

CITY OF OPA-LOCKA
"The Great City"

CLERK'S ACTION SUMMARY MINUTES
REGULAR COMMISSION MEETING

October 12, 2011
7:00 P.M.

City Commission Chambers
777 Sharazad Boulevard
Opa-locka, FL 33054

1. CALL TO ORDER:

Mayor Myra L. Taylor called the meeting to order at 7:00 p.m. on Wednesday, October 12, 2011 in the City Commission Chambers, 777 Sharazad Boulevard, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Commissioner Rose Tydus, Vice Mayor Dorothy Johnson, Commissioner Timothy Holmes, Commissioner Gail Miller and Mayor Myra L. Taylor. Also, in attendance were: City Manager Bryan K. Finnie, City Attorney Joseph S. Geller and City Clerk Deborah S. Irby.

3. INVOCATION:

The Invocation was delivered by Mayor Myra L. Taylor.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. APPROVAL OF AGENDA:

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

Attorney Geller noted a correction to Agenda Item 18B1 which incorrectly indicates the Vice Mayor as the co-sponsor; the sponsor is the City Manager only.

Manager Finnie deferred agenda item 19-6.

The following items were pulled from the Consent Agenda to be discussed separately under agenda item 15 – Action Items: 19-3 (Johnson, Taylor), 19-4 (Johnson), and 19-5 (Johnson).

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to pass the agenda, consent agenda and pull list.

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

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

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

Vice Mayor Johnson along with the City Commission presented the City of North Miami Police Department with a plaque for the outstanding response time for public safety. Major Miller accepted the award on behalf of the North Miami Police Department.

8. APPROVAL OF MINUTES:

Special Commission Meeting – 09/01/2011
First Budget Hearing – 09/13/2011
Second Budget Hearing – 09/27/2011
Regular Commission Meeting – 09/28/2011

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to approve the Special Commission Meeting minutes of September 01, 2011, First Budget Hearing Minutes of September 13, 2011, Second Budget Hearing Minutes of September 27, 2011 and the Regular Commission Meeting minutes of September 28, 2011.

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

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

9. 17th CONGRESSIONAL DISTRICT OF FLORIDA REPORT:

Vice Mayor Johnson stated that Congresswoman Federica Wilson is inquiring with FDOT for beautification on NW 27th Avenue.

Mayor Taylor added that the city has also asked the Congresswoman to look into CSX and the problem the city is having along the rails.

10. STATE SENATORS REPORT:

11. STATE REPRESENTATIVES REPORT:

State Representative John Patrick Julien, District 104, came forward and spoke about the upcoming legislative session and the possible reduction in the telecom tax that will have an impact on the city. He also spoke about the Census, redistricting and the 20 year reapportionment where there is redistricting and a presidential election. With the redistricting, he noted that the representation would change on a state and county level. He encouraged the Commission to be a part of that process so that their voices will be heard before the lines are drawn and a vote is taken because it will have a definite impact on the City of Opa-locka for the next ten years to come.

He went on to speak about the issues surrounding the state's upcoming budget and suggested that the Commission is proactive and reach out to the legislators both in the house and senate, republicans and democrats alike.

With regards to the Red Light Camera, he said during the last session there was a move introduced in the House by Representative Richard Corcoran in his efforts to repeal the red light cameras. Different municipalities feel differently about red light cameras. Although this item passed in the house, it failed in the Senate side and this item is coming back. As Rep. Corcoran becomes more powerful because he is slated to become a future Speaker of the House, the incoming Speaker of the House Rep. Weatherford and the incoming Senate President, Senator Gates have both expressed a desire to repeal the Red Light Camera. He requested that the Commission let him know what the wishes of the City of Opa-locka are in terms of this issue. Lastly, he informed the Commission that there is a major push by the insurance industry to either reform Personal Injury Protection (PIP) insurance or do away with it. What is important is that whatever happens, wherever there is fraud it always trickles down to the consumer and as fraud escalades, it ends up costing taxpayers more money.

