

CITY OF OPA-LOCKA

“The Great City”

CLERK’S ACTION SUMMARY MINUTES

REGULAR COMMISSION MEETING

September 28, 2011

7:00 P.M.

City Commission Chambers

777 Sharazad Boulevard

Opa-locka, FL 33054

1. CALL TO ORDER:

Mayor Taylor called the meeting to order at 7:00 p.m. on Wednesday, September 28, 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 E. Miller and Mayor Myra L. Taylor. Also in attendance were: Interim City Manager Bryan K. Finnie, City Attorney Michael Rodriguez and City Clerk Deborah S. Irby. Commissioner Rose Tydus arrived at 7:05 p.m.

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:

Clerk Irby announced the correction to agenda item 18A1 to read ordinance instead of resolution.

Vice Mayor Johnson pulled consent agenda items 19-2, 19-3, 19-4, 19-9 and 19-11 and Mayor Taylor pulled consent agenda item 19-2 (these agenda items discussed separately under agenda item 15 – Action Items).

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

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

8. APPROVAL OF MINUTES:

First Budget Hearing – 09/06/2011
Regular Commission Meeting – 09/14/2011

Clerk Irby informed the Commission that a correction was made to the Regular Commission Meeting Minutes of 09/14/2011 due to an error on the vote to defer Agenda Item 18B2 – second reading ordinance reference Waste Transfer Station. Page 25 of the minutes reflect that the motion to defer Agenda Item 18B2 passed by a 4-0 vote; however, the actual vote to defer this item failed by 2-2 vote. The minutes of the Regular Commission Meeting of September 14, 2011 were revised to reflect the correction.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to approve the minutes of the Regular Commission Meeting of September 14, 2011 with the noted correction.

Commissioner Holmes asked for a legal opinion on a 2-2 vote to defer.

Attorney Rodriguez advised that on a 2-2 vote the motion fails; the majority vote is needed for the motion to pass.

Vice Mayor Johnson recalled that the resolution for the grants and the ordinances for Zepol Holdings were deferred and it is reflected in the minutes; however, she didn't see those items on the agenda.

Mayor Taylor said it would be up to the sponsor to bring the item back if they wanted to.

As it relates to the resolution reference grants, Commissioner Holmes said it was suppose to be on the agenda and perhaps the City Clerk forgot to include it.

Mayor Taylor asked Clerk Irby if she was aware that the resolution for the grants to be back on this agenda?

In conversations with the sponsor, Clerk Irby said perhaps there was a misunderstanding; however, the resolution would be on the next meeting agenda.

Manager Finnie stated that Zepol Holding, LLC was scheduled to come back but based on discussions with the representative of the company, he would bring those items back at a later date to allow time to resolve open issues.

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

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

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to approve the First Budget Hearing minutes of September 06, 2011.

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

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

9. 17th CONGRESSIONAL DISTRICT OF FLORIDA REPORT:

10. STATE SENATORS REPORT:

11. STATE REPRESENTATIVES REPORT:

12. DISTRICT ONE - COUNTY COMMISSIONER REPORT:

Larry Gardner and Venetia Simmons of Miami-Dade County Commissioner Barbara Jordan's Office, District 1, came forward. Ms. Simmons announced Commissioner Jordan's 5th Annual Hispanic Heritage Festival on Saturday, October 8, 2011 from 1:00 p.m. – 5:00 p.m. at Acadia Park.

13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

14. PUBLIC PRESENTATION:

14a. CITIZENS' FORUM:

1. Nigel Lewis of St. Kevin's Episcopal Church on NW 135th Street came forward and requested approval to have a social function at the church which the city has approved for the past five years. The city denied approval of the special permit application for the event due to the time. Because the event is already planned, he requested approval for this year with the understanding that the time for next year's event would be changed to accommodate the city's ordinance.

Manager Finnie stated that the issue is that an ordinance speaks to the timeframe and this is outside of the ordinance; so staff has requested the applicant come to the meeting to discuss this matter. Historically, the city has supported the event, but when he reviewed the permit it was denied by the police department because it was outside of the ordinance as far as the time is concerned.

Vice Mayor Johnson, Commissioner Tydus, and Commissioner Miller were in support of allowing the event to move forward for this year with the understanding that the applicant would adjust the time to comply with the ordinance.

Commissioner Holmes informed the Commission that the agenda would have to be amended to consider the motion for this matter.

Attorney Rodriguez stated that he needed to find specifically the restrictions as to the times are in order to determine whether this Commission can take as a special exception to allow one to go beyond that; bearing in mind that it may set a precedence in the future in which they may open themselves up for potential equal protection issues if one organization comes in and is denied while another one is approved. Especially in light of the context in this, he strongly advised that in this case the code does govern and the code has certain restrictions. While there may have been errors in the past that does not absolve it from continuing in the future.

