

CITY OF OPA-LOCKA

"The Great City"

CLERK'S ACTION SUMMARY MINUTES

REGULAR COMMISSION MEETING

SEPTEMBER 14, 2011

7:00 P.M.

City Commission Chambers

777 Sharazad Boulevard

Opa-locka, Florida 33054

1. CALL TO ORDER:

Mayor Myra L. Taylor called the meeting to order at 7:00 p.m. on Wednesday, September 14, 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, Commissioner Gail Miller and Mayor Myra L. Taylor. Also in attendance were: Interim City Manager Bryan Finnie, City Attorney Joseph Geller and City Clerk Deborah S. Irby. Commissioner Rose Tydus was not in attendance.

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 requested a legal opinion from the City Attorney regarding agenda item 19-1 (resolution suspending John Riley from the Civil Service Board) in terms of whether she had to recuse herself from voting on the resolution.

Attorney Geller advised that the code section did not apply and therefore Vice Mayor Johnson is not required to recuse herself.

Mayor Taylor pulled agenda item 19-1; Vice Mayor Johnson pulled agenda item 19-13; and Commissioner Holmes pulled all items listed under the consent agenda to discuss separately (*agenda items 19-1 through 19-13*).

Attorney Geller informed the Commission of an error on the agenda regarding the Waste Transfer Station ordinance. At the last meeting, the Commission voted to defer agenda item 18A5 on second reading and because it was a deferral, it is properly before them on second reading. Agenda item 18A5 (first reading ordinance) will become 18B2 (second reading ordinance).

Clerk Irby informed the Commission that agenda item 18A5 was deferred on second reading at the Regular Commission Meeting of July 27, 2011; first reading was held on June 22, 2011.

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 4-0 vote.

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

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

The Mayor and City Commission presented Bill Sussman with a proclamation for *Alzheimer's Association 2011 Miami-Dade Walk to End Alzheimer's Day in the City of Opa-locka*.

Bill Sussman encouraged the citizens to help the City of Opa-locka win the Miami-Dade Alzheimer's City Challenge by participating in Alzheimer's Association 2011 Miami-Dade Walk to End Alzheimer's on Saturday, October 29, 2011.

8. APPROVAL OF MINUTES:

Regular Commission Meeting – 07/27/2011

Special Commission Meeting – 08/02/2011

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to approve the minutes of the Regular Commission Meeting of July 27, 2011 and the Special Commission Meeting of August 02, 2011.

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

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

9. 17th CONGRESSIONAL DISTRICT OF FLORIDA REPORT:

10. STATE SENATORS REPORT:

11. STATE REPRESENTATIVES REPORT:

12. DISTRICT ONE - COUNTY COMMISSIONER REPORT:

Larry Gardner and Venicia Simmons of Miami-Dade County Commissioner Barbara Jordan's office (District 1) came forward. Ms. Simmons briefly announced the details for a Flu Vaccination Clinic scheduled for September 28, 2011 at Miami-Dade Regional Library.

After receiving several telephone calls regarding the renaming of the Neighborhood Center, Vice Mayor Johnson requested that Commissioner Jordan see about incorporating Opa-locka into the name.

Additionally, she requested that Commissioner Jordan's office provide the Commission with written documentation for the 2.5 Million Dollars under the General Obligation Bond (GOB) to restore Historic City Hall.

13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

14. PUBLIC PRESENTATION:

1. Attorney Cynthia Stafford, Law Office of Robert W. Holland of 3575 NW 80 Street, Miami, Florida appeared before the City Commission on behalf of Waste Pro, a material recovery and recycling facility. She provided a summary of the proposal for the development of regional headquarters in Opa-locka and her client's request for Commission approval to rezone the property.

2. Russell Mackie, Regional Vice President of Waste Pro USA came forward and made a presentation on their proposal for the development of their regional headquarters and material recovery facility in Opa-locka.

3. Alvin Burke of 2928 NW 132 Street, Opa-locka, Florida, appeared before the City Commission in support of Waste Pro USA due to the fact that they would be bringing jobs to the Opa-locka community. He continued by questioning the motive for the opposition of this facility because that opposition did not exist when Choice

Environmental Services was brought into the city. As member of the Planning Council, he believes that the city could benefit from this company.

4. Eldridge Redmon of 2766 NW 131 Street, Opa-locka, Florida appeared before the City Commission and referred them to the National Law Library website to investigate the lawsuits filed against Waste Pro. He went on to thank the City Manager's Office for handling the discrimination complaint filed.

He continued by expressing his concerns relating to the \$450,000.00 grant awarded to the city for the drainage in the Magnolia area (NW 143rd Street), however, there is a drainage problem on NW 131 Street which has existed for a while. He requested that the Commission at some point address his concern.

He further voiced his disapproval with what transpired at the last regular commission meeting because the Vice Mayor was not deserving of the way she was treated. Furthermore, he said that Vice Mayor Johnson deserved an apology in public.

Hearing the comments relating to the \$450,000.00, Vice Mayor Johnson couldn't recall voting on the city receiving that amount of money from the county.

Manager Finnie said he would have to research this issue and provide a response to the Commission.

Fritz Armand, Public Works Director for the City of Opa-locka came forward and stated that the city has a grant from DEP for NW 143 Street drainage which the city would be utilizing.