Due to the recent discussions relating to getting rid of after school programs, Vice Mayor Johnson requested Representative Julien's support because there are several after school programs in the city. She requested to have additional dialogue with Rep. Julien to further discuss the after school program and the red light cameras.

As it relates to the redistricting, she asked that Rep. Julien inform the city of any future Town Hall Meetings scheduled to discuss this matter in order to engage the citizens.

Representative Julien stated that the entire Democratic Caucus did support After School, VPK, public schools and public school teachers, but there are only 39 Democrats out of 120 in the House. As it relates to redistricting, there have been ongoing hearings around the State and right now the only opportunity to voice their concern is up in Tallahassee or via the Website.

12. DISTRICT ONE - COUNTY COMMISSIONER REPORT:

Larry Gardner, Assistant to Miami-Dade County Commissioner Barbara Jordan, District 1, came forward and said he was glad to be of assistance to the City of Opa-locka.

13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

Due to budget constraints, Miami-Dade County Fire Rescue Department reported that they shut down one of the fire boats. This would not have any direct impact on the community of Opa-locka or nearby communities, if anything; this would provide additional personnel to staff their units and cut back on overtime.

14. PUBLIC PRESENTATION:

Linda Lecht, President of the Education Fund, North Miami, Florida came forward and provided an overview of the Education Fund's purpose and programming available to public schools. She went on to speak about the pilot program which both elementary schools in Opa-locka are a part of; this program focuses on reducing obesity in children by training teachers on using edible gardens. (Handouts relating to the Education Fund were provided to the City Clerk).

Mia Devine of Farm Share appeared before the City Commission and provided an overview of the services provided by Farm Share which focuses on the recover, packaging and distribution of fresh fruits and vegetables to low income families through non profit organizations across the state. (Handouts relating to Farm Share provided to the City Clerk).

Rachel TaalibDeen, Executive Director of the North Dade Youth & Family Coalition came forward.

As a member of the Board of Directors which serves Opa-locka and Miami Gardens and after hearing the discussion in terms of only serving Opa-locka youth, Vice Mayor Johnson requested that Ms. TaalibDeen make a presentation.

Ms. TaalibDeen continued by giving an overview of the services provided through what was once called the Youth Violence Prevention Coalition which started approximately six years ago due to the high crime rate within Opa-locka and Miami Gardens. In 2010, the name was changed to the North Dade Youth & Family Coalition and through that process the goal hasn't changed because it is still to empower the youth and families with community solutions to help improve lives. The program is available to residents in Opa-locka and Miami-Gardens.

She further stated that there was a grant through the Children's Trust to support the Child Murder Act and through that there was money available. The City of Miami Gardens was the fiduciary for the funds, but the funds went towards programming throughout both cities. Some of the key pieces of that is the Crime Prevention Program which services youth who are suspended from school to keep them off the streets as well as the police department. (Handouts relating to the program provided to the City Clerk).

Joseph L. Kelley of 485 Dunad Avenue, Opa-locka, Florida, appeared before the City Commission and expressed his concerns relating to the overgrown grass on Rutland Street and NW 22nd Avenue, Wilmington Street and NW 22nd Avenue, city owned property on NW 143rd Street and the city parks; plan to prevent future cost overruns on city projects for lift stations; Agenda Item 19-4 authorizing the City Manager to ratify the purchase and installation of trees; Agenda Item 19-3 to solicit for a public relations firm; and Agenda Item 19-5 allowing staff to make subsequent recommendations and decisions on foreclosures without coming back to the Commission.

He continued by saying that there is a Family Coalition grant through the Obama administration and he would hope the city would tap into that which deals with the concept of family sustainability and self sufficiency.

He further stated that the Governor is planning to recoup pension money in the future and suggested that the Commission keep an eye on that as well.

14a. CITIZENS' FORUM:

Alvin Burke of 2928 NW 132nd Street, Opa-locka, Florida, came forward and stated that it was ironic the city was recognizing another police department when for the past week the city's Chief of Police has been slandered all over Channel 7 and nobody from the city has come forward. