

CITY OF OPA-LOCKA

"The Great City"

CLERK'S ACTION SUMMARY MINUTES REGULAR COMMISSION MEETING

April 13, 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, April 13, 2011 in the City Commission Chambers, 777 Sharazad Boulevard, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Vice Mayor Dorothy Johnson, Commissioner Timothy Holmes and Mayor Myra L. Taylor. Also in attendance were: City Manager Clarence Patterson, City Attorney Joseph S. Geller and City Clerk Deborah S. Irby. Commissioner Rose Tydus arrived at 7:10 p.m. and Commissioner Gail E. Miller was not in attendance due to illness.

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):

Commissioner Holmes pulled agenda items 16-3, 16-7 and 16-9; Vice Mayor Johnson pulled agenda items 16-2 and 16-4 from the Consent Agenda (these items would be 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 discussion, the motion passed by a 3-0 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Not present
Commissioner Miller	Not present
Mayor Taylor	Yes

The City Commission revisited the pull list and Vice Mayor Johnson added 16-1 to the pull list.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to approve the agenda with the additional pulled item.

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

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Holmes	Yes
Commissioner Miller	Not present
Mayor Taylor	Yes

REQUEST TO AMEND THE AGENDA (these items to be included under Agenda Item 13 – New Items):

13-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS TO QUALIFIED CONSTRUCTION FIRMS FOR RUTLAND STREET DRAINAGE AND ROADWAY IMPROVEMENTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was moved by Commissioner Holmes (motion died for lack of a seconded).

13-2: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS FOR QUALIFIED CONSTRUCTION FIRMS FOR THE IMPROVEMENT OF DRAINAGE AND STREET IMPROVEMENTS AT CAIRO LANE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was moved by Commissioner Holmes (motion died for lack of a seconded).

13-3: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS FOR QUALIFIED CONSTRUCTION FIRMS FOR THE IMPROVEMENT OF DRAINAGE AND ROADWAY IMPROVEMENTS AT 143RD STREET, AND TO RESCIND RESOLUTION NO. 11-8194; PROVIDING FOR

INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by C.M.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to amend the agenda to include the above resolution as item 13-3.

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

Commissioner Miller	Not present
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

13-4: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO PROHIBIT ALL CITY EMPLOYEES OF OPA-LOCKA FROM SOLICITING FUNDS FOR ANY AND ALL CITY EVENTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by T.H.

It was moved by Commissioner Holmes, seconded by Commissioner Tydus to amend the agenda to include the above resolution as item 13-4.

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

Commissioner Tydus	Yes
Vice Mayor Johnson	Yes
Commissioner Holmes	Yes
Commissioner Miller	Not present
Mayor Taylor	Yes

15A (FIRST READING ORDINANCES):

15A4: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING ORDINANCE 86-8, THE LAND DEVELOPMENT CODE, TO ENHANCE FENCING STANDARDS IN BOTH RESIDENTIAL AND INDUSTRIAL ZONING DISTRICTS, AND ADDRESS FENCE HEIGHTS, AND ALLOWANCES FOR DIFFERENT MATERIALS TO BE USED IN FENCE CONSTRUCTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by C.M.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to amend the agenda to include the above ordinance as item 15A4.

Manager Patterson deferred ordinance 15A4. The motion and seconded to amend the agenda to include the above item were withdrawn.

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

Guihele Ruiz-Nicholas, Human Resources Director for the City of Opa-locka joined by the City Commission recognized Kathy Phillips as Employee of the Month for February 2011 and King Leonard as Employee of the Month for March 2011.

8. APPROVAL OF MINUTES:

Regular Commission Meeting – 03/23/2011

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to approve the minutes of the Regular Commission Meeting of March 23, 2011.

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

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Not present
Mayor Taylor	Yes

9. DISTRICT ONE - COUNTY COMMISSIONER REPORT:

Larry Gardner, Community Liaison for District 1 County Commissioner Barbara Jordan's Office came forward and announced Commissioner's Jordan Earth Day/Eco Fair on Saturday, April 23, 2011 at Home Depot at NW 57th Avenue and NW 167th Street from 9:00 a.m. – 1:00 p.m.

Vice Mayor Johnson directed the City Manager to make sure the information is posted on the city's website and Opa-TV.

10. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

11. PUBLIC PRESENTATION:

- 1. Lawrence Wright
Lawrence Wright & Partners, Inc.
re: Sherbondy Village Project**

Lawrence Wright of Wright & Partners, Inc. appeared before the City Commission and provided a video snapshot of the Sherbondy Park Project and informed them of where they are in terms of the project. He requested to have a workshop with the Commission to have one on one dialogue on selecting the materials, etc.

Mayor Taylor suggested that Mr. Wright provide the City Clerk's Office with proposed dates for the workshop.

Vice Mayor Johnson said she had been talking to the principal planner for Miami-Dade County and she has a meeting schedule with them. She said she would keep the Commission abreast on this project with regards to some of the concerns she heard. In speaking with Mr. Patterson, she is aware that he has a meeting scheduled with Miami-Dade County as well.

Commissioner Holmes asked Mr. Wright if there were any concerns relating to the project?

Mr. Wright said he wants to provide the Commission with a playbook to go over the details and that would require an extensive amount of time, therefore, he would rather do it in a workshop setting.

11a. CITIZENS' FORUM:

1. Ricky James of 1156 Jann Avenue, Opa-locka, Florida, came forward and expressed his concerns relating to the speeding on Jann Avenue resulting in accidents. He suggested that the city erect stop signs every several blocks or install speed bumps.

He further said that he noticed the city's Parks & Recreation van speeding from Seaman Avenue onto Peri Street.

Vice Mayor Johnson asked Mr. James if he wrote down the date, time, and vehicle number? She further asked if he reported this incident to anyone else?

Mr. James began to provide the vehicle number when Vice Mayor Johnson interjected and suggested that the information is provided to the City Manager. All employees are a part of the team and it is crucial to report incidents whether on or off the job because it puts the city in liability. This is no difference than the incident reported on February 14 @ 6:56 p.m. at Walgreens where she saw a city vehicle. She asked for a written report, but has yet to receive it.

She further stated that although she was appreciative of Mr. James bringing this issue forward, she would like for him to feel comfortable in reporting incidents to the proper city officials. In terms of the speeding and speed bumps on Jann Avenue, she said this was not the first time this matter was brought to their attention and the city should look at the cost and effectiveness for signage. However, she is not sure if stop signs would work because the vehicles run the stop signs all the time at the intersection of NW 137 Street & NW 26 Avenue. The stop signs may or may not help, but the city should place speed humps in that area. In terms of the school bus stops, she said she received many telephone calls and the city should have community policing during the early mornings when it is still dark outside.

Due to the numerous complaints of speeding on Jann Avenue, Commissioner Holmes said he was more inclined to go along with the stop signs as oppose to the speed bumps because of the recent complaints relating to the speed bumps on Service Road. The residents on Service Road didn't realize the city was going to install that many speed bumps on that street.

He suggested that the Opa-locka Police Department have a police unit with radar gun on Jann Avenue and Sultan Avenue to address the speeding.

2. Arthaniel Mohammed of 1815 Ali-baba Avenue, Opa-locka, Florida, appeared before the City Commission and expressed his concern relating to a driver of one of the Opa-locka Express buses who is speeding in the Magnolia North area.

Commissioner Holmes suggested that Mr. Mohammed write down the bus number and provide it to the city to address the issue.

Vice Mayor Johnson directed the City Manager to include the toll free number on both Opa-locka Express buses in which individuals could report driving concerns. The city was supposed to have the toll free number on all city vehicles at one time and she would like to bring it back. She requested that the City Manager bring back a progress report by the last meeting in April.

Mr. Mohammed asked if it was possible to extend the bus service to include the weekends as well.

Mayor Taylor said the city would take that into consideration.

3. Sebastian Smith of 900 NW 19th Avenue, Pompano Beach, Florida, came forward and stated that he is the driver of the bus in the Magnolia North area. The problem is that the route was changed and the original signs posted are still there. He suggested the signs be removed.

He further spoke about the form provided to all passengers boarding the Opa-locka Express.

Commissioner Holmes asked Mr. Smith for his bus number?

Mr. Smith replied, 831.

Commissioner Holmes said he received complaints from citizens relating to a bus driver that was nodding while driving the bus. He asked if Mr. Smith was that driver the citizens were speaking about?

Mr. Smith said he wasn't that driver, but that issue was addressed.

Vice Mayor Johnson asked Mr. Smith if he was familiar with the wave and ride concept.

Mr. Smith replied, yes, that's what is in the form provided to passengers.

Vice Mayor Johnson said she would take her concerns up with the owner because she observed the buses traveling at a high speed on numerous occasions. All drivers must be respectful to the speed limits posted.

4. Willie Smalls of 2050 Wilmington Street, Opa-locka, Florida, came forward accompanied by his wife Rapheala. Mr. Smalls' concern was that he was an employee of the city for six years, and in October 2008 he was arrested by the City of Opa-locka for unlawful compensation. After following the process through the Civil Service Board, he was told he would get his job back, but he hasn't. He expressed to the Commission that he really needed his job back because he's been unable to secure employment elsewhere due to the charges brought against him through the City of Opa-locka although all charges were dropped. He pleaded to the Commission for his job back.

Attorney Geller reported that the administration and his office has concurred that there was proper termination of Mr. Smalls, but they have agreed with, in conversations with the Civil Service Board, that they will be guided by the outcome of the case that is in litigation (Bracy case). If the ultimate decision of the case that's in litigation is that the final order of the Civil Service Board is a final order not subject to modification by the City Manager. The ruling in that case will govern several other cases heard by the Civil Service Board.

Mr. Smalls said that he was told that the judge already ruled on the case and that it was appealed by the City Attorney. He said he was not concerned about the money issue, but he just needed to get back to work.

Attorney Geller said that the city did not appeal, they just asked the judge to clarify his order. Before any appeal would be filed with the higher court, he would come back to the Commission with an executive session and that would be the Commission's decision to guide him.

Rapheala Smalls of 3101 NW 135 Street, Opa-locka, Florida said she was told there was a final order. She asked for clarification on what the attorney is trying to accomplish.

Mayor Taylor explained that the City Attorney has the right to ask the judge to revisit a case and/or decision. She apologized to Mr. Smalls and suggested that he wait until the end of the month.

Mrs. Smalls asked, what would waiting until the end of the month guarantee?

Mayor Taylor said she didn't know the guarantee, but the city has to wait until the judge gives his final decision, then Mr. Smalls will be contacted as to what the judge said.

Vice Mayor Johnson recalled this issue coming up in 2008 and here's 2011. The city attorney needs to fast forward some of these issues. Although the city cannot guarantee any employment, but whatever the City Attorney has to do, in needs to move faster.

Commissioner Holmes said he didn't know the reason as to why the city needed clarification from the judge on the order given.

5. John Riley of 2963 NW 135th Street, Opa-locka, Florida, appeared before the City Commission and stated that there was a motion for rehearing and it is scheduled for April 27, 2011. There is nothing new going before the courts, it is the same thing being heard by the court and he doesn't see why the court would grant a rehearing on the same thing. But the Commission has the authority to end all of this by passing the resolution on the agenda. It is incumbent upon this Commission to pass it and get it done and over with because people are suffering.

He continued by saying that whether the Commission agree with him or not, the person was charged with violating a law that is not a law. Plus, this individual was found not guilty so there's no justice in that.

6. Olive Jones of 1820 Ali-baba Avenue, Opa-locka, Florida, came forward and said that a letter was sent from Code Enforcement requesting that she paint her building and the bars needed to be removed. She said she received the paint on the building from Opa-locka three years ago and it was guaranteed for seven years so somebody owes her for four years of paint. With regards to the bars, she said there are plenty of properties with bars and she is wondering if they are just targeting her property.

Mayor Taylor directed the City Manager to have the proper staff person speak to Mother Jones.

7. Talissa Hamilton of 13120 Alexandria Drive, Opa-locka, Florida appeared before the City Commission to speak about several incidents that had occurred at the Garden Apartments which she would not like to comment in public.

Vice Mayor Johnson agreed to speak to Ms. Hamilton off the record.

8. Juan Carlos Bishard of 3875 NW 135th Street, Opa-locka, Florida, appeared before the City Commission as a property owner whose tenant has been trying to obtain an occupational license from the city for several months now. Due to the economy, several bays have remained empty for almost a year, but he's had particular issues with brokers coming to him and the city has denied their license. He said it was his understanding that there were a number of brokers operating from that stretch of 135 between NW 37 & NW 42 Avenues. It would be in the best benefit to him as well as the city to allow this particular business to operate in the city.