Manager Finnie asked, did the Commission accept and approve the use of the grant?

Mr. Armand replied, yes.

Vice Mayor Johnson requested that the City Clerk provide the documentation to substantiate Mr. Armand's statement regarding the grant from DEP for NW 143 Street.

Mayor Taylor suggested that the City Manager provide his report on this matter.

Manager Finnie said he would prioritize NW 131 Street when the city goes out for drainage fundraising in the next OCED process.

As it relates to the incident at the last regular commission meeting, Vice Mayor Johnson said if it happens again she would be asking the Commission to debar anyone from that behavior in a public setting.

14a. CITIZENS' FORUM:

1. Officer Tara Lazier, police officer with the City of Opa-locka Police Department for 18 years came forward to address the Commission.

Mayor Taylor interjected and asked if Officer Lazier was making a televised statement due the fact that Channel 7 news was present.

Officer Lazier replied, no.

Commissioner Holmes suggested that the Commission not allow the presentation due to the pending matter involving this officer and the Opa-locka Police Department.

Mayor Taylor asked for a legal opinion from the City Attorney.

Attorney Geller stated that there is an ongoing matter involving the officer present.

Mayor Taylor informed Officer Lazier that the Commission could not allow her to speak at that time until the ongoing investigation was closed.

2. Donald Solomon, Sr. of 2080 Lincoln Avenue, Apt. 5, Opa-locka, Florida, appeared before the Commission to protest the closing of the Community Empowerment Team (CET) which provides much needed services to the citizens of Opa-locka, more specifically in the Magnolia North area.

3. Johnnie Mae Green of 2091 Wilmington Street, Opa-locka, Florida, appeared before the City Commission speaking on behalf of herself and a group of citizens who were present at the meeting. She commended the Commission for the vision of revitalizing the Magnolia area on the East side of the city and said she was in favor of the ordinance for the overlay.

She went on to voice her opposition to the ordinances allowing for a Waste Transfer Station in the city and the truck station on NW 135th Street.

Commissioner Holmes spoke in favor of the ordinance due to the current condition of the property and with the understanding that the business would bring revenue and jobs to the city.

4. Nathan (inaudible) of 1820 Ali-baba Avenue, Opa-locka, Florida, came forward and spoke against the closing of the Community Empowerment Team (CET).

5. Willie Mae Boyd of 16020 NW 19th Avenue, Opa-locka, Florida, appeared before the City Commission and commented on how the Community Empowerment Team (CET) assisted her with finding a place to live. She urged the Commission to allow the program to remain open.

6. Joel Mince came forward and requested that the Commission allow the Community Empowerment Team (CET) to stay open and continue providing services.

7. Mr. Arnez of 14915 NW 22nd Avenue, Opa-locka, Florida, appeared before the City Commission and spoke in support of the Community Empowerment Team (CET).

Because the Weed & Seed program provides similar services, Vice Mayor Johnson said that the services would still be available to the citizens.

8. Alex Gonzalez of Waste Management, 2125 NW 10 Court, Miami, Florida, came forward and stated that although the area where the proposed Waste Pro facility would be located needs to be revitalized, he urged the Commission to invite clean industries and not a waste transfer station. Once the city opens the door to waste facilities, they will have plenty of individuals applying for this same type of use.

9. John Lawson of Choice Environmental, 13300 NW 38 Court, Opa-locka, Florida, appeared before the City Commission and stated that if the change is made to allow for waste transfer facilities there would be a lot of competition. He doesn't know how the Commission would grant one company and not grant another company in the same area. If the ordinance is adopted, to be quite honest he believes Choice Environmental would be interested and they are already looking at property in case it does happen. Additionally, the way the ordinance is worded is dangerous because "waste transfer station" is flat out garbage.

10. Ted Koningsberg, commercial real estate broker of 2241 NE 201 Street, Miami, Florida came forward and cleared up some misconceptions relating to the proposed Waste Pro properties. Under the existing zoning, whatever goes into that location will be heavy industrial uses. His interpretation of the city's zoning code was that this use was permitted; however, he is not an attorney. Because the code is vague, it calls for clarification of the code and not a change.

Commissioner Holmes spoke in favor of the ordinance for the waste transfer station. He made reference to other businesses in the city near NW 135th Street, Cairo Lane and the Opa-locka Police Department that are operating as a waste facility.

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

Vice Mayor Johnson stated that she would like to amend the resolution to deal solely with the Civil Service Board.

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO SUSPEND JOHN B. RILEY AS A MEMBER OF THE CIVIL SERVICE BOARD; 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 John Riley was already served with written documentation of allegations (copy provided to the Commission) and she preferred not to discuss this matter further due to an investigation being done.

For the record based on what the Vice Mayor has placed on record, Attorney Geller said that the letter made referenced to should be attached to the resolution and made a part of the resolution.