Mayor Taylor suggested that the applicant change the time to comply with the ordinance or change the venue.

2. Joseph L. Kelley of 485 Dunad Avenue, Opa-locka, Florida, appeared before the City Commission and expressed his concern relating to the need to maintain the property recently purchased near Segal Park and the vacant lots on Wilmington and Rutland Streets. He followed up on several budget concerns relating to the park in the Magnolia North area and although the Opa-locka CDC is working to assist in funding the green space; he said he hoped that area fits the needs of the area.

He voiced his disappointment with the CET program not being funded in the upcoming budget. He suggested that the city find ways to allocate funds to reactivate that program in some form because that program serves a purpose not just for that area, but for the entire city. Although there was discussion relating to Weed & Seed and the connection to that, he said it is his understanding that Weed & Seed is not going to be around much longer anyway. He suggested that the city utilize some of the dollars allocated for the CRA to fund the CET program.

He further stated that he was in support of the resolution regarding the liens and amnesty forgiveness, however, he is concerned about what has already been done and who is held accountable for what is being done. He was also in support of the resolution to direct the City Manager to pursue possible annexation options for the city. He encouraged the Commission to direct the City Manager to look into the feasibility of the reclamation water use facility over at the old water plant property. The city must look at new ways of creating revenues since the main source of income will be down because property values are down.

In reviewing the grant for Weed & Seed, Vice Mayor Johnson learned that as a part of that grant, there had to be a safe haven in the city. In the grant, the safe haven for the City of Opa-locka was the Community Empowerment Team (CET) and that is the only reason this city was able to get that grant. After hearing all of the comments from the citizens in support of the CET program, she went back and did her research. Someone from staff should have told the Commission that they could have not done away with the CET program because it is embedded in the Weed & Seed grant. She mentioned that the Weed & Seed grant will be discontinued in April 2012; however, should the city reapply, it would be the same. The Commission may have to revisit the CET.

Manager Finnie requested that the Commission allow him to provide a detailed report on the CET program addressing the issue raised at the Regular Commission Meeting of October 12, 2011.

Of concern to Vice Mayor Johnson was that no one should have had to do that research; someone from staff should have advised the Commission. She said that the City Manager would provide a report on the water plant concern. She indicated that she was approached by individuals about expiration dates concerning the water plant.

She further stated that the Tot Lot property was donated to the city by Miami-Dade County; but she was in a meeting and she heard the Tot Lot was going to be switched.

Manager Finnie clarified that the discussion was that the lot next to the Tot Lot property was going to be used to expand the playground area, but he would look into it.

Vice Mayor Johnson made it clear to the City Manager that his staff should know that they cannot swap property without it coming to the Commission for approval.

Manager Finnie informed the Commission that he would have to bring back what is going on in Magnolia North and he would address all the open space needs and the playground. The plan in question is developing more of a comprehensive access to green space and recreation activities.

As it stands now, Mr. Kelley stated that there is no green space and he is aware that the CDC is planning development. If the CDC is going to fund it, then he hopes there are timelines and the Commission has input.

As it relates to the resolution to amend the contract with C & I Constructions and Design, Inc. to perform additional work on pump stations 1 & 2, he said he would hope the discussion would include what those change orders entail and what additional work is being done.

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

1. (19-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPOINT AND EMPLOY BRYAN FINNIE AS CITY MANAGER FOR NINE (9) MONTHS, UNTIL JUNE 30, 2012; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by G.M.

The above resolution was read by title by Attorney Rodriguez.

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

Vice Mayor Johnson said she would be in support to appoint Bryan Finnie as Interim City Manager for the remainder of the year, and then based on his job performance. She said Mr. Finnie came at a time when the city needed to be balanced and he really has not

had the time to focus on the city operation. She asked that the sponsor consider changing the resolution to appoint Bryan Finnie as Interim City Manager through December 2011 to provide courtesy to those applicants who applied. At that time Mr. Finnie can apply, he has the right to do so, but a courtesy should go out to the applicants.

Commissioner Holmes recalled that during the selection process the Commission also had many resumes of applicants interested in the City Manager position and during the selection process a new applicant was introduced on the dais. This individual was appointed as City Manager and the Commission totally disregarded the resumes received. He said Mr. Finnie was deserving of the City Manager position as oppose to interim City Manager.

Commissioner Miller mentioned that the city currently has many ongoing projects and they cannot afford to continue losing money because every time someone gets mad with the City Manager, they don't want to be bothered with the City Manager. This is one of the reasons why the city is at a standstill and the stability of the city is important at this time. Although the budget process was complete, there are still too many ongoing city projects. She said her resolution to appoint Bryan Finnie as City Manager until June 2012 will stand as is.

Commissioner Tydus stated that stabilization is very important and it is one of the problems the city has faced for many, many years as far as administration is concerned, therefore, she is in total agreement with that. She personally experienced a tremendous improvement in Mr. Finnie's performance since his first tenure with the city, although he has a little to work on as far as getting politically involved, but she would like to give him the opportunity to complete what he has started and give the city the stability needed in order to complete some very critical projects. If Mr. Finnie is considered for the position until June 2012, it should be with the title of City Manager as oppose to Interim City Manager and she is thinking in terms of his resume when he leaves the city. Having expressed those concerns, she said she would support extending Mr. Finnie's employment with the city until June 2012; with the position of City Manager. She expressed her concern to Mr. Finnie that he limit his political involvement and be the City Manager. Given the latitude and the opportunity to administer the duties according to the code, Mr. Finnie would do a fine job without any outside interference.

Vice Mayor Johnson said she too had seen a lot of growth in Mr. Finnie and she is totally in agreement with Commissioner Tydus about the political influence being critical. If the City Manager is going to manage the city he needs to manage the city and stand up to all of them. After hearing the dialogue, she said she would support the resolution as is, but there are some things that need to be done and these concerns were already discussed with Mr. Finnie.

Mayor Taylor stated that Mr. Finnie has done a good job and he came in during a time when the Commission asked him to stabilize the budget which he has done. But, she reminded the Commission of the process set forth which they cannot overlook. The Commission set out and requested applicants for the position of City Manager. Resumes were submitted by applicants. The city has a reputation of not following a process, not doing due diligence, and not doing a background check. The city has a process which

they cannot overlook even though the Commission appreciates everything Mr. Finnie does, but they have to follow their own process. The Commission must do something with those applicants including putting Mr. Finnie, if he wishes, into that bag. She agreed with Vice Mayor Johnson when she initially said give it to December 2011.

She continued by saying that the Commission must go through the process with the applicants; at least it would be said that Opa-locka finished out the process. If it was done in the past, she doesn't want to do it anymore.

Commissioner Holmes reiterated that there was also a process in place when the Commission hired Clarence Patterson as City Manager. The Commission had a stack of resumes when they hired Clarence Patterson who was not among those applicants. It is very disturbing that the Commission picks and chose when not to follow the process. He said he is in support of the resolution as sponsored by Commissioner Miller.

Since the Commission put out the process for the position of City Manager, Mayor Taylor said they must go through the process. There is a stack of resumes, and if the Commission didn't want to do it then they should have not set out for applications.

Commissioner Miller said she spoke with one of the applicants from the previous search when Mr. Patterson was hired and that individual indicated that he never heard from the city regarding his application. This person was the top choice, but the Commission went and got Mr. Patterson who didn't even submit a resume. This city is known to get rid of City Manager's just because an individual on the Commission may not like him. Mr. Finnie is currently serving as Interim City Manager and she would like to allow him to remain as City Manager until June 2012 and allow the City Clerk to notify the applicants of the situation.

She continued by saying that she was in agreement with both Commissioner Holmes and Commissioner Tydus to appoint Mr. Finnie as City Manager until June 30, 2012.

Vice Mayor Johnson stated that if the body of the Commission agree to something, then they all agree by vote. She said she was in support to give Mr. Finnie a chance. She asked, did the applicants get letters following the completion of the previous selection process for City Manager.

Clerk Irby said she would have to verify whether a letter was mailed out to the applicants.

Vice Mayor Johnson was in support of going through the process, also if they agree, the Commission wants to change its mind or vision, it can do so, but the applicants must be notified. She said she is in support of Mr. Finnie until the projects are complete, however, she would hold him accountable and she would do an evaluation. After hearing the comments from Commissioner Tydus and Commissioner Miller, she said she was in support of the resolution as is, but wants to make sure the process is not a void.

In her opinion, Commissioner Tydus said the only way the Commission would be doing the applicants a disservice is if they don't acknowledge their submission, their interest,

thank them and that they will notify them if they would be considering going through that process again.

She continued by asking if the City Clerk received any correspondence from any of the applicants requesting the city withdraw their resume from being considered.

Clerk Irby replied, no. However, she has received a few telephone calls on a monthly basis asking whether the Commission had made a choice.

Commissioner Tydus stated that she is sure there are some applicants who have found other employment and have not notified the city to withdraw their consideration.

Mayor Taylor stated that she had already given her synopsis and her concern is the process in an effort to be fair to the applicants. She instructed the City Clerk to send out a letter to the applicants informing them of what the Commission has decided.

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

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

2. (19-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, THAT ANY AND ALL COMPROMISES, SETTLEMENTS, AMNESTY, LIEN REDUCTIONS, AND FORGIVENESS OF LIENS AND UTILITY DEBTS INVOLVING CODE ENFORCEMENT OR UTILITY LIENS OR DEBTS IN EXCESS OF \$2,000.00 MUST COME BEFORE THE CITY COMMISSION FOR APPROVAL; RESCINDING ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by D.J.

The above resolution was read by title by Attorney Rodriguez.

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

Vice Mayor Johnson explained that this resolution would keep the Commission informed of the processes that may not be clear for accountability purposes. This would fall on the Commission as oppose to the City Manager.

Mayor Taylor asked for clarification on the resolution.

Manager Finnie explained that he recently established an in-house committee that reviews all liens and if there are liens that reach to the point where a waiver over \$2,000.00 is recommended, this resolution would not authorize him to waive any liens, but to bring it to the Commission to move forward.

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

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

3. (19-4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO REQUIRE COMMUNITY DEVELOPMENT TO CREATE A CHECKLIST FOR ALL PLANNING COUNCIL AND ZONING RECOMMENDATIONS, SPECIFICALLY INCLUDING ANY APPLICATIONS FOR SPECIAL EXCEPTIONS FOR A LIMITED TERM, AND INCLUDING ALL CHARGES FOR IMPACT FEES, AND SIMILAR COSTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolution was read by title by Attorney Rodriguez.

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

Vice Mayor Johnson explained that this resolution would require a checklist for all planning council and zoning recommendations, including any applications for special exceptions for a limited term. She recalled applications for special exceptions being approved for a certain term and it not ever coming back to the Commission. She noted that there is a planning council item on the agenda that includes a checklist, but that checklist needs to be revised. Additionally, that item has special conditions that is not mentioned any where in the checklist or resolution.

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

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

4. (19-9) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE THE CITY MANAGER TO PURCHASE THIRTEEN (13) FULLY EQUIPPED CROWN VICTORIA POLICE VEHICLES FROM THE CITY OF CORAL SPRINGS, IN THE AMOUNT OF FIFTY-NINE THOUSAND FIVE HUNDRED DOLLARS (\$59,500.00), PAYABLE FROM ACCOUNT NUMBER 65-521648; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Rodriguez.

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

Although she was in support of the police, Vice Mayor Johnson said she was not in support of buying someone else's junk. During her tenure with the city, four sets of vehicles were purchased for the police department with six of those vehicles being damaged. In her observation of the wear and tear of vehicles, she preferred the city piggybacking to purchase vehicles, but they don't need Coral Springs junk. As far as the photos provided, she said the city can do better in purchasing vehicles for the police department.

Commissioner Holmes said he has made it clear to the City Manager that he doesn't like the city purchasing used vehicles, but would like to purchase new vehicles. Having the opportunity to see one of the vehicles which appeared to be in fair condition, he said he is in support of purchasing these vehicles while the city works on purchasing new ones for the police department.

He continued by saying that he is in agreement with Vice Mayor Johnson in that the city should have the best, but when money is tight, they must do the best they can. He believed purchasing these vehicles would be a plus for the police department.

Commissioner Tydus asked, what are the years of the vehicles?

Gerardo De Los Rios of the Opa-locka Police Department came forward and stated that vehicles are 2003's and 2004's. The equipment in the vehicles are worth more than what the city is actually paying for the vehicles.

Commissioner Tydus stated that the odometer reading for those years is not that bad. Additionally, the City of Coral Springs is providing maintenance history which would be helpful in continuing maintenance of the automobiles.

Manager Finnie said he understood the issue about the used vehicles, but this is part of an overall plan he would be recommending to the Commission.

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

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

Mayor Taylor said she was pleased with the fact that the vehicles are fully equipped.

5. (19-11) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, REQUESTING APPROVAL TO AMEND THE CONTRACT OF C & I CONSTRUCTION AND DESIGN, INC. TO PERFORM

ADDITIONAL WORK ON PUMP STATIONS 1 AND 2, AS PER CHANGE ORDERS 1, 2 AND 3, INCLUDING A PERFORMANCE AND PAYMENT BOND AGREEMENT, AT A COST NOT TO EXCEED \$93,748.00, PAYABLE FROM ACCOUNT NUMBER 35-535630; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Rodriguez.

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

Vice Mayor Johnson expressed her concern about the amount of money the city has put into pump stations 1 & 2. She recalled Miami-Dade County stating that pump stations 1 & 2 were the primary. She asked, what is going on with pump stations 1 & 2?

Manager Finnie explained that pump stations 1 & 2 were certified and approved by DERM as being completed. In the process of the completion, there were some change orders. Change order 3 was as a result of a recommendation he asked staff to move forward on because he found the city didn't have performance bond insurance.

Vice Mayor Johnson recalled the city being short on money to make the budget for pump stations 1 & 2 and now the city has \$93,000.00 for the change orders.

Mayor Taylor asked, out of the \$93,000.00, \$15,000.00 went to the performance bond and \$41,000.00 went towards what?

Manager Finnie said those are dollars needed to redesign, upgrade and beautify the building next to Segal Park. This building is linked to pump station 2.

Vice Mayor Johnson expressed her concern relating to staff not knowing before hand how the building was to be constructed.

Fritz Armand, Public Works Director for the City of Opa-locka came forward and began to explain in detail each of the change orders as a part of this resolution.

Manager Finnie interjected and stated that change order 1 (\$37,000.00) was due to unidentified work that subsequently had to be completed.

Mayor Taylor asked, was this work foreseeable?

Manager Finnie replied, no. There are times when a contractor does not know what is in the ground until they actually go in the ground and find a connection. This was one of these circumstances.

Although Mayor Taylor understood change orders in her knowledge of construction with her husband, she said she didn't like change orders because they always cost money. The Commission wants to know where the money is coming from.

Vice Mayor Johnson was under the impression that engineers should be able to foresee certain things.

Mayor Taylor understood the change orders because the problem could not be foreseen; however, the problem is the amount of money that it totals up when the City Manager had already told the Commission about the budget deficit.

Manager Finnie asked the Public Works Director for the total project cost?

Mr. Armand said the guesstimate total project cost is \$850,000.00 - \$900,000.00.

Manager Finnie further explained that there are three components to this resolution: change order 1 is \$37,000.00 because the contractor dug where they shouldn't have dug to make a connection and change order 2 deals with the building at Segal Park. These costs, in his opinion, are legitimate project costs.

Vice Mayor Johnson couldn't understand how someone in the engineering field does not know where things are. There should be plans that indicate where the pipes are underground. In moving forward, she requested that everything is documented because so often staff has relied on institutional knowledge.

Manager Finnie said there are systems in place to prevent this from happening again.

Commissioner Miller said she was tired of the errors and whoever dug the wrong hole then they need to pay for it out their own pocket. She expressed her concern relating to the amount of money the city has spent on pump stations.

Commissioner Tydus said that the description indicates the city's map was incorrect as far as the location of that particular pipe.

Manager Finnie replied, yes.

Commissioner Tydus asked, how old is the map and who created the map?

Manager Finnie said he didn't know the age of the map, but the Atlas Map needs to be replaced and that is a substantial amount of money. This item may come back to the Commission to allocate money to do an Atlas.

Commissioner Tydus stated that updating the Atlas Map is very critical to the city.

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

16. NEW ITEMS:

17. PLANNING & ZONING:

A. HEARINGS:

B. APPEALS:

18. ORDINANCES/RESOLUTIONS/PUBLIC HEARING:

A. FIRST READING:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AMEND SECTION 2-8, RULE 1.0 OF THE CODE OF ORDINANCES, TO PROVIDE THAT REGULAR COMMISSION MEETINGS WILL COMMENCE AT 11 O'CLOCK AM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by T.H.

The above ordinance was read by title by Attorney Rodriquez.

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

Previously Commissioner Miller said she was in total agreement with the ordinance to change the time of the commission meetings; however, after giving it some thought, she is not sure whether the citizens will be left out due to their employment.

Commissioner Holmes suggested that the Commission look at the audience because not too many citizens were present at the meeting and it is during the evening. He noted that Miami-Dade County has their meetings during the day.

Because this was first reading, Commissioner Tydus said she would support it and wait to hear from the citizens during the public hearing.

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

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

B. SECOND READING/PUBLIC HEARING:

C. RESOLUTION/PUBLIC HEARING:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE A WAIVER OF PLAT, LOCATED AT 12805 NW 42ND AVENUE, FOLIO NO. 08-2129-000-0061, TO DIVIDE 30 ACRES INTO TWO (2) TRACTS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Rodriguez.

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.

Commissioner Miller asked for an explanation on the above resolution.

Howard Brown, Director of Planning & Community Development for the City of Opa-locka came forward and explained that Miami-Dade County regulations requires a property owner wishing to develop their property must go through this waiver of plat process for existing site. This resolution is a request by the property owner to have that considered. This tract of land is approximate 30 acres.

Manager Finnie added that this is commercial property and the owner would like to divide the property in half to continue utilizing a portion for business use while marketing the other portion for another company to acquire it and open up operations. The Commission is voting on to allow the property owner to divide the plat into two.

Attorney Rodriguez further explained that a plat is a subdivision of the property where there is a formal document that draws the lines on paper and that plat is recorded in the public records becoming the legal description of the property. The plat waiver is a simple subdivision of a property from one lot into two lots in which one can be sold separately from the other. However, there are certain requirements that both the city code and the county code requires in order to avoid the formality of having to go through the plat approval process; waive those requirements if it is going to be a simple subdivision of a property.

