applicant Oscar Robayna clarifies encroachment board member asked about and Mr. Gay chimed in as well. Mr. Gay spoke on an issue regarding adjacent property owner next to the Bahman avenue dead end right of way. This is not related to this project.**

***City Staff recommends approval. It meets the requirements**

After carefully reviewing all documents and asking a few questions Chairman Elio Guerrero asked for a motion to approve or deny their request. Board Member Germane Barnes made a motion to approve the final site plan review approval for the construction and operation of a dialysis center on the property located at 441 Opa-locka Boulevard and identified by folio 08-2121-004-0590, in the B-2 zoning district and for the relocation of 20 parking spaces from this site to the end of the right of way of Bahman avenue and the dedication of four parking spaces on the City parking lot on the south side of Ali-Baba Avenue; providing for an effective date. Board Member Lloyd Tyler second the motion.

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

Germane Barnes	Yes
Claudienne Hibbert-Smith	Yes
Dawn Mangham	Yes
Lloyd Tyler	Yes
Elio Guerrero	Yes

2. APPLICANT NAME: DENNIS C. STACKHOUSE
1314 E. LAS OLAS BLVD 648
FT. LAUDERDALE, FL 33301

PROPERTY OWNER : 441 OPA LOCKA BLVD LLC
15 PLEASANT STREET
WOODSTOCK, VT 05091

PROPERTY ADDRESS: 441 OPA LOCKA BOULEVARD, OPA-LOCKA, FL 33054

REQUEST: A RESOLUTION OF THE PLANNING & ZONING BOARD OF THE CITY OF OPA-LOCKA, FLORIDA, RECOMMENDING DEVELOPMENT AGREEMENT AMENDMENT AND APPROVAL FOR THE CONSTRUCTION AND OPERATION OF A DIALYSIS CENTER ON THE PROPERTY LOCATED AT 441 OPA-LOCKA BOULEVARD AND IDENTIFIED BY FOLIO 08-2121-004-0590, IN THE B-2 ZONING DISTRICT AND FOR THE RELOCATION OF 20 PARKING SPACES FROM THIS SITE TO THE END OF THE RIGHT OF WAY OF BAHMAN AVENUE AND THE DEDICATION OF FOUR PARKING SPACES ON THE CITY PARKING LOT ON THE SOUTH SIDE OF ALI BABA AVENUE; PROVIDING FOR AN EFFECTIVE DATE.

The Applicants came before the Planning & Zoning Board to present their project regarding the Development Agreement. The applicants provided details on how beneficial their project will be providing documents which mainly included the site plan for their project and the benefits of contributing to the Community. After presenting the applicants were able to ask any questions.

Chairman Guerrero: Any additional questions or concerns anyone?

Afterwards Mr. Austin the Director of Public Works for the City of Opa-locka comes before the Planning & Zoning Board and makes his suggestions regarding the Development Agreement. It needed more information.

***City Staff recommends approval based upon modification made to the Development Agreement made by Public Works as well.**

After carefully reviewing all documents and asking a few questions Chairman Elio Guerrero asked for a motion to approve or deny their request. Board Member Germane Barnes made a motion to defer the item pending resubmission contingent upon approval of PCD Staff and Public Works Staff placed in the Development Agreement for item two. Board Member Lloyd Tyler second the motion.

***Item two was approved upon contingent/development agreement. Modifications suggested by Public Works Department.**

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

Germane Barnes	Yes
Claudienne Hibbert-Smith	Yes
Dawn Mangham	Yes
Lloyd Tyler	Yes
Elio Guerrero	Yes

3. APPLICANT NAME: CITY OF OPA-LOCKA

PROPERTY OWNER: CITY OF OPA-LOCKA

PROPERTY ADDRESS: THE CITY OF OPA-LOCKA, FL 33054

REQUEST: AN ORDINANCE OF THE PLANNING & ZONING BOARD OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 15-31, THE ZONING CODE, ARTICLE X: SIGN REGULATIONS; SIGNAGE DESIGN STANDARDS

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CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE ZONING CODE AND AN EFFECTIVE DATE.

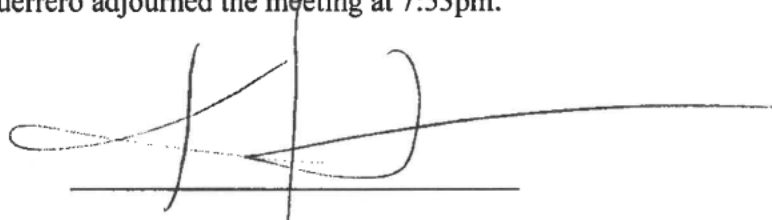
There being a discussion amongst all board members. Mr. Gay stated on the record that he would like to defer item three. It needs more clarification and more documentation and information should be provided therefore item three was deferred. The item will be brought back before the Planning & Zoning board at the next meeting that will take place.