According to Florida Statutes and the City of Opa-locka Code of Ordinances, Mayor Taylor stated that an affidavit must be given to the City Manager and from that the City Manager informs the City Commission. There is a resolution, but she has not seen an affidavit. The allegations indicate that the city wishes to do things, however, the city hasn't had the opportunity to vote. Section 2-110 of the city code states that "*any person desiring to remove a member for cause shall submit to the City Manager an affidavit setting forth the charge or charges which the said complainant believes, if true, would constitute sufficient cause for removal of the individual as a member of a board or agency by the city commission, and all facts in support of the charges.*" She made reference to the letter of charges she was provided with, however, there is no real charge. The Florida Statutes states that the individual has to be malfeasance, misfeasance, neglect of duty, habitual drunkenness, incompetence or permanent inability to perform his or her duties, arrested for a felony, misdemeanor related to the duties of the Office or who is indicted. She said she had not seen that; all she'd seen was a letter that didn't come from the City Manager, but from the Vice Mayor addressed to the accused. All the allegations on the letter must be proven before the Commission can request an investigation. The process is starting off in error and if the Commission is going to do this then it must be done correctly.

She further stated that if the Commission wants to continue, this must start with an affidavit to the City Manager and the City Manager to the Commission. Then what has to be done must be specified with the charges set forth in the affidavit, given to the City Manager to give to the Commission and the Commission would decide whether it merits going forward for an investigation.

Based on the section of the code Mayor Taylor read into the record, Commissioner Miller stated that this resolution calls for a suspension and not removal.

Mayor Taylor agreed with Commissioner Miller, but said the process has to start off with an affidavit not a resolution.

Commissioner Miller requested a legal opinion from the City Attorney on this matter.

Attorney Geller said that he agreed with some of what the Mayor said, but not all of it. He stated to the Mayor that she was correct in referring to Florida Statutes because there

is an expressed provision about removal or suspension provided in Section 112.501 which in this case does govern part of the circumstances. He noted that subsection 8 says explicitly that this section applies in the absence of a charter provision and there is a charter provision here. The charter provision is found at Section 181 – Personnel Board established and indeed it specifically says “*any member of the board may be removed by the City Commission only for cause and after given a written statement of the charges against and the public hearing if he so requests in writing within ten days after service upon him of a copy of the written statement of charges*”. This is as to removal; the charter provision controls under the charter and even under the statute for removal. The suspension is not covered by this provision, in that case the state statute does apply, however, he doesn’t believe the code sections cited, Section 2-109 removal of board or agency members which dates to 1955 in the code, are applicable here because the state statutes, municipal board members suspension and removal, they’ve taken control over that and that was passed first in 1984 and then amended in 1995. The statute controls and the code cannot contradict state statute; the code cannot contradict the charter. The charter controls as to removal and the state statute controls as to suspension. The state statute states by resolution, specifying facts sufficient to advise a municipal board member as to the basis for his or her suspension or removal and after reasonable notice to the municipal board member and the opportunity for the member to be heard, a governing body of the municipality may suspend or remove. Certainly there has to be a proceeding, notice, opportunity to defend and an inquiry which is what the resolution calls for; but the sections from the code are not in this applicable and they cannot contradict the charter or the statutes. The issue about the affidavit is not controlling; it does require a specification sufficient to advise the municipal board member or under the charter provision, being given a written statement of the charges and the opportunity for a public hearing.

As it relates to the city’s Code / Charter, Mayor Taylor stated that the city only has what it has whether it dates way back, this is all the city has and the City Attorney cannot use some other means and disregard the city’s code altogether because it’s 1955. In the city’s code, the City Manager has a place in this whole operation which he has not been. Now the charter provides for a written statement within a reasonable amount but she received a copy of the letter on the previous day. She does not see an order that can be respected whether from the code, state statute or charter, and the city must have an order because everybody cannot step out and do it.

As it relates to the age, Attorney Geller informed the Commission that he brought that up for a reason. He clarified that the age of the code is not at all relevant, the only reason he mentioned it in this context is the date that it was adopted compared to state statutes was adopted which is more recent. Therefore, it is a statement that subsequent to the city’s code, the state has preempted this area.

Of concern to Mayor Taylor was that the city must obey the city’s code at some point and they cannot just throw it out because it’s old and just go with the Florida Statutes.

Attorney Geller stated that state statutes takes precedence over the city’s code in those areas.

Because she didn't like or respect how this was done, Mayor Taylor said she would not support the resolution.

Commissioner Holmes made reference to a similar situation that occurred when the city tried to remove him from the Code Enforcement Board. He agreed with Mayor Taylor and suggested that the process is done right and as it stands, he could not support this resolution until the proper procedures has taken place.

Commissioner Miller asked, is this resolution legal in its current form?

Since the Code provision is superseded by the Charter and State Statutes, Attorney Geller said the resolution is a correct procedure. The City Commission may wish to put the inquiry it talks about in motion and allow the opportunity for the subject to respond and have a hearing before them.

Commissioner Miller asked, can the Commission vote on the resolution as is?

Attorney Geller advised that the Commission could vote on the resolution as it is in front of them or they could vote to consider this the notice and set the inquiry for a subsequent meeting.

Vice Mayor Johnson deferred the above resolution and said she would be taking the inquiry to the State Attorney's Office.

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO PARTICIPATE IN THE NATIONAL RED RIBBON CAMPAIGN, A DRUG PREVENTION PROGRAM REACHING MILLIONS OF YOUNG PEOPLE DURING RED RIBBON WEEK, OCTOBER 23, THROUGH OCTOBER 31; 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.