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

16-1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO DIRECT THE CITY MANAGER TO FOLLOW AND IMPLEMENT ANY AND ALL "FINAL ORDERS" OF THE CIVIL SERVICE BOARD; 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.

Vice Mayor Johnson said she has asked the City Attorney to go back and review the charter because the city must do what the charter says. In reviewing the Civil Service Board minutes, some of the staff members feel as though the city doesn't need to be in compliance. Although she was not sure if the City Attorney was in attendance at that particular Civil Service Board meeting, but in hearing such comments the attorney must correct staff.

Attorney Geller explained that there are two sections of the Charter; one says "its findings shall be conclusive" but they asked the judge to be clear about the other section of the charter which says "the Civil Service Board shall report its findings and recommendations to the City Manager". Both of these sections are in the Charter and both of them are entitled to equal dignity and that's why the matter is in the courts.

Vice Mayor Johnson suggested that the resolution include "for approval of the Commission".

Attorney Geller said that once the judge finalizes his ruling, an executive session will be held to discuss with the Commission what the final order is and what the options are.

Vice Mayor Johnson said she would strongly support this resolution, however, she thinks the Commission should come back and revisit it.

Attorney Geller explained that if the judge says that's what the Charter says then this resolution is not needed.

Commissioner Holmes said that the judge made his ruling and Mr. Riley presented that ruling to the Commission. He said that no one asked Mr. Geller to go to the judge to ask for a rehearing on this matter because the judge already issued his ruling in his final order. He suggested that the Commission do what is right to avoid from having to go to court all the time by moving this particular item forward.

Commissioner Tydus said she was somewhat confused and she would personally feel better making her decision upon hearing what the final ruling of the judge is. There is a lot waging, not just this particular area of final orders, but also those cases that are pending.

John Riley came forward and stated that the judge heard the argument about the two sections of the Charter and the judge said he found no disharmony or conflict in it. The order of the court was that the findings of the board are conclusive and that the City Manager does not have the authority to modify or do anything in accordance with that order, nobody does either except for the court. All of that argument has been in court at that hearing and if they want to hear the same thing on April 27 then it would be the same outcome on the 27th, it's just a matter of being delayed and more money being spent.

Commissioner Holmes asked, how does the attorney for the Civil Service Board feel about this matter?

Mr. Riley said that the attorney for the board feels that the findings of the board are conclusive.

Attorney Geller stated that the attorney is from his office and he believes that is not the opinion Mr. Kramer has rendered.

Commissioner Holmes said that if the Commission doesn't pass this resolution and the judge's ruling is the same on April 27, he is going to bring forth a resolution to send the City Attorney out of the door.

Vice Mayor Johnson asked the City Attorney to provide the section of the Charter that talks about the recommendations?

Attorney Geller advised that Section 183 of the Charter uses the word recommendations and recommendations is not the same as conclusion. If a recommendation is being made to the City Manager that means something different and that is why he doesn't agree with the judge's ruling. The court procedure is that within 10 days of the judge answering his order, the attorney is allowed to ask him to reconsider it. The city asked for reconsideration on the 10th day, should it have not been done, then they would have lost the right to bring this issue back.

Vice Mayor Johnson suggested the sponsor defer the resolution until the next meeting.

Commissioner Holmes agreed to continue the resolution to the next meeting; however, if the judge's ruling is the same then the Commission should be prepared to have another resolution to go with that one.

The seconded and motion were withdrawn on the above resolution. The resolution was deferred to the Regular Commission Meeting of April 27, 2011.

16-2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO CONDUCT A SEARCH PROCESS FOR AN IN-HOUSE CITY ATTORNEY; PROVIDING FOR

INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by T.H.

The above resolution was read by title by Attorney Geller.

Commissioner Holmes deferred the above resolution to the Regular Commission Meeting of April 27, 2011.

16-3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, URGING THE FLORIDA STATE LEGISLATURE TO PROHIBIT PERSONS FROM USING ANY ELECTRONIC COMMUNICATIONS DEVICE WHILE OPERATING A MOTOR VEHICLE; 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 explained that he pulled this resolution off of the consent agenda because this was not what he asked the City Attorney to draft originally. His request was for an ordinance to prohibit the use of cell phones and texting in the city while operating a motor vehicle due to the increased in accidents to include a fine for violators.

Vice Mayor Johnson said that there is an existing resolution addressing the cell phones and texting while driving that was passed in 2009. The city is not enforcing it like a couple of other items not being enforced.

Clerk Irby added that Commissioner Holmes just wanted to amend the current legislation to include a fine.

Vice Mayor Johnson suggested amending the resolution and asked the City Attorney to come up with the correct wording.

In addition, Mayor Taylor asked the City Attorney if he could fix the resolution to delete the Florida State Legislature and include any additional language necessary.

Attorney Geller explained that several cities have asked the legislature to take this action. Under Chapter 316, these are considered moving violations and cities are not permitted to pass legislation relating to moving violations which was the same problem with the Red Light Cameras until something was passed and that's why those Red Light Cameras don't carry points. These kinds of violations are where the State has said it will have exclusive jurisdiction.

Mayor Taylor said that the county passed legislation relating to using cell phones and texting.

Attorney Geller advised that the county has different authority.

Mayor Taylor asked, the city can't pass legislation as a municipality?

Attorney Geller replied, no.

In terms of the Red Light Cameras, Commissioner Holmes said that the court ruling was based on the fact that the violation is caught by a camera and not actual police officers who sees the person running the light. However, in this situation, the police officers will be the ones to stop the vehicles whose drivers are texting while driving.

Mayor Taylor asked, what did the previous resolution passed state?

Clerk Irby said that it was a resolution prohibiting any use of cell phone and texting while operating a motor vehicle.

Vice Mayor Johnson added that the resolution was specific to city employees.

