

# CITY OF OPA-LOCKA

"The Great City"

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## CLERK'S ACTION SUMMARY MINUTES REGULAR COMMISSION MEETING

May 11, 2011

7:00 P.M.

City Commission Chambers

777 Sharazad Boulevard

Opa-locka, FL 33054

### 1. CALL TO ORDER:

Mayor Myra L. Taylor called the meeting to order at 7:00 p.m. on Wednesday, May 11, 2011 in the City Commission Chambers, 777 Sharazad Boulevard, Opa-locka, Florida.

### 2. ROLL CALL:

The following members of the City Commission were present: Commissioner Rose Tydus, Vice Mayor Dorothy Johnson, Commissioner Gail E. Miller, Commissioner Timothy Holmes and Mayor Myra L. Taylor. Also in attendance were: City Manager Clarence Patterson, City Attorney Joseph L. Geller, and City Clerk Deborah S. Irby.

### 3. INVOCATION:

The Invocation was delivered by Rev. Bobby Rosario and Rev. David Marquez.

### 4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

Denise Mincey-Mills, CEO of Jami Builders, 490 Opa-locka Boulevard, Suite 12, Opa-locka, Florida came forward and made a presentation on a training program being offered. Through the leadership and vision of Vice Mayor Dorothy Johnson, Mrs. Mincey-Mills said that they will be bringing comprehensive training to Opa-locka for businesses as well as individuals which included business training for companies to get certified in LEED and a comprehensive 3 week construction residential training program. The Labors Union will conduct the residential training program and all materials are free to the participants.

Vice Mayor Johnson said she meet with the union representative who indicated that Opa-locka and District 1 are guaranteed employment.

Mrs. Mincey-Mills said that they would have guaranteed training slots on the multi family residential projects performed under the Opa-locka Community Development Corporation which means if a business is bidding on a project, they would know how many trainees would be participating on that project, and they would not be awarded a contract unless trainee slots are on those projects. In addition to the slots guaranteed by OLCDC, the union has guaranteed that they would also employ these people.

She also mentioned the weatherization training for two weeks which would also employ individuals.

Vice Mayor Johnson expressed the importance of creating employment for residents and said she would be working with Nelson of the city's IT Department to get the information out. She suggested that OLCDC also add the Opa-locka City Commission.

**5. APPROVAL OF AGENDA:**

**6. APPROVAL OF CONSENT AGENDA AND PULL LIST (deferrals and deletions):**

Commissioner Holmes deferred agenda item 16-4.

Vice Mayor Johnson pulled agenda items 16-2, 16-3 and 16-5 from the Consent Agenda (these items discussed separately under Agenda Item 12 – Action Items).

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to approve the agenda, consent agenda and pull list.

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

Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

Clerk Irby informed the Commission of the request to amend the agenda to include the following as agenda item 13-1:

13-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO INVESTIGATE THE COST AND FEASIBILITY OF THE EXTERNAL REVIEW OF THE HUMAN RESOURCE DEPARTMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

It was moved by Commissioner Johnson, seconded by Commissioner Holmes to amend the agenda to include item 13-1.

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

Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

**7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:**

**8. APPROVAL OF MINUTES:**

**Regular Commission Meeting – 04/27/2011**

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to approve the minutes of the Regular Commission Meeting of April 27, 2011.

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

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Mayor Taylor	Yes

**9. DISTRICT ONE - COUNTY COMMISSIONER REPORT:**

Larry Gardner of Miami-Dade County Commissioner Barbara Jordan's office (District 1) came forward and announced Commissioner Jordan's foreclosure prevention and homebuyers assistant clinic seminar on Saturday, June 4, 2011 at Florida Memorial University (flyers were provided).

**10. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:**

Chief Todd Graffler of Miami-Dade Fire Rescue came forward and announced Chief Lorenzo's retirement. In addition, he said Miami-Dade County Fire Rescue is working to find savings in their budget to address the budget shortfall and continue to fund the department. He reported that the men and women of the fire department are continuing to serve Opa-locka.

Vice Mayor Johnson suggested the Chief provide the City Clerk with the information on the retirement so that the city could be a part of that celebration.

**11. PUBLIC PRESENTATION:**

**11a. CITIZENS' FORUM:**

1. Terence Pinder appeared before the City Commission and expressed his concerns relating to the city creating jobs for residents and the summer youth program.

During a recent workshop, Vice Mayor Johnson said the Commission learned about the actual number of Opa-locka residents hired for the Sherbondy project. The Commission instructed the Construction Manager to work with Sylvia Daughtrey of Youth Co-Op to make sure that number improves.

Mr. Pinder asked, was that the promise made to the Commission by this particular company when voting?

Vice Mayor Johnson recalled that jobs were almost guaranteed, however, city staff has to monitor and make sure that anything promised is deliverable, and that is her concern at this time.