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

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

3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ENTER INTO A CONTRACT TO PURCHASE TWO (2) PERSONAL ELECTRIC MOBILITY VEHICLES FROM T3 MOTION, INC., THE SOLE SOURCE PROVIDER OF THE T3 PERSONAL MOBILITY VEHICLE IN THE STATE OF FLORIDA, IN THE AMOUNT OF TWENTY-SIX THOUSAND EIGHT HUNDRED THIRTY SEVEN DOLLARS AND NINETY-EIGHT CENTS (\$26,837.98) PAYABLE FROM ACCOUNT 65-521641; 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 Commissioner Miller to pass the above resolution.

Vice Mayor Johnson stated that she would not like the city to continue purchasing items for the Opa-locka Police Department and not see them utilized just like the radar guns to monitor speeding.

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

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

4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO BUY-OUT THE LEASE ON FIFTEEN (15) 2006 DODGE CHARGER POLICE VEHICLES, IN THE AMOUNT OF TWENTY SIX THOUSAND SEVEN HUNDRED THIRTY DOLLARS (\$26,730.00), PAYABLE FROM ACCOUNT NUMBER 22-521648; 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 this a budgeted item in this year's budget?

Manager Finnie replied, yes. This is general fund money budgeted for the police department.

Commissioner Miller asked what account are the monies coming out of for the previous resolution?

Manager Finnie stated that the account for the previous resolution is out of the Special Law Enforcement Trust Fund.

Vice Mayor Johnson asked for the total amount under the line item for the Special Law Enforcement Trust Fund.

Faye Douglas, Budget Administrator for the City of Opa-locka came forward and stated that the Special Law Enforcement Trust Fund line item for the proposed FY 2012 budget is \$25,000.00.

Vice Mayor Johnson stated that there is a difference in the budgeted line item and the amount reflected in the resolution. She requested that the City Attorney amend the resolution to the amount allocated under the specific account number.

Attorney Geller proposed an amendment to the above resolution.

Manager Finnie explained that the special law enforcement trust fund refers to the previous resolution for the personal electric mobility vehicles and not to this resolution; therefore, the previous resolution should be amended. The budget for the Dodge Chargers exists where the city has enough money.

In moving forward, Vice Mayor Johnson suggested that staff provide accurate numbers.

Manager Finnie stated that there is approximately \$25,000.00 in the Law Enforcement Trust Fund which will be allocated towards the T3 series stand up mobility vehicles for the Opa-locka Police Department.

Mayor Taylor asked, if there is only \$25,000.00 in the Special Law Enforcement Trust Fund then how is the city going to spend \$26,000.00?

Manager Finnie said that Vice Mayor Johnson and Mayor Taylor are correct. He suggested that the city limit the amount for the previous resolution to \$25,000.00 because the city will not spend more than that amount.

Attorney Geller stated that the simple solution is to pass this resolution and go back and reconsider the previous resolution to limit the amount to \$25,000.00.

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

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

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to reconsider resolution # 3.

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

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

Attorney Geller said that a motion was required to expend up to \$25,000.00 for the two personal electric mobility vehicles for the City of Opa-locka.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to amend resolution # 3 to expend up to \$25,000.00 for the two personal electric mobility vehicles for the Opa-locka Police Department.

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

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

5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ACCEPT AND ENTER INTO A CONTRACT WITH LULU'S CARWASH, LLC FOR CITYWIDE CARWASH SERVICES; 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 expressed his concerns relating to the facility not being in the city and the carwash not providing full service for the inside and outside of the vehicles.

Commissioner Miller said she was not in favor of this resolution due to the fact that the facility was not located in the city.

Commissioner Holmes withdrew his seconded on the motion.

Mayor Taylor asked, is there another seconded? There being no seconded, the motion died for lack of a seconded.

Vice Mayor Johnson stated that staff was asked to put out an RFP for carwash services and she was previously told the city doesn't have a contract for carwash services. The last resolution adopted for carwash services was done in 2004. From that time she'd seen city vehicles utilizing various vendors throughout the city and in reviewing the accounts payable, she noticed that all vendors were being paid out of the general fund. She believes the city should have one central location to provide carwash services for all city vehicles. The resolution from 2004 was never rescinded which she thought would be done prior to going out for an RFP.

She went on to say that she utilizes Lulu's Car Wash and she is satisfied with the service provided. If the city is going to keep everything within the city, then it needs to be publicized as such. The City Commission passed legislation to authorize the City Manager to put out an RFP for Car Wash services for city vehicles.

Mayor Taylor asked if there was viable contract for carwash service? She said she was looking at the fiscal impact with the current vendor.

Manager Finnie said he would have to research to see if there is a contract.

Commissioner Holmes suggested that the city manager put out another RFP for these services.

Attorney Geller informed the Commission that they can give preference to a local business, but they cannot put out an RFP and restrict it to only the city.

Manager Finnie deferred this item and said he would bring the issue up at the next meeting with a recommendation.

Because the item failed for lack of a seconded, Attorney Geller advised that the resolution can be brought back under the city's rules or the City Manager can bring back another item on this topic when he is prepared to do so.

6. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE MIAMI-DADE COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) MUNICIPAL GRANT PROGRAM (MPG) AWARD, IN THE AMOUNT OF FIFTY FOUR THOUSAND THREE HUNDRED FOUR DOLLARS (\$54,304.00), TO CONDUCT PHASE 1 OF THE CITY'S TRANSPORTATION AND ENHANCEMENT STUDY, AND TO PROVIDE A 20% MATCH, PAYABLE FROM THE PTP FUND, ACCOUNT NO. 47-541340; 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.

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

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

7. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO APPLY FOR FY 2012-2013 FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM GRANT, IN THE AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

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

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

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

8. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE INTERIM CITY MANAGER TO MAKE PAYMENT TO SUB-CONTRACTOR, RANGELINE TAPPING SERVICES, INC., FOR AN OUTSTANDING INVOICE, IN AN AMOUNT NOT TO EXCEED TWENTY ONE THOUSAND FIVE HUNDRED DOLLARS (\$21,500.00), PAYABLE FROM ACCOUNT NUMBER 64-533822 FOR SERVICES RENDERED DURING THE DEMOLITION OF THE OLD WATER PLANT; 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.

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

9. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, REQUIRING THAT ALL GRANTS ARE APPROVED BY THE CITY COMMISSION BEFORE SUBMISSION OF THE GRANT APPLICATION; PROVIDING 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 until the Regular Commission Meeting of September 28, 2011.

10. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO RENEW THE ANNUAL AGREEMENT WITH THE EMERGENCY COMMUNICATIONS NETWORK INC. FOR CODERED HIGH SPEED TELEPHONE COMMUNITY NOTIFICATION SERVICES IN THE AMOUNT OF SEVEN THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$7,750.00), PAYABLE FROM ACCOUNT #14-512528; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

Manager Finnie deferred the above resolution until the Regular Commission Meeting of September 28, 2011.

11. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE PROPOSAL FROM WELLS FARGO TO PROVIDE PROFESSIONAL BANKING SERVICES TO THE CITY OF OPA-LOCKA; 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.

Vice Mayor Johnson stated for the record that she banks with Wells Fargo.

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

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

12. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN SHEILA ROBINSON AND THE CITY OF OPA-LOCKA, AS RECOMMENDED BY THE CITY MANAGER, IN THE AMOUNT OF FIFTEEN THOUSAND DOLLARS (\$15,000.00), PAYABLE FROM ACCOUNT NUMBER 28-514390; 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.

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

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

13. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RATIFY THE REIMBURSEMENT TO THE GENERAL FUND OPERATING ACCOUNT FOR EXPENDITURES MADE FOR SHERBONDY PARK VILLAGE FROM THE PROCEEDS OF THE SERIES 2011B BONDS; 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.

Vice Mayor Johnson made it clear to the City Manager that this is a loan from the General Fund and the resolution must reflect that.

Manager Finnie replied, yes. He said this is for the 2.3 Million Dollars the city took from the bond to reinvest in the general fund and pay bills for Sherbondy Park.

Vice Mayor Johnson asked for an explanation of the money being reimbursed to the General Fund.

Manager Finnie explained that the document says he is recommending that the 2.3 Million Dollars be utilized for Sherbondy Park. This allocation is broken down into two: 1,762,924.27 in reimbursements to the General Fund and \$537,000.00 for invoices.

Mayor Taylor clarified Vice Mayor's question to the City Manager by saying that the City Manager has to explain to the Commission that he took 2.3 Million Dollar bond money and put it in the General Fund for Sherbondy Park.

Although the resolution is to ratify, Manager Finnie said it was previously approved by the Commission before he did it by a memorandum signed by the Commission. He said any future money the city may need to be taken from the Enterprise Fund for Sherbondy Park or other project would be a loan.

Vice Mayor Johnson asked, would this money be reimbursed to the General Fund?

Manager Finnie informed the City Commission that the city had spent all of the bond money, 2.3 Million Dollars on Sherbondy Park. Although the bond was 7 Million Dollars, the majority of that money was been spent to refinance existing bonds and the fees for the cost of issuance associated with the transaction.

Mayor Taylor asked, is the 2.3 Million Dollars specified in this document a loan?

Manager Finnie said that was not the intent of this document.

Vice Mayor Johnson recalled the list of capital improvement projects provided during the bond process. She inquired about the money from OCED for capital improvements projects.

Manager Finnie stated that the money from Miami-Dade County has been reprogrammed to a project in Opa-locka. The actual use of those proceeds would have to come back to the Commission to approve how the city would spend those dollars.

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

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

16. NEW ITEMS:

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, 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 COMPLEMENTARY MIX OF USES; 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.

Vice Mayor Johnson asked Attorney Geller whether he had the opportunity to review the ordinance for legal sufficiency?

Attorney Geller replied, yes.

Vice Mayor Johnson proposed the following amendments to the ordinance:

G. Principal Uses Permitted – Subject to Special Exemptions:

1. (a) i. The Planning Council ~~may~~ shall impose conditions on the operation of the proposed use including hours of operation, outdoor operations and delivery and shipping of material that is necessary to ensure the uses compatibility with surrounding areas.
- (a) iii. The Planning Council ~~may~~ shall reduce the minimum number of parking spaces required for the property involving two or more uses if their parking demand is anticipated to overlap.