Attorney Geller said that the city can govern the conduct of its employees. He said that the city can pass this but it would have to be done by ordinance. However, if every city had the right to pass traffic ordinances that were different, then people driving down the road would be subject to different enforcement of traffic ordinances every time they passed a municipal boundaries which is typically not clear to people. Traffic ordinances are regulated by the state, however, there are things the county can do because you kind of know when you're in a county or not. The city can pass this as proposed, but he advised the Commission that it would not stand up if the city tried to fine someone, that individual could take the city to court. This is the reason why he followed the lead as to what several other municipalities in Miami-Dade County have done to pass legislation asking the legislature to outlaw this preference.

Vice Mayor Johnson suggested that it come back as an ordinance and as a member of the Florida League of Cities she would present it to them for adoption to take it on to the state.

Attorney Geller advised that the resolution as drafted calls for the city to notify all other municipal governments in Miami-Dade County as well as the State Legislature so that the League of Cities could try to push this. Although the county can do certain things, the State does not allow individual municipalities to pass traffic laws.

Commissioner Holmes directed the City Attorney to bring this back as an ordinance, but without the added language included by the City Attorney.

Mayor Taylor suggested that the City Attorney clean up the ordinance and bring it back.

The seconded and motion were withdrawn.

16-4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RECOGNIZE MAY 5, 2011 AS NATIONAL DAY OF PRAYER WITHIN THE CITY OF OPA-LOCKA, AND THIS YEAR'S THEME SHALL BE "A MIGHTY FORTRESS IS OUR GOD"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by R.T.*

The above resolution was read by title by Attorney Geller.

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

Vice Mayor Johnson asked, does this event require any money from the city?

Commissioner Tydus replied, no.

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

Commissioner Miller	Not present
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

16-7. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY ATTORNEY TO INITIATE FORECLOSURE PROCEEDINGS ON ANY AND ALL PROPERTIES AS RECOMMENDED BY THE CITY MANAGER AND COMMUNITY DEVELOPMENT DEPARTMENT; 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 Vice Mayor Johnson, seconded by Commissioner Holmes to pass the above resolution.

Commissioner Holmes asked for clarification in terms of the foreclosure properties.

Attorney Geller explained that some of the properties are at the request of the Opa-locka CDC.

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

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Not present
Mayor Taylor	Yes

16-9. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BURTON & ASSOCIATES TO UPDATE THE SOLID WASTE RATE STUDY IN THE AMOUNT OF ELEVEN THOUSAND SEVEN HUNDRED TEN DOLLARS (\$11,710.00), PAYABLE FROM ACCOUNT NUMBER 34-534340; 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 Holmes, seconded by Vice Mayor Johnson to pass the above resolution.

Vice Mayor Johnson asked, is it required that the city do a solid waste rate study? She asked for clarification on the above resolution.

Manager Patterson explained that the rate study is for solid waste. As the Commission may know, the city now has some waste units that are commercial units and there is a conflict in the ordinance as it relates to what the city calls commercial as oppose to what others consider commercial. The city doesn't really have a fixed rate that he feels comfortable with. There are private companies picking up from some four units and other four units are being picked up by Choice.

Vice Mayor Johnson said she would not support the resolution because the city spent \$15,000.00 in 2008 for the same purpose. She suggested that staff conduct some research on the last study performed because the city does not have the money to continue doing the same thing every year.

Vice Mayor Johnson withdrew her seconded and Commissioner Holmes withdrew his motion on the above resolution.

Vice Mayor Johnson directed city staff to conduct some research of the past studies conducted.

Commissioner Tydus asked, what does the update entail?

Manager Patterson explained that Choice is the contractor for residential solid waste and Waste Management is the contractor for commercial solid waste. The charter refers to commercial as anything that was 4 units or more, however, there are several locations in the city where Waste Management is picking up 4 units and Choice is picking up other 4

units. He further explained the conflict with several apartment units in the city in terms of the solid waste collection. He said he wanted to make sure the city had uniform services for everybody and make it clear as to what is a residential unit or a commercial unit.

Mayor Taylor said she didn't understand why a study was needed if the Charter is clear and if there is two/two housing under one and one owner than that would come under four units.

Major Evelyn Barrett, Opa-locka Police Department of 2495 Ali-baba Avenue, Opa-locka, Florida came forward and spoke with regards to the resolution for bicycles. She said that back in 1991, she was one of the police officers on bike patrol and this would be a great idea for the citizens of Opa-locka. This would allow for the police officers to get out of the vehicles and communicate with the citizens.

Mayor Taylor said that NW 22nd Avenue is where she really wanted those bicycles.

Vice Mayor Johnson reminded Major Barrett of the scooters the City of Sweetwater Police Department had during a parade and the city was to inquire.

Commissioner Holmes asked if anybody had an idea as to how much the scooters cost?

Major Barrett said that the Chief was looking into the cost.

Vice Mayor Johnson suggested that the Opa-locka Police Department bring back the cost of the scooters.

13. NEW ITEMS:

3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS FOR QUALIFIED CONSTRUCTION FIRMS FOR THE IMPROVEMENT OF DRAINAGE AND ROADWAY IMPROVEMENTS AT 143RD STREET, AND TO RESCIND RESOLUTION NO. 11-8194; 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 Holmes, seconded by Vice Mayor Johnson to pass the above resolution.

Vice Mayor Johnson informed the Commission that this is the resolution previously adopted which she at that time was hesitant to vote on. In her research, she discovered this was something the city had already did and that is why the resolution is being rescinded and brought back the right way which is just for the construction management portion.

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

Commissioner Tydus	Yes
Commissioner Miller	Not present
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

13-4: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCK, FLORIDA, TO PROHIBIT ALL CITY EMPLOYEES OF OPA-LOCKA FROM SOLICITING FUNDS FOR ANY AND ALL CITY EVENTS; 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.

Vice Mayor Johnson recalled asking people for money in November and she was told they never received receipts when making donations to the city. The city should make sure it is registered with the Department of Agriculture for soliciting funds and they should be able to give receipts.

She directed the City Attorney to bring back a resolution for a foundation.

She expressed her concerns relating to having so many people going around asking for money and it should not be where someone is arbitrarily going on behalf of the city. She said she was glad to see this resolution to be able to have accountability.

She further stated that should an employee solicit funds than the city must take corrective action because from this point on this is law.

Attorney Geller stated that the resolution does state specifically that the City Commission is exempted from the provisions of this resolution.

Commissioner Tydus said she didn't have any objection to the resolution; however, she wanted to know what prompted the resolution.

