

CITY OF OPA-LOCKA

“The Great City”

CLERK’S ACTION SUMMARY MINUTES

SPECIAL COMMISSION MEETING

AUGUST 02, 2011

6:00 P.M.

City Commission Chambers

777 Sharazad Boulevard

Opa-locka, Florida 33054

1. ROLL CALL:

The City Commission of the City of Opa-locka, Miami-Dade County, Florida, met in a special session on Tuesday, August 02, 2011 at 6:03 p.m. in the City Commission Chambers, 777 Sharazad Boulevard, Opa-locka, Florida. 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: Interim City Manager Bryan Finnie, City Attorney Joseph S. Geller, and City Clerk Deborah S. Irby.

2. INVOCATION:

The Invocation was delivered by Mayor Myra L. Taylor.

3. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

Vice Mayor Johnson requested that the City Clerk read section 2-58 of the City of Opa-locka Charter into the record.

Clerk Irby read Section 2-58 of the City of Opa-locka Charter as follows: *“Any person making impertinent or slanderous remarks or who become boisterous while addressing the commission, shall be declared to be out of order by the presiding officer, and shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission be granted by the majority vote of the commission members.”*

4. FIRST READING ORDINANCES:

a. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO APPROVE, ADOPT AND SUBMIT THE CITY’S PROPOSED EAR BASED COMPREHENSIVE PLAN AMENDMENTS, WITH CHANGES RECOMMENDED BY THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AS REQUIRED BY FLORIDA STATUTES 163 TO ENSURE CONSISTENCY WITH RULE 9J-5, F.A.C.; 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, (Mayor Taylor passed the gavel to Vice Mayor Johnson) seconded by Mayor Taylor to pass the above ordinance on first reading.

Commissioner Miller asked for an explanation on the above ordinance.

Manager Finnie explained that the City of Opa-locka's comprehensive plan had not been in compliance with the state's master plan for over seven years and the approval of this comprehensive plan will allow for the city to be in compliance with the state. This will allow the city when they make a decision to pass a land use ordinance for waste to amend the land use plan and not be sued by private developers.

Since this was first reading of the ordinance and because it was a time sensitive matter, Commissioner Tydus said that passing it on first reading would give the Commission an opportunity to still consider whatever their interrogations are, but at least the process would not be delayed

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

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

b. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AMEND ORDINANCE 86-8, THE LAND DEVELOPMENT CODE, BY CREATING THE MAGNOLIA NORTH REDEVELOPMENT OVERLAY ORDINANCE TO ENCOURAGE THE REVITALIZATION OF UNDERUSED COMMERCIAL AND RESIDENTIAL AREAS INTO DEVELOPMENTS THAT PROVIDE A COMPLIMENTARY MIX OF USES; PROVIDING FOR INCORPORATION OF RECITALS; 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 Miller, seconded by Commissioner Tydus to pass the above ordinance on first reading.

Commissioner Holmes asked for an explanation on the ordinance.

Manager Finnie explained that the overlay was needed in order to move forward with the development in the Magnolia North area because the majority of properties to be developed by Habitat for Humanity and the Opa-locka CDC are on commercial land. The overlay would allow a mixed use of residential and commercial projects in the areas and pave the way for future developments in the area.

Commissioner Holmes stated that the Magnolia North Redevelopment project has tainted his mind over the past several weeks after learning that the city was eligible to apply for funds; however, other individuals are applying through the CRA bypassing the city. One of the individuals applying for those funds was employed by the city. He said he would not support this ordinance especially if the CRA has anything to do with it. Especially, when he found out that the city was eligible to apply for millions of dollars and certain individuals are bypassing the city by going through the CRA so they can connect with the Opa-locka CDC and not the city. The CRA main priority should be the city and not other entities.

Vice Mayor Johnson said she too had mixed views as it relates to the venture of this particular ordinance. For the record, since Habitat for Humanity is a part of the project, she said that her daughter had submitted a housing application to Habitat for Humanity which has nothing to do with the city.