I. Area and Bulk Requirements:

2. In addition, the Planning Council ~~may~~ should ~~establish~~ recommend to the City Commission maximum front and street side lot line setbacks and minimum height requirements for any expansion, rehabilitation, redevelopment, or new development if they determine it is necessary to maintain the urban character of the neighborhood.

3. Where more than one principal use is allowed on a lot of record, setbacks between the buildings shall be based on the yard setbacks of the underlying zoning district, but may be modified by the ~~Planning Council~~ City Commission if they determine that adequate conditions have been included to address public health and adequate emergency access within the site.

J. Standards:

2. Lot Size and density – Lot size ~~shall~~ should not apply. Density shall not exceed fifteen (15) dwelling units per acre:

L. Application Procedures:

2. The Mayor and City Commission ~~through its Planning Council~~ shall review and approve, deny, or modify its approval through ordinance.
- ~~3. A piece of property that has been disapproved for development under this ordinance shall not submit additional development plans using the MNRO ordinance on the same piece of property for a period of six months; however, an applicant may petition the Mayor and City Commission to waive the six (6) months waiting period by demonstrating that the proposal is materially different from that which was disapproved earlier.~~
4. An application may be withdrawn without prejudice prior to the public hearing. ~~However, no application shall be filed and withdrawn more than two (2) times in a six (6) month period.~~

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

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

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CHANGE THE ZONING DISTRICT OF THE PROPERTY IDENTIFIED BY FOLIO 08-2121-007-2700 AND IDENTIFIED BY ADDRESS 3325 NW 135 STREET, FROM B-3 (COMMERCIAL INTENSIVE) ZONING DISTRICT TO I-3 (INDUSTRIAL PLANNED DEVELOPMENT) ZONING DISTRICT; 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...the motion died for lack of a seconded.

3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING THE COMPREHENSIVE MASTER PLAN (CMDP) OF THE CITY TO CHANGE THE LAND USE OF THE PROPERTY IDENTIFIED BY FOLIO 08-2121-007-2700 AND IDENTIFIED BY ADDRESS 3325 NW 135 STREET, FROM COMMERCIAL TO INDUSTRIAL; 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...the motion died for lack of a seconded.

Commissioner Holmes briefly described the area for the proposed business and said he was in favor of it because it would revitalize the area as well as bring jobs to the community.

In looking at the growth of the city, more specifically the main corridors, Vice Mayor Johnson said she is not looking at trucking, but retail and commercial.

Commissioner Holmes suggested that the Commission allow the attorneys representing the owners of the property to speak. There being no objection from the Commission, the attorneys were allowed to address the Commission.

Attorney Javier Vasquez of 6500 Cow Pen Road, Miami Lakes, Florida, came forward on behalf of Zepol Holdings along with State Representative Cynthia Stafford on behalf of co-counsel Robert Holland. Mr. Vasquez asked for further clarification on what had just occurred with the ordinances for Zepol Holdings.

Attorney Geller advised that at this point it is the pleasure of the Commission; if a Commissioner would decide to come forward and seconded the motion then the seconded could still be taken and the item could still receive a full discussion and debate.

Mr. Vasquez requested a seconded to allow him to proceed and present their application. He asked if there was a possibility for a seconded to the motion after the presentation.

Attorney Geller replied, yes.

Mr. Vasquez provided a brief overview and history of the property located at 3325 NW 135th Street, Opa-locka, Florida. He highlighted the steps taken throughout the process and the delays placed on the applicant. He introduced into the record pictures of the property, existing condition in the area, proposed elevations, property pre & post clean-up, and neighboring uses which include used truck sales, metal recycling operations, heavy equipment operators and used auto parts dealer.

Rep. Cynthia Stafford spoke on behalf of the applicant and requested that the City Commission grant this application.

Of concern to Vice Mayor Johnson was having too many businesses coming into the city making false promises of jobs, etc. and she would like to have more retail in Opa-locka. Additionally, the owners did not do due diligence prior to purchasing the land to find out what the property was zoned for.

Mr. Vasquez asked that the Commission have a vision realizing that things developed in different ways than anticipated. He presented a declaration of restrictions to run with the ownership of land which they worked very closely with staff. He respectfully requested Commission approval as per the city's professional planning staff recommendation and that of the Planning Council.

Mayor Taylor relinquished the gavel to Vice Mayor Johnson and seconded the motion on ordinance 18A2 and 18A3.

It was moved by Commissioner Holmes, seconded by Mayor Taylor to pass ordinance 18A2 on first reading.

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

Commissioner Holmes	Yes
Commissioner Miller	No
Commissioner Tydus	Not present
Mayor Taylor	Yes
Vice Mayor Johnson	No

It was moved by Commissioner Holmes, seconded by Mayor Taylor to pass ordinance 18A3 on first reading.

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

Commissioner Holmes	Yes
Commissioner Tydus	Not present
Commissioner Miller	No
Mayor Taylor	Yes
Vice Mayor Johnson	No

Commissioner Holmes stated that the applicant can request to wait until the full Commission is present.

Vice Mayor Johnson asked for legal opinion from the City Attorney in order to be fair to the applicant and allow them to present their item when the full Commission is present.