In terms of the summer employment, she said she contacted two companies for employment and she was told that someone else had already started the process. The city passed a resolution to prohibit employees other than the City Commission from soliciting on behalf of the city and she would like to know who is out there soliciting. She said she was aware that money had been collected and she would get to the bottom of this issue. However, the city will have summer jobs. She asked how much money is in the budget for summer jobs; was money already collected for summer jobs; if so, what line item is that money going into; and who is handling it?

Prior to the resolution referenced, Manager Patterson said that Starex Smith had already raised money for the summer youth program.

Vice Mayor Johnson directed the City Manager to provide the details of the money raised to include the total amount and sponsors. She said that the moment that legislation became effective then that should have stopped; however, she would speak to Mr. Smith because she wants her list back.

Futuristically, Mr. Pinder suggested that the Commission hold workshops throughout various apartments in the city so the parents could be involved in the process.

Vice Mayor Johnson hoped that this type of information should be coming from the Human Resources Department. When it comes to certain jobs for the city, no one should be contracted to do the work. She requested that the City Manager provide the Commission with the structure of the Human Resources Department within a week.

Mayor Taylor thanked Mr. Pinder for his comments and said that the Commission has covered that in previous meetings because they realize jobs are down 28%. She said that a job fair would be held on May 24, 2011 for adults, but the city is currently working on the youth summer employment which is being done through Crime Prevention.

2. Alvin Burke of 540 Sharar Avenue, Opa-locka, Florida, appeared before the City Commission and voiced his concerns relating to the summer youth employment and the recent hires since the last election. He was of the opinion that some of the money used for the recent hires could have been utilized for summer jobs. Of further concern was that those individuals hired are from outside of the city.

He continued by saying that he was tired of individuals bringing their friends in and giving them high paying jobs, making more than those employees who have been working for the city for many years.

He further asked, is Town Center One paying the city taxes?

Mayor Taylor informed Mr. Burke that the City Manager would cover that under his report.

Vice Mayor Johnson said that Mr. Burke's point was very well taken and she is waiting on the budget amendments. She expressed her disappointment with the top salaries versus the low salaries and the structure of the Human Resources Department. She suggested that Mr. Burke allow the Commission time to look at the structure and go through the process; however, the Commission does not do any of the hiring. The hiring is done by the City Manager and the City Manager must be sensitive of the needs of the community and make sure it balances.

3. Toroni Jamison-Mitchell of 14255 NW 22<sup>nd</sup> Place, Opa-locka, Florida, came forward to express her concern relating to the city's application and hiring process and the lack of communication between the HR department and applicants in terms of the status of their application.

Mayor Taylor directed the City Manager to have the Human Resources Department speak with Ms. Jamison-Mitchell.

Vice Mayor Johnson said that Ms. Jamison-Mitchell went to pay her water bill and the office is closed from 2:00 p.m. – 2:30 p.m. Although the sign is posted on the window, she requested that information be also included on the utility bills.

4. David Norris of 260 Perviz Avenue, Apt. 18, Opa-locka, Florida, came forward as an employee of the city making \$20,000.00 per year and said that after six years of service as a meter reader with the city, he has never received an increase based on his evaluations. In addition, there are other employees making approximately \$20,000.00 who are not being treated fairly.

He continued by saying that the garbage collection at his residence is taking place at about 4:50 a.m. and it is too loud. He spoke with the garbage collector in the past and they stopped, but now they have started again.

Mayor Taylor recalled giving a 3% increase to all employees in 2010, therefore, Mr. Norris did receive a raise.

She continued by asking Faye Douglas whether they had a conversation about merit increases and money?

Faye Douglas, Budget Administrator for the City of Opa-locka came forward and said that the Mayor asked her about merit increases based on performance evaluations. Her response to Mayor Taylor was that the city did do merit increases based on performance evaluations, but that was about three years ago and it stopped based on the finances of the city. During the union negotiations, the indication was that the city would give merit increases based on the improved fiscal condition. What the city has done is a cost of living increase and that was in 2010. However, performance evaluations have to be done regardless.

Commissioner Holmes asked, how many years in the past did the Commission approved cost of living increases for employees?

Ms. Douglas replied, for the past two years.

Vice Mayor Johnson suggested that the City Attorney go back and look at what the language states in the union contract. During the last budget process, she said that the Commission worked hard to make sure no one was laid off, even when staff recommended it. Due to the economy, she suggested that the employee work with his supervisor and the Commission would do their part as legislators.

Commissioner Holmes stated for the record that there isn't a PBA contract or an AFSCME contract.

5. Manuel Rivera of 936 Opa-locka Boulevard, Apt, 1, appeared before the City Commission and expressed his disappointment with the immigration raids at the junk yards near Port Said Road and people making allegations that the commission is responsible.

Commissioner Holmes stated for the record that he doesn't have anything to do with the immigration raids and the Mayor has nothing to do with that either.