Commissioner Holmes explained that there are so many people soliciting funds and the businesses are complaining about giving to some, but not having for others. This resolution would control who is allowed to go out and solicit money. If the Commission wants to authorize someone to solicit on their behalf than that could easily be done by having discussion on the dais and putting it in the form of a motion. However, with this resolution, no one will be able to solicit funds other than the City Commission.

Vice Mayor Johnson said she would not encourage the Commission to put employees in harms way if this resolution passes by having them to solicit funds on their behalf. She said she was glad one of her colleagues took the lead on this to make sure they are bringing it into accountability because money is tight and everybody needs to be accountable for, the city needs to know who and be able to provide receipts for it. Employees are going to the same people, asking the same people over and over. Everybody needs a break and the city must come up with an initiative to make those people who contribute feel appreciated.

Commissioner Tydus asked, is a resolution proper for this type of legislation or would it require an ordinance?

In this case, Attorney Geller said this was sufficient by resolution because it is only directing the city's employees. He said that Commissioner Holmes was correct that by another resolution, the City Commission can designate the City Manager, City Attorney or City Clerk, but absent that if this resolution passes, it prohibits anyone.

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

Commissioner Miller	Not present
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

14. PLANNING & ZONING:

A. HEARINGS:

B. APPEALS:

15. ORDINANCES/RESOLUTIONS/PUBLIC HEARING:

A. FIRST READING:

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 17TH CONGRESSIONAL DISTRICT OF FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H.*

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.

Vice Mayor Johnson suggested that all of the legislators are included on the agenda for a report.

Mayor Taylor said if any legislator attends the commission meeting, she would show them courtesy.

Vice Mayor Johnson preferred to include all the legislators on the agenda.

Commissioner Holmes said the ordinance is including Mr. Haynes from Congresswoman Frederica Wilson's Office because at the last meeting Mr. Haynes indicated that he would be reporting at the commission meetings.

Vice Mayor Johnson said that the other legislators address the Commission as well. Therefore, she suggested that the ordinance is inclusive of all legislators. She recommended that the ordinance be amended to read "legislators report" because there are four representatives that represent the City of Opa-locka which would include the Congressional, State Senate and State Representatives.

After brief discussion, Attorney Geller provided the wording for the amendment as follows:

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 17TH 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.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to amend the ordinance as stated above by the City Attorney.

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

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Holmes	Yes
Commissioner Miller	Not present
Mayor Taylor	Yes

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

Commissioner Holmes	Yes
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Commissioner Miller	Not present
Vice Mayor Johnson	Yes
Commissioner Tydus	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.
Sponsored by C.M.

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 ordinance on first reading.

Because there is a lot of spot zoning, Vice Mayor Johnson asked, how would this ordinance grandfather any businesses in?

Ed Brown, Assistant City Manager explained that this ordinance would give Auto Brokers an opportunity to operate in those areas, but they won't be able to display signs because all business would have to be handled inside. This would allow a different usage for vacant warehouse space. This would not be considered as spot zoning, but as an extended use in those particular areas.

Vice Mayor Johnson said she would have liked for staff to have shared that information with those businesses to make sure they buy in because of the importance of having effective communication. If staff has already communicated with the businesses than she asked to be provided with documentation as to whom, when and where did staff communicate with. The city must extend their courtesy by sending a notice and having a workshop anytime something like this is done. If not, it will come back to haunt the city in the future.

She suggested that if this ordinance was not urgent that it be deferred to allow for that dialogue with the businesses.

Howard Brown, Director of Community Development for the City of Opa-locka came forward and stated that back in February 2011, his staff met with the Planning Council, the property owners and a couple of other businesses that would like to have an Auto Broker use in the industrial district. In February, staff asked the Planning Council to consider possibly recommending that this particular use be added to the Code. A workshop was held and it was brought back to the Planning Council the following month. At that month, an ordinance drafted by the City Attorney's Office was presented with those modifications that came out of the Planning Council Meeting. The ordinance was

reviewed and voted on by the Planning Council and the board recommended approval. The ordinance is now before the City Commission for approval on first reading.

Vice Mayor Johnson asked, how many businesses did the city actually visit?

Mr. Brown said that the business owners came to his office and there were three.

Vice Mayor Johnson asked, how many businesses are in the city?

Mr. Brown said there are several businesses trying to do automotive brokerage usage; however, right now that use is not allowed under the current regulations. This ordinance is to get those businesses in compliance as well as provide expanded use.

Vice Mayor Johnson asked, would this ordinance help enhance their business?

Mr. Brown replied, yes.

Vice Mayor Johnson expressed the importance of having everything documented. She asked Mr. Brown if he had the minutes of the meetings, dates and names of those businesses owners that attended the meeting.

Mr. Brown replied, yes. He said he had a sign in sheet signed by those businesses who attended the meeting in his office.

Vice Mayor Johnson said she just wanted to make sure that everything is documented and that all supporting documentation is provided to the Commission as a part of those items coming before them. In addition to that, she requested Mr. Brown still reach out to the businesses to make sure everybody is included.

Commissioner Tydus said that most auto broker's work is done at a desk, on the computer and on the phone. However, this is dealing with broker/sales because the automobiles will be on the premises to be housed inside and there will be no automobiles on the outside of the building.

Mr. Brown replied, that is correct.

Commissioner Tydus said that the city is talking about strict Code Enforcement.

Mr. Brown explained that if the ordinance is passed, these businesses will not be allowed to have automobiles on the outside which is one of the conditions.

Commissioner Tydus asked, on an average, how many automobiles do they normally have on the premises?

Mr. Brown said the number of automobiles would depend on how big the operation is and how many cars they could store inside of the building.

Just as there are regulations for the number of patrons in a restaurant and other places of business, Commissioner Tydus asked, are there any regulations on the number of automobiles?

Mr. Brown replied, no. The building code would definitely regulate the number of people who could be inside the space and what area has to be clear for walking, but those are building safety code requirements falling under the review of the Building Department and Miami-Dade Fire.

Commissioner Tydus said she didn't have any concerns with the ordinance; however, her concern is the Code Enforcement in that there would have to be strict code enforcement.

Mayor Taylor asked, what is the difference between auto sales and auto broker?

Mr. Brown said that automotive sales is a business use seen in the commercial strips like NW 27th Avenue and those cars are allowed outside; automotive brokers are office only uses that stores cars inside an enclosed building.