Attorney Geller stated that the applicant has the right to request that the full body is present as Commissioner Holmes indicated, but the record would be clearer if someone

on the prevailing side would move to reconsider and defer to the next meeting with the hope that there's a full Commission present.

Vice Mayor Johnson returned the gavel to Mayor Taylor.

Motion was made by Vice Mayor Johnson, seconded by Commissioner Holmes to reconsider and defer items 18A2 and 18A3 to the next regular commission meeting.

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

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

For the record, Attorney Geller stated that the Commission has voted to reconsider the items that failed on a tie vote and defer it to the next meeting.

Mayor Taylor asked, is the applicant aware that the property is in a school zone?

Jaime Lopez, property owner of 3325 NW 135th Street, Opa-locka, Florida, came forward and said he was aware of the property being in a school zone; however, their operation starts before school starts and ends after school has ended.

Vice Mayor Johnson said she had never seen an ordinance come back for reconsideration. She requested to see something in writing to that effect on the following day. Because she didn't have enough information, she said she would look at the new information provided for reconsideration.

Because the full Commission was not present and the vote was split, Commissioner Holmes said the Commission has always provided the applicants an opportunity to bring it back when the full Commission was present.

4. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO RENEW A THREE (3) YEAR CONTRACT WITH SOFTWARE HOUSE INTERNATIONAL (SHI) FOR MICROSOFT ENTERPRISE LICENSING, APPLICABLE TO MICROSOFT OFFICE, DESKTOP AND SERVER OPERATING SYSTEM, EXCHANGE AND SQL SERVER AT A YEARLY COST OF EIGHTEEN THOUSAND THREE HUNDRED TWENTY DOLLARS (\$18,320.00), PAYABLE FROM ACCOUNT NO. 14-512528; 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.

Vice Mayor Johnson asked, is the amount reflected in the resolution available under the account number?

Manager Finnie replied, yes.

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

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

B. SECOND READING/PUBLIC HEARING:

1. 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 AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE (first reading held on July 27, 2011). *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

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

Mayor Taylor asked, would the previous applicants request for a change affect the comprehensive plan?

Attorney Geller replied, no. If their change were to be approved, it would further amend the comprehensive plan. This is on second reading and the previous applicants were on first reading, they could not have received final approval of their master plan change until this ordinance passes.

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

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

2. 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 CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on June 22, 2011). *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

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

Vice Mayor Johnson suggested that the ordinance is brought back when the full Commission is present.

Attorney Geller stated that this didn't go to a vote; something that didn't get a seconded has not been defeated by a vote of the Commission and it can be brought back. If there is willingness on the part of the Commission to bring something back, then they can do that. Otherwise, the Commission can second it and vote to defer it until a subsequent meeting when there is a full Commission.

Vice Mayor Johnson asked, so the Commission can bring it back?

Attorney Geller advised that the ordinance would have to start over again with first reading; however, if the Commission desires to bring the ordinance back as a second reading then a second is needed to defer it to a subsequent meeting when there is a full Commission.

He went on to say that there is a prohibition against certain ordinances coming back if they are defeated; he doesn't think that applies here, but if this items fails, you just don't pick up where you left off, it would have to go back through first reading unless there is a seconded and then a vote to defer. This ordinance is not prohibited from being reintroduced because the Commission has not voted against it, but if it fails for lack of a seconded, the ordinance would have to come back on first reading. If the Commission desire is to leave second reading pending for the full Commission to be present then a seconded is needed to defer the ordinance.

Vice Mayor Johnson stated that she is still not comfortable with the City Attorney's advisement at this point because the charter says if an ordinance deals with land usage then it can't be brought back. This ordinance can come back, but if it gets a seconded and fails, then it can't.

Attorney Geller agreed with Vice Mayor Johnson.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to defer the above ordinance to the Regular Commission Meeting of September 28, 2011.

Mayor Taylor asked, what position would this ordinance be in?

Attorney Geller said the ordinance would be in the exact same position.

There being no further discussion, the motion to defer failed by a 2-2 vote.

Commissioner Miller	No
Commissioner Holmes	Yes
Commissioner Tydus	Not present
Vice Mayor Johnson	Yes
Mayor Taylor	No

C. RESOLUTION/PUBLIC HEARING:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE THE FINAL SITE PLAN FOR THE CONSTRUCTION OF A SNAPPER'S FISH AND CHICKEN RESTAURANT AT THE CORNER OF VETERAN'S WAY AND TWENTY-SECOND AVENUE, FOLIO 08-2122-025-0270; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller

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

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

Vice Mayor Johnson asked, was a traffic impact study completed on this area?

Manager Finnie replied, no.

Vice Mayor Johnson stated that the Planning Council should have requested a traffic impact study as the city's obligation.

Manager Finnie stated that the clients have done their analysis of the site based on the traffic.

Alvin Burke, City of Opa-locka Planning Council member came forward and said that they did not request a traffic impact study. However, they did ask staff if a study was done and staff indicated that the owners of Snappers did a traffic impact study.

Commissioner Holmes suggested that the Commission be mindful of the surrounding area this business will located in.

Vice Mayor Johnson said she is in support of this resolution, but she wants to make sure the city has everything documented and not dependant on the business owner. Additionally, she recalled as member of the Planning Council that there was a checklist and this lets her know that the checklist is not being adhered to. If all the information was included in the package, then she would not have to ask for it.