Mayor Taylor stated that the City of Opa-locka is not connected to immigration.

6. Calia Leslie of 3895 NW 135 Street, Opa-locka, Florida, appeared before the City Commission to encourage support of the ordinance for auto brokers.

## **12. ACTION ITEMS (items from consent agenda pull list):**

16-2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RESCIND RESOLUTION NO. 11-8213, ADOPTED APRIL 27, 2011, AUTHORIZING THE CITY MANAGER TO APPLY FOR AN OJPD FY2011 SECOND CHANCE ACT JUVENILE MENTORING INITIATIVE GRANT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolution was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to pass the above resolution.

Vice Mayor Johnson stated for the record that the discussion at the last meeting in terms of this being the same grant was correct. Although she was told she would receive a written apology, she had not received it.

Mayor Taylor expressed her concern with having money the city applied for and then rescinding a resolution when they need all the money they can get.

Vice Mayor Johnson said that the city needs all the money they can get, but it needs to be done decently and in order. The letter of support has already been submitted and the thought may have been that this is a prevention grant. The City of Opa-locka is a part of this grant already, and when the discussion took place staff didn't realize it was for the same grant.

Manager Patterson replied, that is correct.

Mayor Taylor asked, why is the city rescinding the resolution?

Vice Mayor Johnson stated that most organizations today are looking for a collaboration and partnership and the city will likely not get the grant if they applied alone.

Lorenzo Laidler, Jr., Parks & Recreation Director for the City of Opa-locka came forward and said that as they went through this confusion last commission meeting, the grant was submitted on Monday, May 1, 2011. The City of Opa-locka, Opa-locka Weed & Seed, Youth Prevention Coalition and the Front Porch have collaborated on this grant. So when they went into it and Vice Mayor Johnson brought it to his attention, he knew about the grant but he didn't know the name of the grant. He said he made an apology the very next day after getting clarification. He advised Vice Mayor Johnson that an official apology was provided on Thursday, May 5, 2011.

Mayor Taylor asked, does the city need a resolution for its part in the collaboration?

Vice Mayor Johnson advised that only a letter of support was needed.

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

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes

3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER WITH THE ASSISTANCE OF THE CITY ATTORNEY, TO SET UP A NOT-FOR-PROFIT CORPORATION AND TO SEEK TAX EXEMPT STATUS TO BE KNOWN AS THE OPA-LOCKA EDUCATION FOUNDATION, INC.; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.  
*Sponsored by D.J. and T.H.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to pass the above resolution.

Vice Mayor Johnson asked the City Attorney if a search was conducted on Sunbiz to make sure the name of the foundation is not already being used?

Attorney Geller replied, no.

Vice Mayor Johnson proposed an amendment to the resolution by changing the name to "City of Opa-locka Educational Scholarship Foundation, Inc."

Attorney Geller explained that if he were to find out that particular name is taken, they would still move forward with doing the other work necessary to get it prepared once it is adopted and just hold off on the filing until such time as the Commission came up with a name.

Vice Mayor Johnson said that the city had to have a name first.

Because it was brought to his attention that the name in the resolution is already taken, Commissioner Holmes suggested that the resolution is deferred and brought back at the next meeting with the new name.

Vice Mayor Johnson also suggested that the resolution is deferred to allow for the name search on Sunbiz.

The seconded and motion were withdrawn.

The above resolution was deferred until the next commission meeting.

16-5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE FOR FY 2011 COMMUNITY – BASED VIOLENCE PREVENTION DEMONSTRATION PROGRAM IN THE AMOUNT OF SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000.00); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to pass the above resolution.

Vice Mayor Johnson explained that she pulled the above resolution to show the difference between both of the grants. For clarification, this is the grant that the city is individually applying for.

Lorenzo Laidler, Jr., Parks & Recreation Director for the City of Opa-locka came forward and noted that the City of Opa-locka is partnering with DJJ, CET, Big Brothers & Big Sisters, Saint Kevin's, Front Porch, Youth Coalition Prevention and Opa-locka Weed & Seed for this particular grant.

Vice Mayor Johnson mentioned that most grants are looking for a coalition and not single applicants.

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

Commissioner Miller	Yes
Commissioner Holmes	Out of room
Vice Mayor Johnson	Yes

Commissioner Tydus	Yes
Mayor Taylor	Yes

**13. NEW ITEMS:**

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO INVESTIGATE THE COST AND FEASIBILITY OF THE EXTERNAL REVIEW OF THE HUMAN RESOURCES DEPARTMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolution was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to pass the above resolution.

Commissioner Tydus asked, should the scope be included in the resolution?

Vice Mayor Johnson explained that the city was going to find out the cost first.

Commissioner Tydus said that the scope would determine the cost.

Vice Mayor Johnson stated that this resolution would give the City Manager the direction to start working on it and those concerns heard over the years should be included in the scope of services. Then a resolution would come back before the Commission with an amount for approval.

Mayor Taylor agreed with Commissioner Tydus in that the resolution should reflect the scope of work.

Vice Mayor Johnson said that the review may not be needed on the entire department, but only certain areas. She made reference to the 2004 review of the Human Resources Department by Miami-Dade County which was as a part of the assistance from Commissioner Barbara Jordan and a meeting held with Commissioner Jordan in which the City Manager, Dr. Orji and Guithele Ruiz-Nicholas attended with yielded a list of approximately 10 items that department was to work on.

Mayor Taylor asked that the City Manager provide the Commission with a copy of the list provided by Miami-Dade County relating to the Human Resources Department.

She asked, has the city made any progress or milestones in this review of that department?

Manager Patterson advised that some things had been done and some had not.

Mayor Taylor suggested that the City Manager is allowed the opportunity to complete the list as oppose to starting all over again.

Vice Mayor Johnson stated that she would not change her legislation and her colleagues could either vote it up or down. She said she was fed up with people trying to change what she is saying, but she knows what she is talking about and that department needs outside assistance. This is no different than Commissioner Miller wanting an investigation on the police department.

She further said that she would no longer allow people to talk her down.

Mayor Taylor responded by saying that the Vice Mayor is saying that perhaps she is trying to talk her down, however, the chair is not trying to talk her down. The meeting made referenced to occurred just last year and all she is asking that the department is given an opportunity to do whatever is needed before duplicating the work.

Commissioner Tydus asked for further clarification on the resolution.

Vice Mayor Johnson explained that the resolution is not for the City Manager to do an investigation, but a feasibility study to tell the Commission how much it would cost if they needed to provide additional resources to HR to bring it up to speed. Previously, when she went to the county in 2004 and 2010, per Commissioner Jordan and the county, it had to be in a resolution form. The City Commission at that time adopted a resolution, then the team from the county came out.

She went on to say that no agency would provide resources to the city without a resolution.

Commissioner Tydus recalled that the resolution presented to the county was county specific; however, this resolution is not county specific.

Vice Mayor Johnson disagreed with Commissioner Tydus and said that the previous resolution was not county specific, but to allow the City Manager to conduct a feasibility on the Human Resources Department and through that resolution, she personally tapped into those resources.

Commissioner Tydus asked, as it is written in the resolution, this is to be an external review of every aspect of Human Resources Department?

Vice Mayor Johnson added, or as needed. She stated to the City Attorney that where ever it is needed in Human Resources is the intent.

Commissioner Tydus asked, who would make that determination?

Vice Mayor Johnson replied, the City Manager.

Since the resolution is not quite clear although an explanation has been given several times by the sponsor, Mayor Taylor suggested that Vice Mayor Johnson defer the resolution to the next commission meeting so that it is clear to Commissioner Tydus. She said her concern is that the list was provided last year and some of the items may take time to move through, therefore, she doesn't know if the city would be repeating itself another year with this.

Vice Mayor Johnson agreed to defer the resolution until the next commission meeting.

The motion and seconded on the above resolution were withdrawn. The resolution was deferred to the Regular Commission Meeting of May 25, 2011.

**14. PLANNING & ZONING:**

**A. HEARINGS:**

**B. APPEALS:**

**15. ORDINANCES/RESOLUTIONS/PUBLIC HEARING:**

**A. FIRST READING:**

**B. SECOND READING/PUBLIC HEARING:**

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AMEND THE CITY COMMISSION AGENDA TO INCLUDE A REPORT FROM THE 17<sup>TH</sup> CONGRESSIONAL DISTRICT OF FLORIDA AND FROM THOSE STATE LEGISLATORS REPRESENTING THE CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on April 13, 2011). *Sponsored by T.H.*

The above ordinance was read by title by Attorney Geller.

Mayor Taylor opened the floor for a public hearing. There being no persons to speak on the public hearing, the public hearing was closed.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to pass the above ordinance.

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

Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 86-8, THE LAND DEVELOPMENT CODE, TO INCLUDE AUTO BROKERS AS A PERMITTED USE IN THE FOLLOWING INDUSTRIAL ZONING DISTRICTS: I-1; I-2; AND I-3 DISTRICTS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR

CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE  
(first reading held on April 13, 2011). *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

Mayor Taylor opened the floor for a public hearing.

1. Calia Leslie came forward and urged the Commission to adopt the above ordinance.

There being no further persons to speak on the public hearing, the public hearing was closed.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to pass the above ordinance.

Vice Mayor Johnson asked, who will monitor this?

Manager Patterson replied, Community Development.

Vice Mayor Johnson suggested previous meeting minutes are reviewed to make sure all conditions discussed have been met.

