

CITY OF OPA-LOCKA
"The Great City"

Clerk's Action Summary Minutes

Special Commission Meeting

June 08, 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, June 08, 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 Timothy Holmes, Commissioner Gail E. Miller and Mayor Myra L. Taylor. Also in attendance were: City Manager Clarence Patterson, City Attorney Joseph S. Geller, and City Clerk Deborah S. Irby.

3. INVOCATION:

The Invocation was delivered by Mayor Myra L. Taylor.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. APPROVAL OF AGENDA:

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

Vice Mayor Johnson presented the following motion to the Commission to be included as an amendment to the agenda and for the City Attorney to draft a resolution: *"All litigation must be approved by the City Commission prior to any expenditure"*.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to amend the agenda to include the above motion as an amendment to the agenda.

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

Commissioner Miller	Yes
Commissioner Holmes	Yes

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

Vice Mayor Johnson pulled agenda items 19-9, 19-11, 19-6, 19-7; Commissioner Holmes pulled agenda items 19-1, 19-2, 19-3, 19-4, 19-5, 19-10; and Commissioner Tydus pulled agenda items 19-8 and 19-12 off of the Consent Agenda (these items would be discussed separately under Agenda Item 16 – New Items).

Request to amend the agenda to include the following:

16-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO FREEZE ALL HIRING EXCEPT FOR THE POLICE DEPARTMENT’S SWORN PERSONNEL THROUGH SEPTEMBER 30, 2011, EXCEPT WITH THE APPROVAL OF THE CITY COMMISSION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to amend the agenda to include the above resolution as item 16-1.

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

16-2: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO PURCHASE ENGINEERING SOFTWARE (AUTOCAD 2012, ICPR, WATERCAD, AND SEWERCAD) IN AN AMOUNT NOT TO EXCEED THIRTY ONE THOUSAND TWO HUNDRED SIXTY ONE DOLLARS (\$31,261.00), PAYABLE FROM ACCOUNT NUMBER 35-535630; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was moved by Commissioner Holmes, seconded by Commissioner Tydus to amend the agenda to include the above resolution as item 16-2.

There being no discussion, the motion passed by a 4-1 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	No
Commissioner Tydus	Yes
Commissioner Miller	Yes

Mayor Taylor Yes

16-3: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HYDRA SERVICES, INC., FOR AN AMOUNT NOT TO EXCEED \$132,057.00, PAYABLE FROM ACCOUNT NUMBER 35-535630, FOR THE DIRECT PURCHASE OF PUMPS AND APPURTENANCES FOR THE REHABILITATION OF PUMP STATIONS 1 AND 2; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by C.M.

It was moved by Commissioner Tydus, (Mayor Taylor passed the gavel to Vice Mayor Johnson) seconded by Mayor Taylor to amend the agenda to include the above resolution as item 16-3.

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

Commissioner Tydus	Yes
Commissioner Miller	No
Commissioner Holmes	No
Mayor Taylor	Yes
Vice Mayor Johnson	No

Vice Mayor Johnson returned the gavel to Mayor Taylor.

16-4: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO USE MONIES BEING USED FOR RENTAL VEHICLES FOR COMMAND STAFF, VIN UNIT MEMBERS (5 VEHICLES) TO PURCHASE FROM FORD MOTOR COMPANY ELEVEN (11) 2011 FORD EXPLORERS UNDER THE SHERIFF'S AWARD BID (10-18-0907), PAYABLE FROM ACCOUNT NO. 36-521648, FOR RENTAL CAR PAYMENTS.

It was moved by Commissioner Holmes, seconded by Commissioner Tydus to amend the agenda to include the above resolution as item 16-4.

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

16-5: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, REQUIRING THAT ALL LITIGATION NEEDS TO BE

APPROVED BY THE CITY COMMISSION PRIOR TO ANY EXPENDITURES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to amend the agenda to include the above resolution as item 16-5.

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

18A5: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 86-8, SECTION 6.11 (B) AND 6.12 (B) OF THE LAND DEVELOPMENT CODE PROVIDING FOR THE ADDITION OF WASTE TRANSFER STATION AS A SPECIAL EXCEPTION USE WITHIN THE I-2 AND I-3 ZONING DISTRICTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to amend the agenda to include the above ordinance as item 18A5.

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

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

8. APPROVAL OF MINUTES:

Regular Commission Meeting – 05/25/2011

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to approve the minutes of the Regular Commission Meeting of May 25, 2011.

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

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

9. 17th CONGRESSIONAL DISTRICT OF FLORIDA REPORT:

10. STATE SENATORS REPORT:

11. STATE REPRESENTATIVES REPORT:

State Representative Barbara Watson (District 103) came forward in support of the information to be provided by the city's lobbyist Yolanda Cash Jackson of Becker & Poliakoff.

12. DISTRICT ONE - COUNTY COMMISSIONER REPORT:

Larry Gardner of Miami-Dade County Commissioner Barbara Jordan's Office (District 1) was present to address the concerns of the city.

Vice Mayor Johnson informed Mr. Gardner that the homeowner of the house recently completed as a part of the beautification project with CAA had a massive heart attack.

13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

Chief Mardese of Miami-Dade County Fire Rescue reported on the recent retirement of Herminio Lorenzo. Currently Assistant Chief of Operations is the interim Director of Miami-Dade Fire Rescue at least up until the end of June. Hopefully following the June 28, 2011 election, Miami-Dade County Fire Rescue will have an idea of who would be their future leader and director for the Fire Department.

Vice Mayor Johnson commended the excellent service and quick response time of the Miami-Dade County Fire Rescue in responding to several incidents in Opa-locka.

14. PUBLIC PRESENTATION:

1. Yolanda Cash Jackson of Becker & Poliakoff presented the 2011 City of Opa-locka Legislative Session Report. Also present was State Senator Oscar Braynon (District 33) who expressed to the Commission that it is very important to know what the ballots mean in the 2012 election and how they would negatively affect the citizens.

2. James Greason, legal counsel for city employee Linda Bracy reported that as of now, Ms. Bracy's salary had not yet been restored nor had she received her back pay. He urged the Commission to put an end to this so that he would be able to report to the Judge at the hearing scheduled on June 20, 2011 that the case is resolved. He requested that the

Commission consider the implication of the administration ignoring the Civil Service Rights of employees.

3. Joseph L. Kelley of 485 Dunad Avenue, Opa-locka, Florida, appeared before the City Commission and expressed his disappointment with seeing the budget amendments on the agenda prior to the upcoming Town Hall Meeting for citizen input. He went on to state his concerns relating to the road condition on NW 27th Avenue near Wachovia Bank; CRA resolution; resolutions on agenda for Ingram Park improvements; and the resolution seeking proposals for sidewalks.