Mayor Taylor recalled as member of the Commission asking for a checklist of items from the Planning Council which should be included in the package. She asked, is there still a checklist?

Howard Brown, Community Development Director for the City of Opa-locka came forward and said that there is a checklist, but it was just not in this packet.

Mayor Taylor requested that the checklist be a part of the back up documentation so that the Commission can follow the list to make sure all items have been completed. This would apply to all future Planning Council items coming before the City Commission.

Commissioner Miller directed the City Manager make sure his staff provide all required information and are knowledgeable of their respective items placed on the agenda. She expressed her frustration with having to hear the Mayor and Vice Mayor repeat the same directives over and over again.

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

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

19. ADMINISTRATION:

CONSENT AGENDA:

A. CITY MANAGER'S REPORT:

Manager Finnie announced that the city's pump stations (1 & 2) were tested and passed. Those pump stations are now eligible to go on line and operate and the city will be finishing up the paper within the next 30 days.

He commended Kierra Ward for an excellent job with the enrollment for city employee health benefits.

He went on to say that he would be contacting the members of the Commission within the next couple of week for input relating to the expenditure of the 2.5 Million Dollars allocated by the county for City Hall.

As it relates to the flooding on NW 131 Street, he asked the Public Works Director to identify resources for drainage.

Commissioner Miller inquired about the start date for the drainage on NW 143rd Street.

Fritz Armand, Public Works for the City of Opa-locka came forward and advised that Attorney Kramer is reviewing the RFP package.

Manager Finnie assured the Commission that once he receives the RFP package, it would be publicized and go through the process to identify a contractor so that they can move forward. He went on to inform the Commission that he would have a meeting with staff to discuss the strategy for this project.

Of concern to Commissioner Miller was making sure the city didn't lose those funds or that the funds would be detoured to another project.

Commissioner Holmes informed the City Manager that there are many citizens who would like to have the option of paying their utility bill online via the internet. He directed the City Attorney to prepare an ordinance or resolution for this purpose if it was necessary.

Additionally, he stated to the City Attorney that he previously requested information relating to Johnson Controls, but he has yet to receive a response from anyone. He directed the City Attorney to prepare a resolution for the next commission meeting for the city to look into the water meters from Johnson Controls that everyone is complaining about.

Attorney Geller informed the Commission that his partner Attorney Kramer meet with the entire staff and he's asked for a report on it. He anticipated having the report in their hands this week. He asked whether Commissioner Holmes still wanted a resolution.

Commissioner Holmes directed the City Attorney to move forth with preparing the resolution relating to Johnson Controls.

He continued by requesting that the City Attorney draft an ordinance to change the city's code relating to the time for commission meetings so that the meetings are held during the daytime.

Vice Mayor Johnson directed the City Manager to include in his report an update on the prescription drug discount program. Additionally, in the Johnson Controls report, she requested that it address the monies paid by the city for cameras in various areas which were never installed.

She requested that the city revisit Superior Gardens to address the garbage and debris in that area. Perhaps the city can work with the Homeowners Association to address the deplorable condition.

She further stated that annexation had been one of her items of discussion since 2002 and although she didn't mind doing a shared sponsorship, she directed the City Manager and City Attorney to start working on the annexation area of NW 27th Avenue going south and if the mayor or anyone else wants to co-sponsor it then that is fine.

Manager Finnie said he would provide a report as to where the city is to date in terms of annexation.

In speaking with the City Attorney, Vice Mayor Johnson learned a study has to be completed and if this is the case then she suggested that it get done.

She directed the City Attorney to look at the possibility of placing surveillance cameras on the parks. Previously, she reported illegal activity occurring on the bus bench near the park.

Manager Finnie advised that the bus bench was relocated.

Vice Mayor Johnson stated that the street signs for President Barack Obama read Barack Obama and the city will not be disrespectful. She directed whoever is in charge of getting the signs that it should say "President Barack Obama".

Attorney Geller added that there is a sign for the late Mayor Robert Ingram which had his name misspelled.

Vice Mayor Johnson suggested that the signs are corrected immediately. Also, Mr. Fritz is working on the employee memorial and she would like to get that done in 2011.

Commissioner Holmes announced the City of Opa-locka Commissioner Timothy Holmes First Annual Youth Classic would be held on September 16 – 17, 2011.

In the packet provided to the Commission by the City Manager, Mayor Taylor stated that one of the items was the city not having a line of credit. Since the passing of the resolution for Wells Fargo, she said she and the City Manager will go visit upper

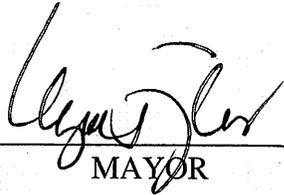
Vice Mayor Johnson requested that the City Clerk prepare a proclamation for the City of North Miami Police Department for their excellent response during a recent incident.

23. MAYOR/COMMISSION REPORT:

24. OFFICIAL BOARD APPOINTMENTS:

25. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Miller, seconded by Vice Mayor Johnson to adjourn the meeting at 10:41 p.m.


MAYOR

ATTEST:


CITY CLERK