Vice Mayor Johnson suggested that this be a part of the Welcome Kit. In terms of any violations, the penalties should be spelled out to include the fees, days to come into compliance, etc. and all that information must be relayed to anyone who applies for this type of license. She said she would like to see this ordinance amended in the future to add more juice to it.

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

Commissioner Miller	Not present
Commissioner Tydus	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	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.
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 passed by a 4-0 vote.

Commissioner Holmes	Yes
Commissioner Miller	Not present
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

B. SECOND READING/PUBLIC HEARING:

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$8,000,000 CAPITAL IMPROVEMENT REVENUE AND REVENUE REFUNDING BONDS, SERIES 2011, IN ONE OR MORE SERIES, PURSUANT TO ORDINANCE NO. 94-7, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF THE CITY'S CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 1994 AND PAYING COSTS OF CERTAIN CAPITAL IMPROVEMENTS OF THE CITY; PROVIDING THAT DETAILS, TERMS AND OTHER MATTERS RELATING TO SERIES 2011 BONDS BE DETERMINED IN SUBSEQUENT RESOLUTIONS; AUTHORIZING THE CITY MANAGER TO ACT AS REGISTRAR AND PAYING AGENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on March 23, 2011). *Sponsored by C.M.*

At the request of Manager Patterson, the above ordinance was continued.

C. RESOLUTION/PUBLIC HEARING:

16. ADMINISTRATION:

CONSENT AGENDA:

5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO PIGGYBACK ON THE CONTRACT OF THE CITY OF CORAL GABLES WITH PHYSICIANS HEALTH CENTER FOR OCCUPATIONAL MEDICAL SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

6. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO USE LAW ENFORCEMENT TRUST FUNDS (L.E.T.F.) TO PURCHASE FROM C.W. BICYCLE SHOP INC., EIGHT (8) 2011 TREK POLICE ALL TERRAIN BICYCLES AND APPROPRIATE ACCESSORIES TOTALING NINE THOUSAND THREE HUNDRED SIXTY EIGHT DOLLARS (\$9,368.00) PAYABLE FROM ACCOUNT NUMBER 65-

521664; 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 APPROVE THE ACQUISITION OF CHOICE ENVIRONMENTAL SERVICES, INC., AND ITS SUBSIDIARIES ("CHOICE") BY SWISHER HYGIENE, INC. ("SWISHER"); 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 3-0 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Miller	Not present
Commissioner Tydus	Out of room
Mayor Taylor	Yes

A. CITY MANAGER'S REPORT:

Manager Patterson started off his report by highlighting various department's accomplishments over the last month. Mayor Taylor interjected and said that the Action Items List is where she wants the City Manager to focus on. Copies of the reports should be passed on to the Commission.

Manager Patterson said he had his accomplishments with him, but he would provide the Commission with a copy on the following day.

Vice Mayor Johnson said she had asked that copies of the accomplishments be provided to the Commission.

Manager Patterson advised the Commission that the responses to the Action Items from March 23, 2011 are included in the packet provided to them under tab 1.

Vice Mayor Johnson reported her concerns relating to the following: guard pole on NW 141 Street / Burlington Street & NW 26th Avenue is down; provide a response to the citizens request for the Opa-locka Express to operate on Saturdays; and inappropriate comments from the Human Resources Department to an applicant who filled out an online employment application and that individual's application was not found, although she received a confirmation number upon completion. Also, the city should make sure Opa-locka residents get their residential points.

While on the subject of employment, she said she did some research and was disappointed that some of the documentation had many alterations with no signatures and she wants to make sure the city stays on top of that.

She continued by saying that the city is using check requests versus going through the procurement system and the city must utilize the procurement system. She asked that the City Attorney get with her prior to the next commission meeting because there's a procurement system the National League of Cities is using that she believes the city could benefit from.

She further stated that there was a resolution sponsored by Commissioner Holmes related to car allowances for classified employees. She said she had a report of individuals receiving car allowances which totals to \$94,400.28 per year and that to her is too much money. When the City Manager was appointed, she asked him to come up with a car pool. The City Manager at one time told her that he was going to come up with a reimbursement system based on the mileage. The city has vehicles sitting idle that employees can utilize for city business. In reviewing the car allowances and the salaries, there are employees getting top salary; however, the city cannot continue to survive like this. She requested that the City Manager provide corrective action by the next meeting. Some of the individuals receiving a car allowance don't even leave the office for city business. She directed the City Attorney to meet with her because she has three or four resolutions to bring back.

In terms of the resolution to go out for an RFP for Car Washing Services, Vice Mayor Johnson said she had not seen anything. She said she received several inquiries about Roadrunner not paid. She expressed her concern about contracting and staff going through the check request process to avoid legislation which she is not in support of. She said she found out through someone else that she and Roadrunner attend the same church but because there are many members in the congregation, she doesn't see him nor does she have any type of relationship with him. However, if Roadrunner is doing the work then he needs to get paid for it.

She went on to say that the plants on NW 27th Avenue median need to be replaced because they are completely dead.

Referencing the City Manager's response to her inquiry about the roundabouts on Sharar and Jann Avenues that Public Works is going to conduct a access traffic flow in the area prior to the design, Commissioner Tydus asked for an explanation as to why a traffic flow study was needed because the problem is not access, but speeding and beautification.

Fritz Armand, Director of Public Works Department for the City of Opa-locka came forward and explained that the city cannot arbitrarily install roundabouts on a street. The city must work with Miami-Dade County's Signalization Division prior to installing the roundabouts because they must meet certain criteria.

Commissioner Tydus asked, what is the process and the timetable?

Mr. Armand advised that the city would have to submit a request to Miami-Dade County to assess the area for a roundabout and Miami-Dade County's engineer from the signal division will come out and conduct a study and provide their findings. The same process is required for installation of any new stop signs.

Commissioner Tydus expressed her concern in terms of the fact that four years had gone by and that simple step for the roundabout had not been taken.

Mr. Armand said he would keep the Commission posted on the progress.