Vice Mayor Johnson expressed her concerns relating to the documentation provided in the package as supporting documentation in that the check was submitted in December 2009, but the receipt from the city was dated on March 18, 2010 and the incorporation papers reflects inactive.

Manager Finnie was unable to defend the 90 day delay in cashing the check and he would have to research the status of the company. After going through the backup documentation for this resolution, he said that the Sunbiz document lists the company as active.

Attorney Rodriguez clarified that the term in looking at Sunbiz if it lists a corporation as inactive that doesn't necessarily mean the corporation is not doing business or is out of

business, they haven't paid. Those are issue the business owner would have to take up with the state.

Vice Mayor Johnson requested that the City Manager provide a written response as to the 90 day delay in cashing the check.

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

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

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE PROPERTY OWNER, O & E EAST COAST INVESTMENT AND APPLICANT, AIXA SERRA LITTLE ONES ACADEMY CORPORATION'S REQUEST TO OPERATE A CHILD CARE CENTER AT THE LOCATION OF 2527 OPA-LOCKA BOULEVARD, OPA-LOCKA, FOLIO NO. 08-2122-011-0420, ZONED AS B-1 (NEIGHBORHOOD BUSINESS); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by C.M.

The above resolution was read by title by Attorney Rodriguez.

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 referred to the supporting back up documentation for the resolution which provided for a special condition for parking and playground; however, the checklist does not reflect this information.

Attorney Rodriguez recalled making the recommendation to the Planning Council that any site plan approval by this Commission would have to include as a condition of approval that the parking requirements of the code be met. If those conditions are not met, this site plan is not in compliance with the land development code.

Of concern to Vice Mayor Johnson was that there was nothing on the checklist that would indicate what the attorney just stated. Although this is mentioned in the Planning Council Minutes, it also has to be included in the checklist.

For the record, Attorney Rodriguez said he would have raised the issue before the Commission would have voted on the matter that it is included as a condition of approval as to this approved site plan.

Vice Mayor Johnson suggested that this resolution is brought back at a later time to allow for the language for the parking and playground to be duly noted.

Manager Finnie stated that the project summary does include the language for the parking and playground conditions.

Attorney Rodriguez noted that Section 2 of the resolution include the language that it is subject to the conditions that all playground and parking requirements are met. Therefore, if this use continues forward and it could be determined there is insufficient parking for a daycare use then the applicant could be subject to a compliance action.

Vice Mayor Johnson suggested that the language is included on the checklist for this item prior to approval.

Because Mayor Taylor is in the daycare business, she said that part of her approval included the parking. She recalled a daycare across from the basketball court and the applicant wanted Commission approval but they were going to use city right-of-way for parking. Of concern was that the parking was not included which is essential. This resolution is passing part of it and allowing the applicant time to do certain things.

Attorney Rodriguez informed the Commission that this is a normal practice for most other municipalities in South Florida. He has raised the issue with the Planning & Zoning Department so that there is a formalization of the site plan review process and the site plan application process so that all these are basically needed out by staff prior to their presentation even to the Planning Council.

Commissioner Miller agreed with Vice Mayor Johnson and suggested that all the language is in writing prior to moving forward with the resolution for approval because historically staff doesn't go back to check on these things. She recommended that the City Manager defer this resolution and bring it back in a better format.

Attorney Rodriguez advised that the Commission has two options: 1) table this matter to a date certain, or (2) remand this matter back to the Planning Council with additional recommendations that such things be included.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to refer this matter back to the Planning Council for correction.

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

19. ADMINISTRATION:

CONSENT AGENDA:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO URGE ALL MUNICIPALITIES IN MIAMI-DADE COUNTY TO ADOPT A ZERO TOLERANCE POLICY RELATED TO GRAFFITI; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO DIRECT THE CITY MANAGER TO PURSUE POSSIBLE ANNEXATION OPTIONS FOR THE CITY, INCLUDING SOUTH ALONG 27TH AVENUE AND EAST OF THE CURRENT CITY LIMITS, AND TO PRESENT THESE OPTIONS TO THE CITY COMMISSION ALONG WITH RECOMMENDATIONS AS TO HOW TO PROCEED WITH POSSIBLE ANNEXATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T. & D.J.*

6. 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 TEN THOUSAND TWO HUNDRED TWENTY-TWO DOLLARS AND SIXTY CENTS (\$10,222.60), PAYABLE FROM ACCOUNT # 14-512528; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

7. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE DEPARTMENT OF JUSTICE FY 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG), LOCAL SOLICITATION AWARD IN THE AMOUNT OF THIRTY-SIX THOUSAND NINETY-SEVEN DOLLARS (\$36,097.00), IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; PROVIDING FOR INCORPORATIONS 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 SETTLING THE CLAIM FOR ATTORNEY'S FEES AND COSTS BY JAMES GREASON, ESQ., IN THE LITIGATION MATTER OF LINDA BRACY VS CITY OF OPA-LOCKA, IN THE TOTAL AMOUNT OF THIRTEEN THOUSAND FIVE HUNDRED DOLLARS (\$13,500.00) PAYABLE FROM ACCOUNT NUMBER 28-514390; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

10. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED TWENTY FIVE THOUSAND EIGHTY SEVEN DOLLARS (\$25,087.00) TO GREEN SOURCE LANDSCAPE & FIELD TURF INC., PAYABLE FROM ACCOUNT NUMBER 74-572630, FOR REMEDIATION

SERVICES AT INGRAM PARK AND SOD AND IRRIGATION INSTALLATION AS A PART OF THE SAFE NEIGHBORHOOD BOND GRANT PROGRAM SHERBONDY PARK RENOVATIONS; 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 Rodriguez.

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

The motion passed by a 5-0 vote.

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

A. CITY MANAGER'S REPORT:

Manager Finnie requested to hold a workshop for an update on the city's lift stations.

Mayor Taylor requested that the City Clerk poll the Commission for a workshop date. She suggested that the workshop also include other items that need to be addressed.

Manager Finnie reported that the he is in receipt of a letter from DERM indicating the sewer system pipes needed to be replaced on Port Said Road. He would come back to the Commission with staff's recommendation.

As it relates to Sherbondy Park, he said there were discussions over the past several weeks about the city's operations in relocating Sherbondy Park. This topic is still under investigation and he would be bringing it back to the Commission for direction when there is more information available.

Vice Mayor Johnson expressed her concerns relating to employees in city vehicles picking up and dropping off other employees; employees taking care of personal business while on the clock; and employees taking extended lunch breaks.

She requested increased police visibility during the early morning hours when children are walking to school or bus stops. Also, the police department must increase community policing address vehicles parking in the middle of the road which leads to increased violence among individuals.

She further stated that she had not received the report on Johnson Controls. She suggested that something is put in place to address the chickens near Superior Gardens. Also, the city should contact the Homeowners Association to address the trash at Superior Gardens, perhaps signage could be erected because something needs to happen after the trash pickups.

Commissioner Miller suggested that the City Manager make sure the Opa-locka Police Department increases its visibility throughout the community due to an increase in crime.

Commissioner Holmes added that he received a telephone call from a citizen at around 2am about several vehicles being broke into on Fisherman Street. The following night he received another telephone call about a vehicle being stolen on Fisherman Street near Robert B. Ingram Elementary.

He mentioned that Opa-locka was the first to adopt the Saggy Pants ordinance. He made reference to an article relating to the Saggy Pants ordinance in Alabama is making a lot of money. After mentioning many times in the past, he again directed the City Manager to make sure the police department enforces the Saggy Pants ordinance and the businesses are being required to purchase the "No Saggy Pants" signs when renewing or applying for a new application.

He further directed the City Manager to put a system in place to check those employees driver license that operate city vehicles; this should also include the police department and all other city employees.

Commissioner Miller said she received a telephone call from a citizen who called the police department and the answering machine came on. He suggested that the City Manager address the concern and make sure there is someone at the police department to answer calls 24/7.

Commissioner Tydus requested that the City Manager contact Miami-Dade County Animal Control to address the stray dogs throughout the city.

She went on to say that the baseball field at Sherbondy Park is overgrown and looks terrible.

She further stated that the city has not had an auction for many years. She asked, is there anything at the police department the city could put out for auction or at any other departments?

Manager Finnie indicated that he would speak with the police department and public works regarding this issue.

Vice Mayor Johnson asked Manager Finnie if he followed up on the break in at Robert B. Ingram Elementary. Also, the city had not completed any paperwork to utilize the school on Saturdays and this must be done for liability purposes. If the city doesn't have permission to use the school then staff should not be taking the kids out there on Saturdays when the school is closed. She asked for a written response on this matter.

Manager Finnie stated that the football games are held at Sherbondy Park on Saturdays and he is unaware of who is trying to use that facility on Saturday. He had checked with staff, but has not come up with anything yet.

Vice Mayor Johnson voiced her concern with seeing too many police officers and city employees talking on the phone while driving city vehicles. She suggested that those employees receive a Bluetooth and that the city get a control on this issue due to the potential liability.

She continued by saying that the medians along NW 27th Avenue must be addressed because the trees are dead. Also, SR9 at NW 22nd Avenue must be beautified as well and she would like this to take place by October 12, 2011. She stated that NW 135th Street from NW 22nd Avenue to NW 27th Avenue must be cleaned and maintained on a regular basis. The city's wooden signage on NW 22nd Avenue must be taken down and replaced with a new sign. The banners throughout the city should be put up professionally and not on trees. The city's "Welcome to Opa-locka" signs should be an image that everyone welcomes.