He recommended that the budget information is made available to the citizens in order to have an opportunity to review what is being recommended with the adjustments to the budget.

With regards to the road condition on NW 27th Avenue, Vice Mayor Johnson said this issue was brought up at the last meeting and she was told that the road belonged to FDOT. She asked, was a permit issued from FDOT prior to the work being done?

She recalled staff coming forward at a previous meeting and indicating that it was a FDOT road and responsibility; however, it was brought to her attention that none of this went through FDOT.

Manager Patterson explained that the Public Works Director is in contact with FDOT and the county relating to the ongoing issues in that area.

Fritz Armand, Director, City of Opa-locka Public Works Department stated that NW 132 Street is completed; however, the road is not complete on the NW 27th Avenue side due to the ongoing project. He went on to say that NW 27th Avenue is a FDOT road.

Vice Mayor Johnson asked for the contact information of the representative Mr. Fritz is in contact with at FDOT. She went on to ask, what is the suspense date for completion on the ongoing project?

Mr. Armand clarified that his speaking to FDOT is on a different issue not related to the work recently completed.

At a previous meeting, Vice Mayor Johnson said that Mr. Fritz stated, and Mayor Taylor shared the same concern, that NW 27th Avenue is a FDOT road and that he would be working with them. She questioned Mr. Fritz in terms of when NW 27th Avenue would be repaired and who was he is in contact with at FDOT?

Mr. Armand agreed to provide Vice Mayor Johnson with the contact information for the FDOT representatives he'd been speaking to specifically in reference to the drainage problem on NW 131 Street. He cleared the record on the purpose of his speaking to FDOT.

Commissioner Holmes expressed his concern relating to the length of time it is taking to complete NW 27th Avenue.

Mr. Armand reiterated that the work was not complete and the Public Works Department had not issued a release on this project. He guaranteed the Commission that the road would be repaired to full satisfaction.

Vice Mayor Johnson inquired as to whether a permit was needed for road repairs in the city and if one was pulled for NW 27th Avenue?

Mr. Armand said that a permit was needed and one was pulled.

Vice Mayor Johnson requested a copy of the permit issued for the work on NW 27th Avenue.

Mr. Armand explained the process for obtaining a permit in that the Public Works Department reviews and approves the drawings, however, they do not issue permits.

Vice Mayor Johnson directed the City Manager to provide her with a copy of the permit issued by the city, if any, and the contact information for FDOT if there had been any conversations related to this project. She requested that the information be provided by 12:00 p.m. on June 09, 2011.

14a. CITIZENS' FORUM:

1. Michael (inaudible) of 12840 NW 27 Avenue, Opa-locka, Florida and Andrew Bryant of 1821 Wilmington Street came forward and spoke about their community gatherings near the Ingram Park Lakefront. He asked for an explanation as to why their Memorial Day gathering was shut down by the city and requested permission for an upcoming Father's Day event.

Mayor Taylor explained that there had been complaints from residents on that street in terms of the noise and music. In addition, the jet skis are a problem because of the manatees in the water.

Commissioner Holmes requested that the City Attorney read a document from the Florida Wildlife Commission.

Attorney Geller read the highlighted section provided to him which is a part of the Florida Manatee Sanctuary Act - Biscayne Canal Area. He explained that it refers to the area, the large lake just off State Road 9 and it says that area is part of the Florida Manatee Sanctuary Act protected area.

According to the Florida Wildlife Commission, Mayor Taylor said that the water is manatee protected. She asked, can the Father's Day gathering take place without being in the water?

After further discussion, the individuals agreed to hold the Father's Day gathering without having any type of activity in the water. Commissioner Holmes stated that the Commission had not authorize the City Manager to issue permits for that particular area. Mayor Taylor said that the Commission would like to authorize the City Manager to issue a permit for the Father's Day gathering with the understanding that no activity will take place in the water.

Attorney Geller stated that the motion would be to authorize the City Manager to issue a permit upon all of the conditions necessary for that being met including that there be no use of the water except for fishing as otherwise permitted.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to authorize the City Manager to issue a permit upon all of the conditions necessary for that being met including that there be no use of the water except for fishing as otherwise permitted.

Upon approval of the motion, Vice Mayor Johnson suggested that the City Manager and City Attorney met with the individuals to discuss the details and specifics so that this is not open ended. Although the Commission's providing authorization through a motion, she said that was not the process; the process is to apply for a permit.

Attorney Geller clarified that the motion was to allow the City Manager to proceed with this Father's Day 2011 and it does not apply to anything else; there would have to be a process for that.

Of concern to Commissioner Tydus was that the permit process for the use of public property is already in place and she didn't know why a motion was needed. The City Commission could have just routed this matter to the administration to go through the permit process in place.

In response to the individuals concern about the use of jet skis on the other side of the lake, Vice Mayor Johnson advised that Biscayne Gardens is unincorporated Miami-Dade County and they would have to address the county with that concern because the City of Opa-locka has no jurisdiction over that area.

She further agreed with Commissioner Tydus in that the permit process is already in place.

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

2. James LeMorin of 2121 NW 139 Street, Unit 23, Opa-locka, Florida, appeared before the City Commission to express his concern relating to the deposit requirement for a new water account to open up a small business in the city.

15. ACTION ITEMS (items from consent agenda pull list):

19-1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO CREATE A COMMUNITY REDEVELOPMENT AGENCY (CRA) NAMING THE CITY COMMISSION AS THE BOARD OF THE CRA; 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 suggested that the legislation also include the officers.

Attorney Geller explained that the CRA board itself has to name the officers and employees only after the resolution is adopted to create a CRA and naming the City Commission as the Board of the CRA. The City Commission will then call a meeting as the CRA board to name the officers.

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

19-2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RATIFY THE ACTION OF THE CITY MANAGER IN AUTHORIZING GOMEZ & SON FENCE COMPANY TO CONSTRUCT FENCING AND PILE RAILING AT INGRAM PARK LAKEFRONT IN THE AMOUNT OF NINETEEN THOUSAND SEVEN HUNDRED AND TWENTY-TWO DOLLARS AND TWENTY-TWO CENTS (\$19,722.22), PAYABLE FROM ACCOUNT 44-541811; 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 asked for an explanation as to why the city is ratifying the action of the City Manager for the Ingram Park project.

Manager Patterson explained that due to the grant dollars awarded, this was a time sensitive matter which has to be completed by a date specific. In addition to that, he said that there is an encroachment near the land which had to be addressed immediately.

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

19-3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RATIFY THE ACTION OF THE CITY MANAGER IN AUTHORIZING BURCORP LLC, TO PERFORM BUILDING REPAIRS AND MISCELLANEOUS CONSTRUCTION TO THE PAVILION AT INGRAM PARK LAKEFRONT IN THE AMOUNT OF TEN THOUSAND SEVEN HUNDRED AND FORTY DOLLARS AND NINETY SEVEN CENTS (\$10,740.97), PAYABLE FROM ACCOUNT 44-541811; 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 Commissioner Holmes to pass the above resolution.