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

Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 86-8, THE LAND DEVELOPMENT CODE, TO INCLUDE ALUMINUM SMELTING OR REFINING OF METALS AS A CONDITIONAL USE IN THE I-2; I-2A; AND I-3 INDUSTRIAL ZONING DISTRICTS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on April 13, 2011). *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

Mayor Taylor opened the floor for a public hearing. There being no persons to speak on the public hearing, the public hearing was closed.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to pass the above ordinance.

Vice Mayor Johnson directed the City Manager to make sure the appropriate staff monitors and make sure the environment is protected when dealing with these types of businesses.

Attorney Geller pointed out that the passing of this ordinance does not indicate that anyone can start this type of business. This is only a conditional use, therefore, anyone who wants to still have this type of business must come before this Commission individually to get approval.

Of concern to Commissioner Tydus was the conditional use in that the city has a list of existing businesses operating under a conditional use that have expired. She directed the City Manager to provide her with a list of existing conditional use permits / licenses and the disposition of each.

Manager Patterson stated that the Building & License Department and Community Development should have the list.

As a former Planning Council member of this city, Vice Mayor Johnson recalled conditional use that were initially approved but have not come back for renewal.

Mayor Taylor asked for clarification on the term for the conditional use status.

Howard Brown, Community Development Director for the City of Opa-locka came forward and stated that the conditional use term is set by the Planning Council and then it comes to the Commission for approval.

Mayor Taylor asked, could this be a continuous thing?

Mr. Brown replied, that is correct.

Mayor Taylor noted that the city as it stands has no policy for conditional use regardless of where it is.

Mr. Brown replied, that is correct, there is no policy.

Mayor Taylor said that the conditional use just keeps going indefinitely.

Mr. Brown replied, yes.

Attorney Geller added unless the Commission restricted it which can be done when approving the conditional use.

Mayor Taylor asked, is there a limit on how many years a person can get?

Mr. Brown replied, no.

Attorney Geller said that if a business is not creating a problem and they are meeting all requirements then they don't have to be put out of business after a certain amount of

years; however, the Mayor does have an important point that they don't just give them a blanket for as long as they want.

Mayor Taylor expressed her concerns with conditional uses and suggested that a policy be put in place to stipulate how long the conditional use should be in place which should be done through the Planning Council and approved by the Commission.

Attorney Geller explained that there are some types of businesses that require more vigilance and they probably won't ever get off the list or shouldn't because they need increased scrutiny on a regular basis.

Mayor Taylor said she wants to know when does the continuation stop, but it was indicated that it doesn't.

Attorney Geller stated that there are different rules for different businesses where there could be one coming back in one year and another business coming back in three years. It would depend on the business and how much of a concern in what they are doing. These types of businesses reflected in the ordinance are subject to all types of regulations in addition to the city from DERM, EPA, etc. but the city still wants to be sure this business is done strictly because it could be harmful. This is the reason why the city has limited it to a conditional use so the Commission keeps full control and oversight.

Vice Mayor Johnson directed the City Attorney to pull the legislation from 2007 when this was brought in and provide the Commission with a copy.

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

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Mayor Taylor	Yes

### **C. RESOLUTION/PUBLIC HEARING:**

#### **16. ADMINISTRATION:**

#### **CONSENT AGENDA:**

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CREATE A CHARTER REVISION ADVISORY COMMITTEE TO PROPOSE A NEW, MODERN, UPDATED CHARTER FOR THE CITY OF OPA-LOCKA TO REPLACE THE EXISTING CHARTER IN ITS ENTIRETY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

6. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO SUBMIT AN APPLICATION TO MIAMI-DADE COUNTY METROPOLITAN PLANNING

ORGANIZATION (MPO) FOR FISCAL YEAR 2011 TRANSPORTATION ENHANCEMENT PROGRAM (TEP) IN AN AMOUNT UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

7. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RATIFY THE ACTIONS OF THE CITY MANAGER IN AUTHORIZING FLORIDA INDUSTRIAL PROPERTIES TWO, LLC TO HAUL DEBRIS GENERATED FROM SEGAL PARK CONSTRUCTION IN THE AMOUNT OF TWELVE THOUSAND DOLLARS (\$12,000.00), PAYABLE FROM ACCOUNT 72-572630; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

8. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ALLOW HORIZON CONTRACTORS, INC. TO PERFORM ADDITIONAL WORK ON ALI-BABA AVENUE ROADWAY PROJECT IN AN AMOUNT NOT TO EXCEED TWENTY-ONE THOUSAND FIVE HUNDRED AND EIGHTY DOLLARS (\$21,580.00), AND TO FURTHER EXTEND THE CONTRACT FOR AN ADDITIONAL TWENTY-FIVE WORKING DAYS, PAYABLE FROM ACCOUNT NO. 44-541818; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above consent agenda resolutions were read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to pass the consent agenda resolutions.

The motion passed by a 5-0 vote.

Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

Ed Haynes came forward on behalf of Congresswoman Frederica Wilson, 17<sup>th</sup> Congressional District of Florida, and thanked the city for participating in the recent forum. He reported that the Congresswoman and several of her staff members visited Haiti and got the opportunity to meet with the incoming president in addition to touring the devastation. As of yesterday, there was a bill on the floor which actually passed concerning Haiti and the different aspects of monitoring the reconstruction dollars.

In addition, he announced that another Tele Town Hall Conference concerning Haitian issues is being scheduled and they are continuing to work on bringing in individuals from Washington, DC to talk about applying for grant dollars. He provided a sheet which must be filled out by individuals requesting to meet with Congresswoman Wilson.

#### **A. CITY MANAGER'S REPORT:**

Manager Patterson invited Mr. Brown to come forward and discuss the CSX issue.

Howard Brown, Community Development Director for the City of Opa-locka came forward and stated with regards to the CSX railroad and maintenance issue that his office got involved last year based on the resolution adopted for \$30,000.00 for FDOT to cut and maintain the right-of-ways along the railroad. After submitting the resolution to FDOT, FDOT contacted city staff requesting justification for the \$30,000.00 expenditure. The city got with Miami-Dade County and put together a GIS map of those areas that needed to be maintained which resulted in approximately 25 acres. The city then proceeded to get quotes based on the square footage from vendors including Roadrunner, the city's current landscaping contractor. The quotes came in and the prices ranged from \$3.00 - \$8.00 per square footage. In looking at how much FDOT was going to give the city for maintaining the right-of-ways versus how much it would cost the contractor to maintain it properly would be worth a million dollars and upwards. He advised that staff is working on something to bring back before the Commission hopefully by the next commission meeting for consideration of either accepting whatever agreement the city gets from FDOT which is about \$11,000.00. On April 16, 2011, the City Manager's Office (Ed Brown and Mr. Chiverton) and Gerald Lee had a conference call with FDOT and now the \$30,000.00 they originally agreed on, they are asking for it to be decreased to about \$11,000.00.

Mayor Taylor asked, what was FDOT's justification for the \$30,000.00 and the \$11,000.00?

Mr. Brown said he believed FDOT through out a dollar amount and they were anticipating the city would take the \$30,000.00 and maintain the right-of-way as they deem necessary appropriate. They did note that because of the current funding from the state they are not able to give more because the city did request for more money to maintain the right-of-ways.

Mayor Taylor asked, how many miles is it?

Mr. Brown advised that the city measured square area and it is about a little over a million square feet.

Mayor Taylor discussed that this involves more than maintaining; the areas have to be cut and the debris has to be hauled away, grounds have to be balanced. She asked, what does the city want to bring on a resolution for and whether there is grant money available for this?

Mr. Brown said that staff has asked for additional funding and the city thought they had a deal that would be consistent with what West Palm Beach is getting, but later they received an email from one of their engineers that it would not be enough and they would not be able to give any more money. Any more money would have to come from the city.

Mayor Taylor asked, what are other cities doing?

Mr. Brown stated that he could not speak for the other cities, but it appears not many people are addressing this issue.

Mayor Taylor said she's seen Hollywood line and someone is maintaining both sides of the tracks so she is interested in what other cities are doing because no other city looks like Opa-locka.

Commissioner Holmes asked, is that CSX or FDOT?

Mr. Brown explained that it is a CSX railroad, but FDOT is responsible for the maintenance and care of that area.

Commissioner Holmes recalled when the city went into this with CSX there was an award of approximately \$300,000.00 for them to maintain the railroad area. He suggested that Mr. Brown try to find out what happened to that because the Hollywood stop is neat but after that then that's where the problem starts.

Mayor Taylor asked, if the land belongs to FDOT then why are they not manicuring their land?

Mr. Brown said that FDOT claims they do maintain their property, but they also say that they cut seven times a year. However, the city knows that's not the case because they make complaints from time to time for them to maintain and cut the grass.

Manager Patterson reported that the city received \$12,880.80 as the city's share of traffic fines for the month of April and that the hurricane preparedness is ready to go and he would be meeting with the Commission.

Commissioner Miller asked for the status on the investigation for the Opa-locka Police Department.

Manager Patterson said he would have to speak to the representative at FDLE the following day before he can give the Commission something definitive as to how quick they can move and if they will be conducting the investigation.

Commissioner Miller said there are five lawsuits pending and the city doesn't need to be spending any money. The city is still paying people salaries from 2000 and if these lawsuits go through the city won't be a city anymore, so the city needs to move forward with this investigation of the police department.

Vice Mayor Johnson directed the City Manager to provide the total amount of money collected for the summer program. In addition she wants her list back from Starex Smith.

She continued by saying that she noticed a Thrift Store on NW 27<sup>th</sup> Avenue & Burlington Street. She inquired as to who issued the permit for this type of business and who doesn't know the vision of the city. She directed the City Manager to look into this matter.