Commissioner Holmes made reference to an article in the newspaper relating to the elimination of Saggy Pants in public schools in the State of Florida. He pointed out that the City of Opa-locka took the lead with the Saggy Pants Ordinance and to this day, that ordinance is not being enforced. The city also passed legislation that the business owners would have to include the Saggy Pants sign in their place of business and this would be required during application for a new license or license renewal, but he has yet to see any business purchase a sign for \$20.00. This money is supposed to be put in a separate account to be utilized for a project that may need funding. He directed the City Manager to make sure his staff is doing what they are supposed to in terms of the Saggy Pants signs.

He continued by saying that he is seeing sidewalks being installed throughout the city and he hopes they have the money. He said he received complaints from the residents on Service Road that the city installed too many speed bumps. The city must keep in mind that emergency vehicles must also travel on the streets and the speed bumps hinder them from getting to their destination. He suggested that the city revisit Service Road to see if it is necessary to remove several of the speed bumps.

He further asked for an update on the PBA contract for the police officers.

Attorney Geller advised that the city has notified the PBA, there were final changes that they had agreed to and he expects them to have a vote taken prior to the next commission meeting.

Commissioner Holmes stated that the City Attorney has been reporting the same thing since the previous year and he is tired of hearing it because he wants to see the final results for the PBA contract.

He went on to ask for an update on the AFSCME contract for the employees.

Manager Patterson said he met with the local representatives from AFSCME Council 79 and they are in the process of ratifying the contract.

Commissioner Holmes directed the City Manager to get on top of the AFSCME contract to bring this to a conclusion.

He continued by expressing his concerns about the Supermarkets in Opa-locka having outdated canned goods. The Building Department or Code Enforcement should investigate this matter.

He further asked for an update on pump stations 1 and 2.

Manager Patterson said that pump stations 1 and 2 are on schedule.

Commissioner Holmes asked, who is doing the work on NW 131st Street and NW 27th Avenue near the bank?

Manager Patterson advised that a private contractor is doing the work.

Fritz Armand, Director of Public Works for the City of Opa-locka came forward and stated that the contractor is Verache and they are doing the work on behalf of the property owner located on the east side of NW 27th Avenue. The property owner wants to develop that piece of property, but there is no water and sewer there. The water & sewer on NW 132nd Street ends in front of the bank. As a means to get water & sewer to that property, the city advised that they would have to do a water & sewer extension. The property owner hired an engineer to design a water & sewer extension which was approved by Miami-Dade County and the City of Opa-locka and subsequently the city authorized them to do the work.

Commissioner Holmes asked, is this water & sewer costing the city any money?

Mr. Armand replied, no, it is not costing the city any money. He said that this would provide revenue to the city in the future once the property is developed.

Commissioner Holmes asked, when is the work going to start on Veteran's Way (Alibaba Avenue)?

Mr. Armand informed Commissioner Holmes that the work on Veteran's Way should commence on April 25, 2011. The contractor has obtained the permit and ordered the basin needed which should be delivered by April 22, 2011.

Commissioner Holmes expressed his concerns relating to the City Manager's authority to spend \$5,000.00 without commission approval. He said he'd been hearing that there are invoices submitted for over \$5,000.00 and the payment is divided into two to avoid bringing it to the Commission for approval. He stated that it may be feasible for the Commission to go back to the \$3,500.00 and anything over the \$3,500.00 should be brought to them for approval. He said he is considering bringing back a resolution to reduce the City Manager's spending limit.

He continued by saying that there are employees who requested to take sick leave and to be paid for annual leave and they are being denied; however, if the employees have the time then the city should work with them so that they are paid.

Mayor Taylor requested that the City Manager provide an updated citywide and departmental wide organization charts.

Due to the upcoming rainy season and the leaking in Historic City Hall Commission Chambers, she asked, is there anyway to put a rush on the \$350,000.00 grant award letter by letting them know that the city is in a stressful situation.

In terms of the 5058 agreement, she suggested that the City Attorney advise the Commission if this is an agreement that they cannot monitor or put into law. If the city cannot monitor it, then there's no need in pressing it. She suggested that the City Attorney bring that back at the next commission meeting.

In reading the City Manager's comments relating to the Flea Market bus stop, she suggested that the City Manager see what he could balance out.

With regards to the NW 27th Avenue flooding, she further stated that it looks like the dig out released water in the street that belongs to the city behind Wachovia. At the last meeting, she asked the Public Works Department to talk to FDOT because NW 27th is higher than that road and whenever it rains, it comes down.

Mr. Armand said that he and the city's engineer met with FDOT to address this problem and they are in the process of designing public drainage to address this issue not only on NW 131 Street but also NW 132 Street.

Mayor Taylor said there were two resolutions that did not get a seconded to be amended to the agenda. Both were for RFP's to do two streets. She asked, are grant monies connected to those projects?

Charmaine Parchment, grant writer for the City of Opa-locka came forward and said that the city does have grant money for those projects.

Mayor Taylor asked, what happens if the city doesn't use that money?

Mrs. Parchment said that the city stands to lose the grant money for Cairo Lane. If the city doesn't use the grant money in time then they will lose the money. One of these has a deadline of June 30, 2011 and the other is August 2011. The State of Florida is planning to rescind the offer if the money is not used by that deadline.

Vice Mayor Johnson said she didn't support the add-ons because she asked the City Manager if those were urgent and the City Manager said they were not urgent. But now she is hearing those items are urgent. In past discussion amongst the Commission, it was

agreed that only emergency items would be amended to the agenda. When the city has this behavior and continues to have add-ons it is taken for granted.

Mayor Taylor stated her concern in terms of not wanting the grant givers, be it state or federal, to think the city doesn't need the money because due diligence is not being done and that's what the Vice Mayor is saying.

She expressed that she didn't agree where the grant money was going because there are other streets that are in more need of repairs, however, she understood these grants were written some time ago and the city cannot switch the streets. With that in mind, she said she didn't want to lose the grant dollars.

She further stated that add-ons are for emergency items therefore, those items were on the amendment list because they were time sensitive. Apparently, the Commission did not know because it shouldn't have died for lack of a seconded.

Mayor Taylor said that the city needs \$350,000.00 to complete the roof at Historic City Hall. She asked, if Mrs. Parchment was sure the city was going to get the \$350,000.00 because since this is a reimbursable grant, she is going to ask Dr. Orji if the city could put out the \$350,000.00 to start on the roof.

In speaking to the representative, Mrs. Parchment said, they are waiting for the state budget to get approved.

Vice Mayor Johnson left the meeting at 9:45 p.m.