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

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

19-4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RATIFY THE ACTION OF THE CITY MANAGER IN AUTHORIZING KORKAT, INC. TO SUPPLY AND INSTALL A NEW PAVILION AND PARK AMENITIES FOR INGRAM PARK LAKEFRONT FOR THE AMOUNT OF TWENTY ONE THOUSAND SIX HUNDRED AND THIRTY-FOUR DOLLARS AND FORTY-NINE CENTS (\$21,634.49), PAYABLE FROM ACCOUNT NO. 44-541811; 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 Commissioner Holmes to pass the above resolution.

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

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

19-5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO SEEK PROPOSALS FROM QUALIFIED CONTRACTORS TO REMOVE AND/OR REPAIR EXISTING SIDEWALKS, AND CONSTRUCT NEW SIDEWALKS WITHIN THE CITY ON A WORK ORDER BASIS TO BE PAID FROM PTP FUNDS, ACCOUNT NUMBER 47-541630; 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 Commissioner Holmes to pass the above resolution.

Commissioner Holmes asked, how much money does the city have in PTP dollars?

Faye Douglas, Budget Administrator for the City of Opa-locka said that the city has budgeted for \$300,000.00 in the PTP budget for the current fiscal year for sidewalk construction and repairs.

Vice Mayor Johnson asked, did the funds for repairs to the sidewalk previously mentioned by a resident come from that account?

Manager Patterson replied, yes.

Vice Mayor Johnson said she met one of the vendors who indicated that he was doing the work for free; however, the city's check register reflects that \$3,500.00 was paid several times.

Manager Patterson was unaware of any pro bono work being done in the city.

Vice Mayor Johnson said she would provide the City Manager with the vendor's information so that he can look into it.

There being no further discussion, the motion passed by a 4-1 vote.

Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	No
Commissioner Tydus	Yes
Mayor Taylor	Yes

19-6. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE THE TUITION REIMBURSEMENT PROGRAM PRE-AUTHORIZATION REQUEST FOR SHAQUELLIA HOLMES AS APPROVED BY THE CITY MANAGER ON JUNE 2, 2010; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Commissioner Holmes to pass the above resolution.

Vice Mayor Johnson referenced the City of Opa-locka Personnel Handbook which reflects the suspension of tuition reimbursement in 2008. She asked, what is the tuition reimbursement process for city employees?

Guithele Ruiz-Nicholas explained that the process as she understood it is for an employee to submit a request to their supervisor, the course must be related to their job, once the supervisor approves it, it goes to the City Manager for approval.

Vice Mayor Johnson indicated that the correspondence didn't include the written approval or a request for tuition reimbursement.

When coming on board last year, Mrs. Ruiz-Nicholas said she was advised that there was no tuition reimbursement program because it was suspended as part of the budget process. She said she really didn't see this particular request.

Because there were several other employees who approached her in terms of being turned down for the tuition reimbursement, Vice Mayor Johnson said she didn't want to set precedent on something that is already on the books.

Manager Patterson explained that the request was presented to him by the employee without going through anybody and he mistakenly signed it thinking there was a tuition reimbursement program. When the information got to Personnel, they informed him that the program was suspended. However, what he didn't do was respond to the individual employee in writing to say that he must cancel the request due to the suspension of the tuition reimbursement program.

Vice Mayor Johnson noted that the suspension stated "*until further notice*".

Commissioner Holmes stated that it is not fair to the employee if this was approved by the City Manager, although the City Manager stood up for his mistakes, the City Commission should stand by the document and allow the employee to finish the program.

Since the suspension of the tuition reimbursement program, Commissioner Tydus asked, are there other employees who have completed any higher education?

Manager Patterson responded that there are four or five employees who completed higher education and those employees had to pay for their own tuition.

Because of the exact same last names, Commissioner Holmes stated for the record that the employee is in no way related to him.

After hearing that there are other employees who have attended institutions of higher learning since the suspension and paid for themselves, Commissioner Tydus said it is not fair to approve this tuition reimbursement.

Commissioner Miller agreed with Commissioner Tydus in that it would not be fair to reimburse one and not the others, therefore, she would not support the resolution.

There being no further discussion, the motion failed by a 4-1 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	No
Commissioner Tydus	No
Commissioner Miller	No
Mayor Taylor	No

19-7. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO DETERMINE THE COST AND FEASIBILITY OF IN-HOUSE TRASH COLLECTION SERVICES; 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 Commissioner Miller, seconded by Vice Mayor Johnson to pass the above resolution.

Previously city staff indicated that the workload of bringing the trash collection service in-house would be overbearing, Vice Mayor Johnson said she hasn't received that information to substantiate this before it was placed on the agenda. In addition, she requested a work log two weeks ago which she has not received.

Manager Patterson recalled the discussion in terms of the crews not doing the in-house trash collection full time; they also did street cleaning as well as the bulk trash removal and Vice Mayor Johnson requested that a feasibility study is done to determine whether it would be cheaper to do it in-house as oppose to outsourcing.

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

19-8. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO DIRECT THE CITY MANAGER TO LAY OFF ALL NEW EMPLOYEES HIRED BY THE CITY SINCE DECEMBER 1, 2010; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by T.H.

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Commissioner Holmes to pass the above agenda.

Of concern to Commissioner Tydus were the new hires being referred to in the resolution. Although she had documentation with the names, it did not specify what the positions are and some she considers to be essential positions and some of them might not be. This resolution as it stands would be blanket including everyone listed on the document not knowing what the positions are, what's essential and what's not essential. As written, she said she could not support the resolution.

Vice Mayor Johnson said she would feel uncomfortable voting on this resolution because of the potential interference in the day to day hiring and operations of the city. After going through documentation she requested on the new hires, she said she has concerns with the salaries, but she will not get into the thought pattern of the City Manager at this time as to why they were hired. However, she is concerned about the amount of money being spent and the benefits.

Attorney Geller stated that Commissioner Holmes issued a memorandum to the City Manager on June 6, 2011 clarifying the intent of the resolution and he responded back to Commissioner Holmes and the City Clerk. In the memorandum, Commissioner Holmes indicated that he wanted it to be understood that this was intended to have the City Manager consider procedures for lay offs, but it was related in the nature of an inquiry and that he was not directing or asking the City Manager to remove or appoint anyone from office. In that light it would be alright, but it would necessitate rewording of the

resolution to bring it into line with what Commissioner Holmes indicates with his memo was his intent. The resolution would need to be reworded substantially to do that.