She went on to say that she was concerned even with new information she received as of that day about joint ventures connected to this ordinance. With that in mind and because she didn't have enough information, she said she would not support the ordinance. However, she is concerned about individuals going through the back door to obtain ventures which she will not be a part of.

Commissioner Miller said she shared some of the same concerns as Commissioner Holmes and Vice Mayor Johnson because she too had received some information on that day that she didn't like. Of concern was that the city is continuously giving away land for the Magnolia North Redevelopment, but she has yet to see anything done in that area. She said she would not support the ordinance at that time.

Commissioner Tydus said she was not privy to the comments that were made by her fellow colleagues. She asked, what is the relationship between this ordinance and the comprehensive development?

Manager Finnie responded, there is no relationship.

Because she was not privy to the comments made, Commissioner Tydus said she didn't know whether it was fallacy or fact; therefore, she needs additional information before she could make a decision.

Manager Finnie requested to pull this item and bring it back at the next commission meeting with a more detailed explanation.

Although the City Manager could pull the item, Mayor Taylor said she didn't know whether this is time sensitive with the Opa-locka CDC. In response to Commissioner Miller's concern relating to her not seeing anything done in that area, she said that there are a lot of prerequisite things to be done (i.e. pump stations 1 & 2, land development use). As it stands now, the land is commercial but the city needs the 26 habitat homes to be on residential property.

Manager Finnie replied, Habitat and Opa-locka CDC, yes.

Mayor Taylor asked, what does the CRA have to do with this item?

Manager Finnie explained that this development had nothing to do with the CRA, but it being located in the CRA.

Mayor Taylor asked, does the city have NSP2 dollars here?

Manager Finnie stated that the Opa-locka CDC has NSP2 dollars, the city was allocated NSP1 funds for demolition and Miami-Dade County Commissioner Jordan has allocated approximately 2 million dollars.

Mayor Taylor disagreed and said that Miami-Dade County Commissioner Jordan is up to 8 Million Dollars.

She went on to ask, this ordinance would allow the land to be properly used?

Manager Finnie said this ordinance would allow the land to be developed.

With that being said, Mayor Taylor asked the City Manager whether he still wanted to pull the ordinance.

Although he believed in the concept of the project this is something the city should fund, Manager Finnie said his reasoning for pulling this item until the September commission meeting is for an opportunity to provide a detailed disclosure to the Commission so that they can have all of the information needed to make a decision. A 30 day period would not be detrimental to the project.

While the City Manager is conducting the clarification, Vice Mayor Johnson said that it was mentioned this particular ordinance has to do with the housing and land previously given to Habitat for Humanity, but there were houses on that land previously. She requested that the City Manager provide clarification on this issue in his documentation to the Commission.

Manager Finnie said this is the reason his response to the question was Habitat for Humanity and Opa-locka CDC. He said Vice Mayor Johnson was absolutely correct, the Habitat for Humanity housing is on residential property on the interior portion of the site and that can be developed immediately.

The seconded and motion were withdrawn from the ordinance and the ordinance was deferred at the request of the City Manager.

5. RESOLUTIONS:

a. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOOCCA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO APPLY FOR FY10-FY11 FEDERAL JOB ACCESS REVERSE COMMUTE (JARC) FUNDING AND FURTHER ENTER INTO AN INTERLOCAL AGREEMENT WITH SOUTH FLORIDA REGIONAL TRANSIT AUTHORITY (SFRTA) FOR EXTENDING AND EHHANCING THE OPERATION OF THE CITY BUS SHUTTLE SERVICE AND PROVIDE MATCHING FUNDS FROM THE MIAMI-DADE PEOPLE'S TRANSPORTATION (PTP) IN SUPPORT OF THE OPERATING COSTS, PAYABLE FROM ACCOUNT NO. 44-541810, 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 Miller to pass the above resolution.