Attorney Geller said that the Commission has the authority to amend its agenda again to return to reopen item 6 to set the agenda as to add-ons. This would take a motion and 4/5 of the vote to amend the agenda. The Commission cannot do it at this point because there are only 3 members present.

Commissioner Holmes said they would not be able to amend the agenda because Vice Mayor Johnson had left, leaving only 3 members of the Commission on the dais.

Mayor Taylor suggested that those items are brought back at the next commission meeting.

B. ACCOUNTS PAYABLE:

Ezekiel Orji, Finance Director for the City of Opa-locka came forward and stated that the reports were included in the package provided to the Commission.

Mayor Taylor asked, how is the city coming along with the overtime?

Manager Patterson said he is working that out with the various departments and everybody is tightening up.

Mayor Taylor asked, does the money the city saves help the general fund?

Dr. Orji replied, yes.

Mayor Taylor asked, does the money received by the city for tickets, red lights, etc. go into the general fund?

Dr. Orji replied, yes, it is included in the General Fund Budget.

He continued by saying that the approved reserved fund balance of \$565,000.00 is maintained.

17. OFFICIAL BOARD REPORTS:

John Riley came forward as chairman of the Civil Service Board and said he requested via email an appointment to meet with the members of the Commission individually about some issues of the board and he only received a response from one commissioner.

In terms of the first reading zoning ordinances, he suggested that the city review FS 166.041 concerning land uses.

He further spoke about the proposed pay plan and requested to discuss that matter with the Commission because there are some issues that need to be addressed. He spoke about the City Attorney's response to the Commission relating to the Civil Service Board having subpoena power.

18. CITY ATTORNEY'S REPORT:

Attorney Geller reported that he submitted a written report to the Commission on two items. He stated that he would be requesting an Executive Session with the City Commission in regards to the Bracy case. Secondly, he stated that the Zoning Board of Appeals needs four at-large appointments and in researching this issue, he had the opportunity of speaking with former Mayor Willie Logan of Opa-locka CDC and there are going to be some items that the Zoning Board of Appeals will need to conduct. This is a five member board and all members are appointed at-large. From the City Clerk's indication, there are four vacancies. The city will have to find four citizens willing and able to serve on the Zoning Board of Appeals. This is not yet a problem, but the city will reach the point where the redevelopment efforts in Magnolia North will be impeded if that board is not filled.

19. CITY CLERK'S REPORT:

Clerk Irby reported that the records management equipment has been set up in the City Clerk's Office and hopefully the task will be completed by the end of the year with a

paperless office. In addition, she said the back of the Commission Chambers has been cleaned out.

Mayor Taylor expressed the importance of Opa-locka history and encouraged the City Clerk to keep on with the history and store those items with the professional people.

20. MAYOR/COMMISSION REPORT:

Commissioner Tydus said she attended the Community Relations, Recreation & Activities Advisory Board and they were concerned about the progress and events surrounding the Sherbondy Village. The major concern was that the furnishings for the facility are not included in the funding. After hearing the presentation from Mr. Wright and his request for a workshop, she said it would be her desire that the board be allowed to attend that workshop as well.

She reported her attendance at the Artwalk at Wynwood sponsored and coordinated by the Opa-locka CDC which was encouraging to know that the renaissance of that particular area could become a reality here in the City of Opa-locka. She encouraged the city to continue to work diligently with the City of Opa-locka renaissance project.

Mayor Taylor reported that she had a power point presentation on her tour of the Southwest of Opa-locka, but because of the lateness of the hour she would defer that. However, she would keep the Commission informed as to what is going on. She said the city is meeting with owners of that area and getting that area straight.

She requested that the Commission support her projects: the citywide sidewalk project and Operation Clean Sweep.

21. OFFICIAL BOARD APPOINTMENTS:

Clerk Irby advised the Commission that there are two applications for board appointments in the packet (Community Relations, Recreation & Activities Advisory Board). She said one appointment is Commissioner Miller's appointment and Commissioner Miller has authorized the appointment to that board.

Attorney Geller said he believes the Charter mandates that Commissioner Miller make that appointment. However, the Commission may recommend a name to Commissioner Miller and she can appoint that person.

Clerk Irby said that Commissioner Miller has authorized the Commission to go ahead with the appointment.

Attorney Geller suggested that the Commission vote on the appointment subject to Commissioner Miller signing off on a document indicating that individual is her appointment.

It was moved by Commissioner Holmes, seconded by Commissioner Tydus to appoint Geraldine Sanon as Commissioner Miller's appointment to the Community Relations, Recreation & Activities Advisory Board.

There being no discussion, the motion passed by a 3-0 vote.

Vice Mayor Johnson	Not present
Commissioner Miller	Not present
Commissioner Holmes	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

Commissioner Tydus asked, is the reappointment at-large?

Clerk Irby replied, yes.

It was moved by Commissioner Holmes, seconded by Commissioner Tydus to re-appoint Dina Lindsey Pryor to the Community Relations, Recreation & Activities Advisory Board.

There being no discussion, the motion passed by a 3-0 vote.

Commissioner Tydus	Yes
Commissioner Holmes	Yes
Commissioner Miller	Not present
Vice Mayor Johnson	Not present
Mayor Taylor	Yes

With regards to the Zoning Board of Appeals, Clerk Irby advised that the city had an active board and she could call those individuals that were on the board to see if they are still interested in serving.

Commissioner Holmes and Mayor Taylor suggested that the City Clerk contact those members that served on that board and if that doesn't work then they would recommend individual(s).

Commissioner Tydus said she had someone new that she would like to recommend to the Zoning Board of Appeals.

Attorney Geller said that the problem is not having more applicants than seats, the problem is not having enough so the Commission can do all of it.

Mayor Taylor agreed.

Manager Patterson reported to the Commission that he would be out on business attending the National Black Caucus Administrators and Mr. Ed Brown would be Acting City Manager during that time.

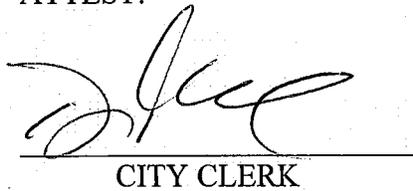
22. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Holmes, seconded by Commissioner Tydus to adjourn the meeting at 10:10 p.m.



MAYOR

ATTEST:



CITY CLERK