Commissioner Holmes said he didn't have a problem with getting the budget straightened out. Based on the recommendation from staff to lay off 20 employees, he directed the City Attorney to prepare a resolution to lay off the last employees hired. Since December 2010, the city has hired five individuals who are making more than \$500,000.00 in total.

Vice Mayor Johnson said she now has a copy of the memorandum the City Attorney was referring to from Commissioner Holmes.

Mayor Taylor interjected and asked if there was only one copy of the correspondence because she didn't appreciate that the entire Commission didn't have a copy.

Vice Mayor Johnson clarified that she didn't have the information prior to and what the City Attorney indicated could be incorporated in a motion.

Attorney Geller said he would need to rewrite the resolution substantially and include what Commissioner Holmes stated in his memorandum of June 6, 2011 because it comes out a little differently.

Vice Mayor Johnson suggested that the City Attorney make the sponsor aware of the alternatives so the Commission won't have to spend a lot of time. She agreed with Commissioner Tydus in that some positions were needed and some were not, however, she has great concern about the salaries. She recommended that the City Attorney reword the resolution and that it be deferred to the next commission meeting.

The motion and seconded on the resolution were withdrawn.

Commissioner Holmes deferred the above resolution to the next regular commission meeting.

Mayor Taylor noted her concerns about the resolution because it involves 16 employees. She directed, whoever is passing out information, to make sure there are five copies because they can't intelligently discuss anything if only one person has the information.

She further stated that the budget is balanced and if the Commission has problems with the salaries then they could take this up the next time. She reiterated that the budget was balanced without having to lay off anyone. The Commission should have a copy of the budget reconciliation.

Although she had a copy of the budget reconciliation, Vice Mayor Johnson said that it is only recommendations from staff because staff has not meet with the Commission individually. Until staff individually meets with the Commission, it is not a closed deal.

Mayor Taylor recalled asking the City Manager and the Budget Administrator to meet with the members of the Commission. She asked Ms. Douglas had she met with them and her response was “no” because the only person who responded to her was Commissioner Holmes.

Vice Mayor Johnson requested that Sha’mecca Lawson come forward and asked when was she notified?

Sha’mecca Lawson, Executive Secretary to the Mayor/Commission stated that an email was sent to the Commission on June 6, 2011 and she also mentioned it to Vice Mayor on June 7, 2011.

Of concern to Commissioner Holmes was that the budget was balanced when staff hadn’t met with the Commission. He said he could not support the budget amendments without staff providing an explanation.

Mayor Taylor directed the City Manager to make sure the budget administrator meet with the Commission members individually to provide an explanation on the staff recommendations made to balance the budget.

Vice Mayor Johnson directed the City Manager to make sure staff is present at the upcoming Town Hall Meeting to answer any concerns and/or questions with regards to the budget amendments. She asked for clarification as it relates to the revised reconciliation - FY 2010 – 2011 budget amendments.

Ms. Douglas read into the record the memorandum provided to the Commission with the FY 2010 – 2011 budget amendments revised reconciliation.

Of concern to Vice Mayor Johnson was the recommendation in the revised sheet for a salary reduction of 4% to all employees earning over \$30,000.00. She said she could not support the recommendation based on what she has heard. In addition, she spoke in terms of the unfairness of employees who have longevity versus high salaried employees with benefits.

She further recommended that staff go back to the drawing because she was not in support of taking from those employees making the least amount of money to pay the greater.

Commissioner Miller expressed her concerns with the low salary of those employees who have been working for the city for many years versus the new employees high paying salaries. She agreed with Vice Mayor Johnson in that the city needs to go back to the drawing board and come back better.

Mayor Taylor stated that the budget administrator would meet with the Commission members individually, but she would have to get their recommendations and input to go back and redo the numbers. The revised recommendation was that no one making under

\$30,000.00 would be affected. She encouraged the Commission to meet with the budget administrator.

19-9. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ACCEPT THE RESIGNATION OF CITY MANAGER CLARANCE PATTERSON, EFFECTIVE _____; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by D.J.

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

Commissioner Miller asked for an explanation on the resolution since the City Manager has already submitted his resignation.

Vice Mayor Johnson explained that whenever an employee submits a resignation, the resignation must be accepted. The employee may provide a pending date, but the effective date may also be included.

Of concern to Vice Mayor Johnson was that she had documentation for payment of services to pump stations payable to Moving Waters for \$77,000.00 bearing three signatures that did not include the City Manager's. The documentation dates back to 2007 through present.

She continued by saying that the resolution would allow enough time for the transition. There is a vacancy which will not go into effect until September 3, 2011 and there's nobody she has in mind. She didn't care if it is the Assistant City Manager or Assistant to the City Manager but it won't happen with her vote.

She further stated that she has a concern with the cronyism and slickness of staff and how they have disrespected the City Manager in his position.

Mayor Taylor asked, what is the recommendation for the effective date?

Vice Mayor Johnson suggested the date of June 24, 2011 as the effective date.

Commissioner Holmes and Commissioner Miller requested that Vice Mayor Johnson provide them with the names of the individuals who signed off on the check requests.

Vice Mayor Johnson said she would provide the Commission with a copy of documentation.

Both Commissioner Holmes and Commissioner Miller suggested that the Commission deal with the recommendation of Vice Mayor Johnson to include the effective date of June 24, 2011.

Commissioner Miller stated that those individuals on the documentation Vice Mayor Johnson referred to had been doing the exact same thing for many years, even prior to the current City Manager's appointment. The City Manager must do whatever necessary to deal with this matter and if he refuses to handle it, then he is responsible. However, the City Commission cannot interfere with the day to day operations of the city.

Commissioner Tydus stated that Mr. Patterson submitted his letter of resignation at the last commission meeting with the effective date of September 2, 2011. The discussion that took place pointed out that September 2, 2011 was chosen by the City Manager so that he would be here for the budget process. This was not a timely transition period in that the city is in the midst of the budget process which is a very critical time. She said she was in favor of the effective date being as presented (September 2, 2011) which will allow the proper time in the selection process that has begun. This is just not a timely decision with June 24, 2011 as far as she is concerned.

Commissioner Holmes said if he has proof that there is staff in the City Manager's Office stealing the taxpayer's money, he will seek to have the issue dealt with appropriately.

Mayor Taylor asked if the sponsor of the resolution feels the comments made in the beginning is not the City Manager's fault, then why is she shortening the time?

Vice Mayor Johnson responded that the day to day operations lies on the City Manager and if it happens and it is condoned because this is not the first time, she is afraid to wait until September.

Because the matter has been brought to light, Mayor Taylor said that it was already agreed that the City Manager was not aware. The City Manager has given his written resignation and nobody objected to it until this resolution came and everyone had it more than a week ago. She asked, what is the time for City Managers?

Manager Patterson stated that it is traditionally in the profession of City Managers to give ample time for recruitment of a replacement permanently or interim. The ample time is 90 days and that is what he has given.