In speaking with parents at the parks, she said that they requested a pitching machine for the Baseball program which cost approximately \$300.00. The city should be able to find \$300.00 for that machine. She directed the City Manager to make that happen and make

sure there is one machine for each park. Also, the equipment should be marked as property of the city and inventoried annually.

She further stated that she reviewed two years of checks and balances and she is concerned because the city has Comcast but it is paying for DirectTV at the water plant and Public Works Department. In bringing this issue up before, she said she was told that was the hurricane control unit; however, she was also told the control unit for the hurricane is at Town Center. She directed the City Manager to look at the city's spending.

Manager Patterson stated that the backup location is at Town Center.

If that was the case, Vice Mayor Johnson said it would not be utilized, however, it is currently being utilized through DirectTV. She directed the City Manager to look into this matter.

During the workshop, the construction management letter of agreement was discussed and the City Manager and City Attorney need to move this forward because the city is holding the process up which is costing money.

She went on to say that the City Manager provided a snapshot which was not what she expected and it is not acceptable to her because amendments were due in March and the snapshot is 60 days after. She stated to the City Manager that his staff is going to cause him his employment with the city.

She further stated that she requested a report on the car allowances to include the employees receiving car allowances, how the city is going to get their money back and discontinuing the car allowances, but she has yet to receive the information. She directed the City Manager to discontinue car allowances according to the legislation passed.

Manager Patterson said he would have that list for the Commission.

Vice Mayor Johnson asked, has the city received any notice from Tallahassee on the \$350,000.00 historic preservation grant for Historic Hall?

Charmaine Parchment, grant writer for the City of Opa-locka came forward and stated that she had not received any correspondence with regards to the historic preservation grant.

Vice Mayor Johnson directed the City Manager to provide her with the status of the \$350,000.00 historic preservation grant.

During past commission meetings, Commissioner Holmes said he'd been asking about the PBA and AFSCME contracts for employees. He stated to the City Attorney and City Manager that he didn't want to continue to bring these items up at every commission meeting. The city is losing its police officers to Miami Gardens because the pay is much better and plus the police officers in Opa-locka don't have a contract.

Attorney Geller informed Commissioner Holmes that the PBA has scheduled their ratification vote for May 20, 2011 and that he has in writing from the PBA. The reason he

was going to bring this matter up besides the fact that it is in his report is because he wants to give the Commission a heads up. If the ratification vote passes, then he would seek to add this item to the commission meeting agenda of May 25, 2011.

Commissioner Holmes said if it's for the police department, he doesn't care if the City Attorney had to add it on because he wants it done.

Attorney Geller discussed that the only reason it would not come in front of the Commission as an add on is if the police force votes it down, but he doesn't think they will.

Commissioner Holmes asked for an update on the AFSCME contract.

Manager Patterson reported that AFSCME is currently working on the ratification of their contract and as soon as that is done it will be presented to the city.

Commissioner Holmes said the process with the AFSCME union has been going on for over a year and perhaps the city should consider bringing in another union for the employees.

He continued by asking, when is the city going to move the meetings out of Historic City Hall and start using the 2<sup>nd</sup> Floor at Town Center One? Of concern to Commissioner Holmes was that the city was paying for both facilities. He directed the City Attorney to bring this back in the form of a resolution.

He further asked why the city was not collecting money from businesses for the Saggy Pants signs? When the Commission directs the City Manager to have his department director to do something then that individual should do it. He made reference to the ordinance which moved the supervision of Code Enforcement to the Building & License Department. He said he wanted that department to handle Code Enforcement and not other people because that's not what the ordinance states.

With regards to the response for her concern about paying city debts online, Mayor Taylor said she didn't understand what "live system" meant. She directed the City Manager to provide an explanation.

As it relates to overtime, she directed the City Manager to address the overtime because that is going to be an albatross to the city because it is people making overtime that are salaried employees.

Commissioner Holmes suggested that the City Manager give the department directors the direction and allow them to run their departments.

Vice Mayor Johnson directed the City Manager to provide the Commission with a copy of the Weed & Seed grant because she is concerned about the staff.

## **B. ACCOUNTS PAYABLE:**

Ezekiel Orji, Finance Director for the City of Opa-locka came forward and stated that the financial reports were provided in the booklet. He reported the cost for the issuance of the bond was only \$60,321.00 compared to the \$183,000.00 paid in 1994 which is a significant difference.

Vice Mayor Johnson noticed that some city employees are not listed in the check register. She asked, how do those employees get paid?

Dr. Orji explained that the check register tracks payments made to vendors. The employee checks are in the payroll register. The check register doesn't reflect employees except employees who are being reimbursed for expenses incurred.

Vice Mayor Johnson directed Dr. Orji to meet with her the following day because she knows she nor the Commission members are vendors, but they are on that list.