She recalled legislation coming before the Commission for churches in warehouses, but that legislation failed. She asked, why are there churches in warehouses without the city's permission? Additionally, she mentioned several car washes at a local gas stations operating without a permit.

She requested that the City Manager address those issues.

Commissioner Holmes stated that he was suppose to have a resolution on the agenda for the city to install bleachers on the Football field, but it may have slipped his mind. He directed the City Manager to purchase bleachers for the field so that the people have somewhere to sit when watching the games.

As policy makers, Mayor Taylor said that the Commission shouldn't have to address issues such as lights, etc., but they are being forced to ride through the city and see things they really should not see when there is staff and code enforcement to take care of these things. She went on to say that she spoke to the City Manager about this, but want to say it publicly because she wants something done since the city has Public Works, Choice Environmental, Inc. and the inmates, and the streets are still not cleaned. Although there is a debunked street sweeper, but there is a push broom and dust pan somewhere. She directed the City Manager to make sure the streets are cleaned.

Additionally, she requested that the shrubbery on NW 22nd Avenue (N) at NW 135th Street is trimmed and maintained. Also, additionally lighting and police visibility are needed in the Royal Palms Senior Facility area.

She further requested that the City Manager arrange for mosquito control to come out to the city.

Manager Finnie stated that he had already contacted mosquito control.

Mayor Taylor requested that the City Manager include in the upcoming workshop an update on Sherbondy Village, update on Town Center Lease Release and moving into Sherbondy Village, update on the Annexation and update on Magnolia North.

B. ACCOUNTS PAYABLE:

Ezekiel Orji, Finance Director for the City of Opa-locka, Florida, came forward and stated that included in their package are all of the financial reports.

Commissioner Miller asked, does the city have enough money to pay its bills?

Dr. Orji replied, yes.

Vice Mayor Johnson recalled discussion at a previous commission meeting for an item to be purchased out of the Law Enforcement Trust Fund. She noticed in the reports provided by Finance that the city received \$51,000.00 in July 2011. However, the last meeting was held in September and there was no mention of funds during the discussion, She asked, why did it take so long to be reported?

Dr. Orji said he would review the issue and get back to Vice Mayor Johnson.

Starting on October 1, 2011, Vice Mayor Johnson requested that the Commission be provided with reports identifying the actual budget number, the expenditure and remaining balance for each account.

20. OFFICIAL BOARD REPORTS:

21. CITY ATTORNEY'S REPORT:

22. CITY CLERK'S REPORT:

Clerk Irby reported that Dr. Phillip Mann of Barry University identified monies for individuals who would like to start their own business as well as existing business owners. She suggested that the come out on a Saturday in order to have enough time to advertise and notify the community.

Mayor Taylor stated that it would be good if Dr. Mann could make a public presentation before the Commission.

Clerk Irby said he would be making a presentation at the next commission meeting.

Mayor Taylor asked for an update on the Census.

Clerk Irby said she needed to get clarification on the redistricting from Social Compact to be able to provide a report to the Commission.

She further reported that the Commission on Ethics wants to conduct a workshop with city employees. Also, the Commission should consider having a separate workshop to familiarize themselves with the new election laws.

Although the city has not set a date for the MLK, Clerk Irby said she would like to have a massive voter's registration drive and she has already contacted several agencies for this purpose.

23. MAYOR/COMMISSION REPORT:

Commissioner Tydus announced that for reasons beyond her control there will NOT be a 70's Costume Ball this year.

Vice Mayor Johnson reported that she is still working with the school district on the educational compact. She is also working on the Opa-Steppers and bringing in Weight Watchers at work.

She announced that the Installation Celebration for LEO will be held on October 21, 2011.

Commissioner Holmes reported that he had commenced his turkey drive and sent out letters to business owners for contributions.

Commissioner Miller stated that the City Manager is suppose to be contacting and coordinating on her behalf to have fresh vegetables and produce given out during Commissioner's Holmes turkey give away. She asked, did the city contact the representative?

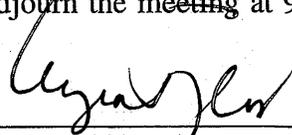
Manager Finnie said that everything should be ready by the turkey give away.

Mayor Taylor thanked the City Manager for balancing the budget for the city.

24. OFFICIAL BOARD APPOINTMENTS:

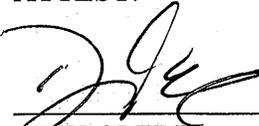
25. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Vice Mayor Johnson, seconded by Commissioner Miller to adjourn the meeting at 9:22 p.m.



MAYOR

ATTEST:



CITY CLERK