Commissioner Holmes said that the Vice Mayor has made the Commission aware of some things that have taken place without the City Manager's knowledge. The City Commission cannot sit there like they didn't hear that information and no one does anything about it. As soon as he receives a copy of the information, he may ask that a special meeting is called.

Mayor Taylor stated that if this was done behind the City Manager's back then the Commission is shortening his time based on something that even Commissioner Miller said that has always been done. She asked, was the date of June 24, 2011 given to allow the City Manger to fix the problem?

Vice Mayor Johnson advised that she gave June 24, 2011 because the resolution requires for the date to be filled in. Whenever an employee gives a resignation, the city has to either accept or deny it and the Commission didn't do either. The Commission received the resignation letter and no one said anything. She spoke about incidences that involved the City Manager's staff and because the Commission cannot deal with staff, the City Manager is ultimately responsible. The City Manager will not get rid of none of his employees because some of these employees have connections to Godmother's and Godfather's.

After reviewing the information provided by Vice Mayor Johnson, Commissioner Miller suggested since the City Manager is now aware of what is occurring that he deal with his employees and do what he has to do.

Vice Mayor Johnson stated that the City Manager previously indicated that he would take care of business once he reviewed her findings.

Manager Patterson responded that if what Vice Mayor Johnson has is proven then yes, he would take care of business.

Vice Mayor Johnson requested that the resolution is deferred until the next meeting. She directed the City Manager to review the correspondence.

The seconded and motion were withdrawn. The resolution was deferred to the next regular commission meeting.

19-10. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AMEND RESOLUTION 11-8230, WHEREBY EMPLOYEES AFFECTED BY THE SUSPENSION OF CAR ALLOWANCE WILL NOT HAVE TO PAY BACK MONIES RECEIVED FROM FEBRUARY 1, 2011 TO MAY 25, 2011; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H.*

The above resolution was read by title by Attorney Geller.

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

Commissioner Holmes recalled that the Commission voted to suspend the car allowance, however, his issue is having the employees pay back the monies they received from February 1, 2011 to May 25, 2011 which will create a hardship on those employees.

Of concern to Commissioner Miller was the fact that the City Manager continued to pay employees car allowances when a resolution was passed in 2010 to suspend it.

Manager Patterson stated that he didn't know of a resolution adopted in 2010.

Vice Mayor Johnson said she sponsored a resolution to discontinue car allowances for the 2010 budget and she inserted what the city's policy indicates. The city cannot have a policy and avoid the policy. The policy had nothing to do with car allowances; it only reflected mileage reimbursement. The only three eligible for car allowances then were the City Manager, City Attorney and City Clerk. The city has spent \$94,404.28 on car allowances for other employees, but the city doesn't have that type of money to give. She referred to page 2 of the City of Opa-locka Personnel Handbook Bylaws which reflects the eligibility.

Unless the resolution or ordinance indicates that the suspension would be ongoing, Mayor Taylor said it will stop within that budget as of September 30. In addition to that, she heard comments relating to a freeze on hiring which the Commission did do for the 2009 – 2010 budget year. However, as of October 1 that's a whole new budget year.

Vice Mayor Johnson said she made the same assumption Mayor Taylor made, however, she directed the City Manager several times during various commission meetings to suspend the car allowances and she could only assume he would adhere to it.

Mayor Taylor recalled receiving information from the City Manager listing the employees who were receiving car allowances and indicated that the car allowances were discontinued. She agreed with Commissioner Holmes in terms of the employees having to pay the money back, but this resolution must rescind the previous resolution indicating the employees would have to pay the money back.

Attorney Geller reminded the Commission that the resolution to suspend car allowances was brought up by motion at the meeting and the Commission voted to add it. In the motion as they drafted the resolution, it said from the date of the resolution which was May 25, 2011 going forward, no car allowances would be paid. In addition, the resolution says all car allowances paid from February 1, 2011 through May 25, 2011 were to be reimbursed by the employees to the General Fund. He noted that the following resolution on the agenda also addresses the same issue from Vice Mayor Johnson. Both Commissioner Holmes and Vice Mayor Johnson seek to amend what the Commission adopted on May 25.

He advised the Commission that it is proper to amend the previous resolution.

Mayor Taylor disagreed with Attorney Geller in that the resolution should be amended.

Attorney Geller explained that rescind means rescind in its entirety and since this is not seeking to rescind the previous one in its entirety, it wants to leave the focus of it which was no more car allowances. Both agenda items 10 and 11 which seek to amend are proper.

Although Mayor Taylor understood what the City Attorney was saying, she stated that she would have liked to see a clean resolution. However, she would go along with

amending the resolution, but she doesn't agree with amending because she would have liked to see the resolution rescinded and a new clean resolution being brought in.

Vice Mayor Johnson expressed her concerns relating to the unfairness of employees receiving something they didn't deserve.

Although it may not be economically feasible for the city, Commissioner Tydus suggested that the Commission go along with the resolution because it is not fair to penalize the employees for something they had absolutely nothing to do with. It was the city's responsibility not to provide those employees with that particular allowance.

There being no further discussion, the motion passed by a 4-1 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	No
Commissioner Tydus	Yes
Commissioner Miller	Yes
Mayor Taylor	Yes

19-11. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AMEND RESOLUTION 11-8230, WHEREBY AN EMPLOYEE WHO RESIGNS OR IS TERMINATED WILL HAVE TO PAY BACK ANY CAR ALLOWANCE, WHICH IS TO BE REIMBURSED TO THE GENERAL FUND BEFORE RECEIVING FINAL PAYCHECK; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolution was read by title by Attorney Geller.

The above resolution was withdrawn by the sponsor.

19-12. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO RESTORE THE SALARY OF LINDA BRACY TO HER ORIGINAL BASE SALARY, RETROACTIVE TO THE EFFECTIVE DATE OF THE REDUCTION, APRIL 30, 2010; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Commissioner Tydus to pass the above resolution.

Attorney Geller explained that at the May 25, 2011 commission meeting, the Commission voted to not appeal the final order entered by the judge. As a result of that vote by the Commission, the order is a final order and the city is bound by it legally.

Commissioner Holmes reminded the Commission that there is a court order to reinstate Ms. Bracy's salary to her original base salary retroactive to the date of reduction. He encouraged the Commission to do what's right and approve the resolution.

Commissioner Miller's concern was that Ms. Bracy was working under a grant and when the grant ran out she was transferred to another department as a city employee. It was her opinion that Ms. Bracy should be glad she has a job because her employment should have ended when the grant ran out. Taking into consideration the city's financial situation, she said she was not in favor of this resolution.

Commissioner Holmes reiterated that there is a court order the Commission must adhere to. In addition to that, they must also balance the budget.