STAFF UPDATE

VI ADJOURNMENT

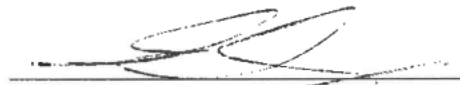
Chairman Elio Guerrero adjourned the meeting at 7:53pm.

Submitted by

A handwritten signature in black ink, appearing to be 'Kinshannta Hall', written over a horizontal line.

Kinshannta Hall
Planning & Zoning Clerk

ATTEST:

A handwritten signature in black ink, appearing to be 'Elio Guerrero', written over a horizontal line.

Elio Guerrero
Chairman



CITY OF MIRAMAR

An Equal Opportunity Employer

Mayor

Wayne M. Messam

Vice Mayor

Alexandra P. Davis

City Commission

Winston F. Barnes

Maxwell B. Chambers

Yvette Colbourne

City Manager

Vernon E. Hargray

**"We're at the
Center of Everything"**

Community & Economic Development

2200 Civic Center Place
Miramar, Florida 33025

Phone (954) 602-3264
FAX (954) 602-3448

January 28, 2020

Florida Department of Economic Opportunity
Attn: James D. Stansbury, Chief
Bureau of Community Planning and Growth
Caldwell Building
107 East Madison Street, MSC 160
Tallahassee, FL 32399-6545

*Subject: City of Miramar Adopted Comprehensive Plan Text
Amendment (Amendment 19-01ESR)*

Dear Mr. Eubanks,

Pursuant to Section 163.3184(3), Florida Statutes ("F.S."), the City of Miramar is pleased to submit to your Department the newly adopted City of Miramar Comprehensive Plan Text Amendment (Amendment 19-01ESR). The adopted amendment package consists of one paper copy and two electronic copies in Portable Document Format ("PDF") on a CD ROM of the Amendment in strike-through/underline format, a copy of the adoption hearing staff report with pertinent findings and analysis justifying the adoption, along with an executed copy of the ordinance (Ordinance No. 20-06) adopting the Amendment. Electronic copies of the Amendment have also been provided in PDF format to the appropriate review agencies (as listed below).

The Amendment area is designated Regional Activity Center ("RAC") on the City Future Land Use Map. The Amendment involves certain text changes to Policy 1.13 of the Future Land Use Element of the City Comprehensive Plan in order to modify the approved land use program within that land use category. Pursuant to Section 163.3184(3), F.S., the Amendment was previously transmitted to your Department and other review agencies for their review.

In a letter dated September 25, 2019, your Department offered no comment on the Amendment. In an email dated September 24, 2019 the South Florida Water Management District offered one technical assistance comment regarding the need to revise by May 2020 the City Water Supply Facilities Work Plan, in light of the recent approval of the Lower East Coast Water Supply Plan Update by the District's Governing Board. The City is in the process of updating its Water Supply Facilities Work Plan and will submit the required Comprehensive Plan Amendment to your Department and other review agencies by the May 2020 deadline. In an email dated September 25, 2019, the Florida Department of Environmental Protection Department reviewed the submitted amendment package and found that the amendment did not have adverse impacts to important state resources. No other comments were received from the other state review agencies.



CITY OF MIRAMAR

An Equal Opportunity Employer

Pursuant to state statutes and the City Land Development Code, the Miramar City Commission held a duly advertised public hearing on January 15, 2020 to adopt the Amendment and further authorized its transmittal to your Department for a determination of completeness, by passage of Ordinance No. 20-06 herein enclosed.

Should you have any questions regarding the transmittal package, please feel free to contact Nixon Lebrun, AICP, Senior Planner, City of Miramar Community and Economic Development Department, 2200 Civic Center Place, Miramar, FL, 33025, or by phone at (954) 602-3281 or email: Nlebrun@miramarfl.gov.

Sincerely,

Eric B. Silva, AICP
Community and Economic Development Director

- c: Vernon E. Hargray, City Manager
Kelvin L. Baker, Assistant City Manager
Hector A. Vazquez, AICP, Strategic Development Officer
Pam E. Booker, City Attorney
Nixon Lebrun, AICP, Senior Planner
Barbara Blake Boy, Executive Director, Broward County Planning Council
Isabel Cosio Carballo, Executive Director, South Florida Regional Planning Council
Terry Manning, AICP, Policy and Planning Analyst, South Florida Water Management District, Lower East Coast Region
Stacy Miller, Director of Transportation Development, State of Florida Department of Transportation, District 4
Robin Jackson, Historic Preservationist, Florida Department of State
Lindsay Weaver, Environmental Specialist, Florida Department of Environmental Protection

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Community & Economic Development

2200 Civic Center Place
Miramar, Florida 33025

Phone (954) 602-3264
FAX (954) 602-34488

Attachments: City of Miramar *Adopted* Comprehensive Plan Amendment
Adoption Hearing Staff Report
Executed City Ordinance Adopting the Comprehensive Plan
Text Amendment (Ordinance 20-06)