In terms of the snapshot provided, Mayor Taylor asked, who chose the capital improvement projects?

Dr. Orji said that those projects were included and approved in the budget. The bond financing includes a longer list of capital programs and as stated, Commission approval is required prior to doing any of those.

**17. OFFICIAL BOARD REPORTS:**

**18. CITY ATTORNEY'S REPORT:**

Attorney Geller reported that he, along with his partner, a labor employment specialist Peter Siegel, the Human Resources Director and the City Manager met and they discussed those very issues Commissioner Miller was referring to see what could be done and what course of action the city would follow. At the same time, they looked at larger issues including the Personnel Manual and his partner would be conducting a further review of that manual to be sure that it is satisfactory from a legal perspective.

He went on to say that he is working with the City Manager's Office, particularly Assistant City Manager Ed Brown and Mr. Abia on the unsafe structures issue with the 22<sup>nd</sup> Avenue Apartments.

He mentioned the upcoming scheduled PBA ratification vote and the probability of having an amendment to the next commission meeting agenda.

He further reported on the lawsuit filed by two former officers (Blackman & Walls) who are still suing in federal court on other grounds which the League of Cities is handling. However, they had filed a public records lawsuit against the city and apparently they felt some records weren't forthcoming fast enough. The records were out of the Opa-locka Police Department and the city has agreed to furnish the records, the lawsuit was settled and no attorney's fees were paid.

Commissioner Tydus left the meeting at 9:45 p.m.

Several meetings ago, Vice Mayor Johnson said she asked the City Attorney to bring back a report on the deferred compensation.

She directed the City Attorney to get with Mr. Abia because she provided him with several addresses of unsafe structures on NW 135<sup>th</sup> Street.

In moving forward, she directed the City Attorney to provide his report and the City Manager to provide any reading materials prior to the commission meeting to allow for review.

She directed the City Attorney to work with the City Manager on the employment agreements per the workshop and contracts because according to the Charter contracts are for one year. If the contracts can't be reviewed in the City Clerk's Office then that means the contract has been out there floating. The City Manager, City Attorney and City Clerk must get together to be on the same page and whatever agreements must be filed with the custodian of records which is the City Clerk.

Mayor Taylor directed the City Attorney to prepare an ordinance on the deferred compensation for the Commission.

#### **19. CITY CLERK'S REPORT:**

Vice Mayor Johnson requested that the City Clerk elaborate on the upcoming election scheduled for May 24, 2011.

Because this was a Miami-Dade County election, Clerk Irby stated that other than making sure the facilities are opened, the equipment is delivered and set up properly, that's all she has to do.

Vice Mayor Johnson encouraged all registered voters to get out and vote on May 24, 2011. She continued by saying that the city has a responsibility to promote every election and suggested that the City Clerk utilize Code Red to get the word out.

#### **20. MAYOR/COMMISSION REPORT:**

Commissioner Miller reported on her trip to Washington, DC and said she had valuable information to forward to the Mayor, City Manager, Starex Smith and Mr. Laidler. This information can also be posted on Opa-TV for the citizens.

Commissioner Holmes reported that Luther Campbell, candidate for Miami-Dade County Mayor visited his office during the week.

Vice Mayor Johnson reported her attendance at the Town Hall Meeting sponsored by Congresswoman Frederica Wilson and the luncheon hosted by Mayor Taylor. In addition, she said she was working on two initiatives with job creation and she would make sure her colleagues are co-sponsors.

She went on to say that she will be making a presentation on May 27, 2011 to a Solar Energy Company for solar energy jobs at the airport.

She further directed the City Clerk to start working on the 2011 Back to School Giveaway on her behalf.

Mayor Taylor reminded everyone of the upcoming job fair for the citizens of Opa-locka scheduled for May 24, 2011 at 9:00 a.m. at Town Center, 2<sup>nd</sup> Floor. The city is currently working on jobs for the youth and that information would be forthcoming.

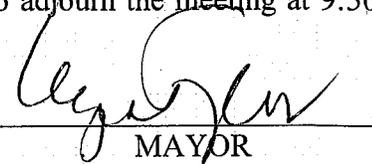
She reported on her Mother's Day luncheon held for the seniors and her attendance at the National Day of Prayer.

She went on to say that she would like the Mother's Day and Father's Day to be a combined effort so that the line item is combined and the Mayor/Commission would be sponsoring that.

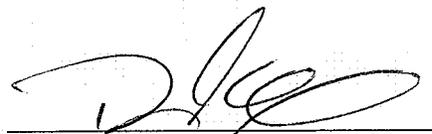
**21. OFFICIAL BOARD APPOINTMENTS:**

**22. ADJOURNMENT:**

There being no further business to come before the City Commission, it was moved by Vice Mayor Johnson, seconded by Commissioner Miller to adjourn the meeting at 9:50 p.m.

  
MAYOR

ATTEST:

  
CITY CLERK