Because this resolution is not associated with a dollar amount, Vice Mayor Johnson inquired about the account name and number and the total dollar amount.

Attorney Geller advised that the retroactive money owed is approximately \$13,000.00.

Vice Mayor Johnson recalled discussing the \$13,000.00, therefore, she would agree to that amount. However, because she didn't see the amount in the resolution, she would like to know what line item those funds would come out of. She hoped that the city's policy will be revised because there are currently city employees who were under grants.

Attorney Geller said that the number is approximately \$13,000.00 and there is a claim pending by Mr. Greason for attorney fees which were contested. The judge did not find an amount; this was not a judgment because it was not a suit for damages. The judge decided on declaratory relief and declared that he believed the only relevant provision of the charter was the one that said "final order of the Civil Service Board", therefore, it is a final order. The findings of the Civil Service Board are to pay approximately \$13,000.00 in back pay and to restore Ms. Bracy to the previous level of pay.

Vice Mayor Johnson expressed her concern in terms of the personnel action not being handled properly to put the employee on a letter of agreement so that when the grant ended then everything should have ended. Although the ball was dropped somewhere along the line, the city is liable for that court order.

Of concern to Commissioner Tydus was the precedent being set because there are several other employees contracted or employed under that same grant. The grant ended and the city was merciful and gracious to find and create positions for them as City of Opa-locka employees. She said she didn't have a problem with the retroactive of \$13,000.00, but if the employee is not performing or hired at the same level with the same responsibilities, the job description and the responsibility of the position this particular employee holds at this particular time does not equate the position under the grant. It is two different positions and two different avenues of funding for the two salaries, in addition to setting a precedent for these other three employees who were also under the same grant and are

now city employees. She asked, what would happen if the Commission doesn't pass this resolution?

Attorney Geller explained that the city has a final judgment of the court; therefore, whether this resolution is adopted or not, the city is ordered by the court to do certain things. The order was not final until the time expired in which to file an appeal; that time has expired. It is a final order and city is bound by it.

Vice Mayor Johnson clarified that the resolution does not set a precedent. Secondly, the judgment is only for that stated individual and whoever else would have to go through the same process. She suggested that the City Attorney put that on record.

For the record, Attorney Geller agreed with the statements Vice Mayor Johnson just made. There was one individual who went to court and there's a judgment as to one individual. No one in a similar situation as a grant employee to the best of his knowledge has brought any kind of matter to the Civil Service Board challenging a similar situation nor has the Civil Service Board entered any order. As far as any precedent, there is arguably some precedent in the judge's interpretation of the city's charter and that is not the same as saying a similarly situated employee has the same fact situation. In fact, he doesn't know if any other grant employees then hired by the city had any salary reduction at all, whether it was substantial or whether they challenged it nor whether the time to do so may have already expired. He said he didn't want to say there is no precedent because it is the order of one circuit judge, but whatever precedent there is goes more towards the charter interpretation. As far as other grant employees, they would have to bring their own case, argue their own facts and some of the facts the Commission has stated were in fact argued by him at the Civil Service Board which is why he thought the Civil Service Board order was improperly entered all along.

Commissioner Tydus said that the Civil Service Board is another issue the Commission has to deal with in the days ahead because they wouldn't even be at the bargaining table if it were not for the Civil Service Board. Not being in support of the resolution, she said her vote is one of conscious based on the Civil Service Board, based on the judge's final judgment and based on the case itself which will not make a difference in the final outcome. For the record, she stated that her vote is not personal in anyway. She is not in agreement with the judge's judgment or the Civil Service Board and she is not in favor of the employee based on the reasons surrounding this whole matter.

Being in favor of the resolution or not, Commissioner Holmes said this is a court order and the city is bound by it.

Although the Commission doesn't like how this matter went down, Mayor Taylor agreed with Commissioner Tydus in that there is a weakness in the city's operation that caused the city to come to this point and that everybody is just waiting to see the outcome. The city will be at that point again, whether its grant because they are 3 other individuals who feel the city owes them money. Her only concern was that this particular item does not get paid until after the Commission adopts the budget because whatever this represents

affects the bottom line because it is coming out of payroll. She directed the City Attorney to speak to the attorney on that issue.

Attorney Geller agreed to speak the attorney.

There being no discussion, the motion passed by a 4-1 vote.

Commissioner Tydus	No
Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

As it relates to the above issue, Mayor Taylor asked, whatever it took the city to get to that point, has it been corrected in Human Resources? She asked, has Human Resources informed everyone under a grant, or have the grant employees signed to the effect that they understand they are under a grant and when the grant runs out they don't have a job unless there's an opening in the City of Opa-locka that they apply for and accept the salary in conjunction with the new job?

Manager Patterson replied that the Human Resources hadn't addressed the grant positions but they will as of now. Everyone under grant positions will be notified of the policy.

Commissioner Miller stated that it should have been done two commission meetings ago.

Mayor Taylor stated that when staff hears issues coming down the pipe, they need to jump right on it.

She continued by asking the Commission to work with each other in terms of the add-ons and long agendas.

16. NEW ITEMS:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO FREEZE ALL HIRING EXCEPT FOR THE POLICE DEPARTMENT'S SWORN PERSONNEL THROUGH SEPTEMBER 30, 2011, EXCEPT WITH THE APPROVAL OF THE CITY COMMISSION; 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.

Vice Mayor Johnson informed the Commission that her request for the above resolution was given in advance and should have made the agenda.

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

Commissioner Miller	Yes
Commissioner Holmes	Out of the room
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO PURCHASE ENGINEERING SOFTWARE (AUTOCAD 2012, ICPR, WATERCAD, AND SEWERCAD) IN AN AMOUNT NOT TO EXCEED THIRTY ONE THOUSAND TWO HUNDRED SIXTY ONE DOLLARS (\$31,261.00), PAYABLE FROM ACCOUNT NUMBER 35-535630; 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 Tydus, seconded by Vice Mayor Johnson to pass the above resolution.

Commissioner Tydus asked for explanation on the above resolution.

Manager Patterson explained that the resolution is for new software that will help the city deal with infrastructure as it relates to stormwater infiltration and it is something that is long overdue in the Public Works Department. This software is very much needed for the city to continue rebuilding of the city's pump stations.

Should this resolution pass, Mayor Taylor reminded everyone that all items that cost money will affect the bottom line of the budget unless it is a grant. The city has a balanced budget, but she doesn't know what the Commission will add on. In addition, this item is not an emergency item, therefore, she doesn't know why it was added to the agenda. It is unfair to the Commission to have items added to agenda because they are not afforded the necessary time to review the supporting documentation. She reiterated that only emergency items should be added to the agenda. She asked, is this item an emergency?

Manager Patterson responded that this was not an emergency.

There being no further discussion, the motion failed by a 3-1 vote.