Manager Finnie stated that this resolution has to do with the circulator. He congratulated staff because the city is applying for money now, but these dollars will not be available until 2013. This will allow the city to partially fund 50% of the cost of the city's circulator system, but it would also allow the system to run on weekends. The circulator system has become an asset to the city and receiving additional funding is a way to enhance that asset and provide services on weekends. He recommended the City Commission approve this resolution to allow for the city to apply for the money.

Vice Mayor Johnson requested that the City Manager provide a utilization report of the circulator with a copy to the Commission. This report was requested from the previous City Manager but she never received the information.

In moving forward with the bus circulator, Mayor Taylor suggested that the City Manager work on several concerns relating to the speeding and bus stops.

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

b. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO SUBMIT THREE (3) APPLICATIONS TO MIAMI-DADE COUNTY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FY12 NON-HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IN THE AMOUNT OF FOUR HUNDRED AND FIFTY THOUSAND DOLLARS (\$450,000.00); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

Manager Finnie explained that the city is limited to three (3) applications and the new system requires a match and the most that can put into any one project is 20%.

Vice Mayor Johnson asked, what is the account number for the match?

Although he didn't have the match in front of him, Manager Finnie said that items A and B would be match funding out of Public Works for 11B and 11C. He said he would get back to the Commission with the account numbers, but 11B and 11C are budgeted. If the city is awarded these dollars, it would reduce the amount of the city's dollars going into 11B and 11C.

Vice Mayor Johnson stated for the record that all monies coming out of an account should be specified on all legislation prior to coming to the Commission.

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

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

c. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ACCEPT THE RECOMMENDATIONS OF THE CITY MANAGER, TO BEGIN FORECLOSURE PROCEEDINGS ON CERTAIN PROPERTIES IN THE MAGNOLIA NORTH AREA AND TO ACT ON SUBSEQUENT FORECLOSURE RECOMMENDATIONS PROVIDED BY THE CITY MANAGER, AND TO AUTHORIZE THE CITY ATTORNEY TO PROCEED WITH THE FORECLOSURE ACTIONS, WITH LITIGATION TO BE COMPENSATED ON AN HOURLY BASIS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

d. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO RATIFY THE ACTION OF THE PREVIOUS CITY MANAGER IN AUTHORIZING THE PURCHASE AND INSTALLATION OF TREES AND REMEDIATION OF EXISTING TRESS WITHIN THE CITY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

Attorney Geller advised the Commission that the City Manager has requested to defer items c and d.

Manager Finnie requested to defer items 5C and 5D.

Commissioner Holmes said he was glad to see the City Manager defer item 5C because he would not be voting to have the City Attorney proceed with foreclosures in the city.

Vice Mayor Johnson said she too was glad that the City Manager also deferred 5D because she has concerns about the ratification process. It is one thing to have an emergency, but this particular item was extended. She spoke about the unfairness of giving work to a company and not allowing others to be considered in the procurement process for these services.

She continued by expressing her concerns as it relates to the Commission ratifying payment for services after the services have already been provided and the city's process for procurement of services. She went on to say that she would not support this item and she would refer it to the State Attorney's Office.

Mayor Taylor asked, was this particular item done by the previous City Manager?

Manager Finnie replied, yes.

Mayor Taylor asked, is someone already doing the work?

Manager Finnie explained that he is looking at the procurement process in detail and the work has been done.

Vice Mayor Johnson asked for clarification in terms of the statement made relating to the work already being completed and it not being completed during the current City Manager's tenure.

Manager Finnie clarified that it started before he got to the city, but it was done during his tenure.

Commissioner Holmes suggested that everyone come through the front door in terms of what needs to be done for this city. Although he doesn't agree with a lot of things he has heard over the past few weeks, he said he could not support some of the items until things are cleaned up, especially after learning about the twenty million dollars the city could

have applied for, but instead allowed an outside entity to do so. The Commission must come together and work for the betterment of the city.

6. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Vice Mayor Johnson, seconded by Commissioner Miller to adjourn the meeting at 6:33 p.m.



MAYOR

ATTEST:



CITY CLERK