Commissioner Holmes	Yes
Commissioner Tydus	No

Commissioner Miller	No
Vice Mayor Johnson	Out of the room
Mayor Taylor	No

4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO USE MONIES BEING USED FOR RENTAL VEHICLES FOR COMMAND STAFF, VIN UNIT MEMBERS (5 VEHICLES) TO PURCHASE FROM FORD MOTOR COMPANY ELEVEN (11) 2011 FORD EXPLORERS UNDER THE SHERIFF'S AWARD BID (10-18-0907), PAYABLE FROM ACCOUNT NO. 36-521648, FOR RENTAL CAR PAYMENTS.

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Commissioner Miller to pass the above resolution.

Commissioner Holmes explained that this resolution would not cause additional money; instead there would be a savings and the city will have 5 additional vehicles.

Vice Mayor Johnson asked, where is that information stated in the document?

Attorney Geller said he was just now seeing the item for the first time; however, there's a copy of the price bid from the Florida Sheriff's Association and Florida Association of Counties in addition to a memorandum from staff.

Vice Mayor Johnson asked, is the information in the supporting documentation relating to the statement made that the city will own the vehicles?

Commissioner Holmes said that some of the information is in the supporting documentation.

Mayor Taylor stated that this is the reason she doesn't like add-ons because it is unfair for them to have to read the documentation at the last hour and vote on something they think is right.

Commissioner Miller didn't have a problem supporting the resolution, however, she suggested that the resolution is brought back at the next commission meeting to allow the Commission time to review the information provided.

Gerardo de los Rios of the Opa-locka Police Department came forward and explained that the department currently rents five vehicles which cost the city approximately \$4,000.00 per month and they will never own the vehicles. By going through the Ford Leasing Company, the city will save \$88.00 monthly in payments and at the end of the leasing, the city will have option to purchase the vehicles at a low price and it will become property of the city. This will also give an additional 6 vehicles for the fleet.

Mayor Taylor asked, is this cost already worked in the budget?

Manager Patterson stated that the cost is in the budget and this would allow for a savings.

Vice Mayor Johnson asked, where can she find in the documentation that there's not an additional charge?

Manager Patterson stated that the back up documentation should reflect the information, however, he went over this item with the Chief of Police and it is the same amount of money for 6 additional vehicles.

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

5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, REQUIRING THAT ALL LITIGATION NEEDS TO BE APPROVED BY THE CITY COMMISSION PRIOR TO ANY EXPENDITURES; 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 Commissioner Miller, seconded by Vice Mayor Johnson to pass the above resolution.

Vice Mayor Johnson explained that this resolution would require all litigation to be approved by the Commission prior to expenditures.

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

17. PLANNING & ZONING:

A. HEARINGS:

B. APPEALS:

18. ORDINANCES/RESOLUTIONS/PUBLIC HEARING:

A. FIRST READING:

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING ORDINANCE 10-23, THE GENERAL FUND BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011, ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

No action was taking on the above ordinance.

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING ORDINANCE 10-24, THE PROPRIETARY AND SPECIAL REVENUE FUNDS BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2011; ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A", REFLECTING CHANGES (INCREASES) IN REVENUE SOURCES AS FOLLOWS: CAPITAL PROJECTS (FUND 320), ONE MILLION SEVEN HUNDRED NINE THOUSAND FOUR HUNDRED AND THIRTY DOLLARS (\$1,709,430); SPECIAL LAW ENFORCEMENT (FUND 165), TWENTY FIVE THOUSAND DOLLARS (\$25,000); CAPITAL IMPROVEMENT DEBT SERVICE (FUND 230), SIX MILLION NINE HUNDRED THIRTY FIVE THOUSAND DOLLARS (\$6,935,000); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

No action was taken on the above ordinance.

3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 86-8, SECTION 6.10 (B) THE LAND DEVELOPMENT CODE, TO INCLUDE PLACES OF RELIGIOUS ASSEMBLY AS A PERMITTED USE IN THE I-1 INDUSTRIAL ZONING DISTRICTS UPON APPROVAL BY THE CITY FOR A SPECIFIC LOCATION WITHIN SAID DISTRICTS AS A SPECIAL EXCEPTION; SITE PLAN REVIEW TO BE REQUIRED, AND AN ANNUAL LICENSE MUST BE OBTAINED TO CONTINUE OPERATIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING

FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

No action was taken on the above ordinance.

4. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 86-8, SECTION 6.8 (B) AND 6.9 (B) OF THE LAND DEVELOPMENT CODE PROVIDING FOR THE ADDITION OF RETAIL ICE VENDING MACHINES IN THE B-2 AND B-3 ZONING DISTRICTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

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

Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	No
Commissioner Tydus	No
Mayor Taylor	No

5. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 86-8, SECTION 6.11 (B) AND 6.12 (B) OF THE LAND DEVELOPMENT CODE PROVIDING FOR THE ADDITION OF WASTE TRANSFER STATION AS A SPECIAL EXCEPTION USE WITHIN THE I-2 AND I-3 ZONING DISTRICTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

It was moved by Commissioner Tydus; motion died for lack of a seconded.

B. SECOND READING/PUBLIC HEARING:

C. RESOLUTION/PUBLIC HEARING:

19. ADMINISTRATION:

CONSENT AGENDA:

A. CITY MANAGER'S REPORT:

Manager Patterson informed the Commission that he was just told by the Human Resources Director that the concern relating to the grant positions fixed. All grant employees will now sign a form that indicates their services will end when the grant ends.

He informed the Commission that at the request of Vice Mayor Johnson, Mr. Howard Brown is putting together a report on the CSX railroad maintenance and that should be provided to them the following week.

He reported on the city's receipt of 7 new police vehicles; the hiring of 9 new police officers; copy of the Comprehensive Annual Financial Report for Fiscal Year ending September 30, 2010 which would be provided to the Commission; and filming of the TV series Burn Notice in Opa-locka on June 14, 2011.

Commissioner Miller expressed her concerns relating to the Department of Human Resources not answering the office phones and the Human Resources leaving the Human Resources receptionist in charge while she was out of the office.

Manager Patterson stated that the information about the Human Resources receptionist being in charge while the director was out is wrong; Kierra Ward was in charge while the director was out. In addition, he would provide a written response as to why the office phone in that department was not being answered.

Commissioner Miller directed the City Manager to show her documentation indicating that the information she has is wrong.

She suggested that the City Manager make sure the Human Resources provide a courtesy notice to all applicants who applied for a city job as to the status of their application. If the Human Resources Director is not doing her job then the City Manager needs to look into finding someone who is going to work in that capacity to handle the City of Opa-locka.

Manager Patterson said that the city does provide notice to all applicants.

Commissioner Miller disagreed because the Commission received a letter from an individual indicating that she applied for a job and no one has contacted her since her interview. In addition, there was a young lady who recently came to the commission meeting making the same statements.

Although he was aware that the Commission adopted a resolution to prohibit employees from soliciting on behalf of the city, Commissioner Holmes said he is authorizing Starex Smith to solicit money on his behalf for the summer youth employment initiative. Since

this was the former mayor's initiative, initially he suggested that Mr. Smith contact Mayor Taylor for her to take on the initiative, but Mayor Taylor declined.

Mayor Taylor stated that she told Mr. Smith that that initiative was not her initiative so she did not have an explanation for it, and she gave him to one of Mr. Patterson's assistants to work with.

Of concern to Mayor Taylor was that the Commission recently adopted a resolution to prohibit employees from soliciting on the city's behalf. She said that either the Commission is going to hold to that resolution or not? The city just had a grant for this particular program and she doesn't want any employees under her because everyone should come under the City Manager and every program should be a part of a department.

Commissioner Holmes stated that only the Commission is authorized to solicit on behalf of the city; therefore, this cannot be directed to Mr. Chiverton. He continued by appointing Starex Smith to solicit money on his behalf for the summer youth employment initiative. With the City Manager's blessing, he would like for Mr. Smith to solicit money under him for that purpose.

He reported a complaint about the lights being out on Opa-locka Boulevard going west towards NW 27th Avenue.

Manager Patterson advised that the city had been working on those lights for the past three days.

In terms of the road repairs on NW 27th Avenue, Commissioner Holmes directed the City Manager to stay on top of this issue to make sure the road is repaired correctly.

He continued by saying that he requested Mr. Geller prepare a resolution for repairs to pump station 14. He provided a brief history on pump station 14 and the agreement the city has with Atlas Packaging. His concern regarding this issue was that the work on pump station 14 had not been completed as of yet.

Manager Patterson reported that the city met with the representative for Atlas Packaging and he thought an agreement was reached during that time. A resolution would be presented at the next meeting to amend the contract so that Atlas Packaging can start to receive payment for the \$180,000.00 paid so far. The issue is with the infiltration because the amount being pumped is twice as much as was originally estimated. Following the meeting with Atlas, he said he thought they were satisfied.

Commissioner Holmes said that no one had provided him with any answers or information concerning pump station 14 even after he stopped by the City Manager's Office several times requesting information on this same pump station. He asked, how would the \$180,000.00 affect the city's budget because the city has to repay that money?

Commissioner Tydus asked for an explanation concerning the installation of the light over the butterfly monument at the Butterfly Garden.

Vice Mayor Johnson directed the City Clerk to provide the Commission with the legislation for Atlas Packaging.

Although she didn't get into the day to day operations, she said she heard the City Manager mention that there was not an email that directed a certain party to be in charge of a department; however, she too has seen the email. She said she was concerned to see what the City Manager had in writing with regards to this matter.

In reviewing Personnel Action forms, she said she noticed employees receiving 10% increases retroactive while the city is in a financial crisis. The City Manager signed off on all the Personnel Action forms, but she didn't see an evaluation according to the city's Personnel Handbook to support any increase of salary. She directed the City Manager to provide a response as to how that happened. The PA form indicated that it was giving due to an increase in work as a result of reorganization. She requested to be provided with information by June 09, 2011 as to when the Commission approved the reorganization.

She further stated that she spoke to the City Manager and the Director of Parks relating to the Seniors on the Move program in terms of the application for the program requiring personal information which the seniors don't want to provide. If the application is relating to the safety while riding on the bus and they opt out of it, then there should be correspondence to be reviewed by the City Attorney for legal sufficiency. However, the resident should not be forced to provide information or not being picked up to participate in the program. She directed the City Manager provide her with the correspondence relating to this matter by June 09, 2011.

Although the City Manager didn't have the form in front of him, he said that it is a hold harmless agreement.

If certain individuals what to opt out, Vice Mayor Johnson said they should be allowed to submit a notarized documentation to be reviewed and initialed by the City Attorney.

Vice Mayor Johnson asked, what is the plan for the double salaries?

Manager Patterson said he would provide Vice Mayor Johnson with a response on the double salaries the next day.

Mayor Taylor stated that the city is not concentrating on things they should be concentrating on because they are concentrating on the inside. It is a waste of this Commission's time to have to go behind the City Manager and staff because they have not done due diligence which is very troublesome to her as the Mayor. She needs the Commission to work with her on items that will enhance the life of the residents and give an overall look to this city where they can attract other resources and more money, but

As it relates to the ordinance relating to religious assembly on the agenda that was not considered for the lack of a motion, Commissioner Tydus stated that in talking about a five star city, they must pattern themselves in accordance with a true five star city and you will not find churches in industrial zoning areas.

Mayor Taylor stated that this particular ordinance was taken from Miami Gardens because they are allowing assembly of worship in light industrial areas; therefore, the city didn't make this up, it was taken from the City of Miami Gardens and they consider themselves a five star city. This was to make a way for smaller congregations in light industrial areas since the city doesn't have land.

Commissioner Tydus recalled that there was a time when the city did permit churches in light industrial areas; however, she is not in favor of churches being in industrial areas.

Mayor Taylor stated that she is in favor of places of worship in light industrial areas.

Vice Mayor Johnson reported that she'd worked on two job creation initiatives; attended a presentation with a group from China; and she is working with the School Board District on the educational compact which may need to be amended.

She requested a DVD copy of the two tapings of the public announcement aired on Opa-TV.

She thanked staff for coming out to the ground breaking of the 87 house which was part of the beautification project.

She further stated that she had a conflict as it relates to the Town Hall Meeting on June 15, 2011 and it has been rescheduled to June 14, 2011 @ 6:30 p.m.

Vice Mayor Johnson spoke about the Personnel Handbook and the hard work put into coming up with the handbook in 2007. For those who feel like there's nothing worthy in the handbook, she suggested that they add value and make sure it is brought back to the Commission for approval.

Mayor Taylor directed the City Manger to start tightening up on the departments because she cannot move the train or do what they want unless they tighten up on the inside.

She reported that she would be starting the project of sweeping through the city as promised in her State of the City Address; the train would go through every area of the city. This has no date, but it is ongoing. She extended an invitation to the Commission to join her and she would provide ample time on future dates and times.

She requested cooperation from the Commission, the City Manager and the City Attorney in terms of add-on items; only emergency items should be added to the agenda. It is unfair to the Commission to receive a packet of information at the meeting not allowing them time to review.

She further stated that the reason she asked if the City Manager met with the commission on agenda items prior to the meeting is because some of those concerns can be explained prior to the meeting.

24. OFFICIAL BOARD APPOINTMENTS:

25. ADJOURNMENT:

There being no further business to come before the City Commission, the meeting adjourned at 11:43 p.m.



MAYOR

ATTEST:



CITY CLERK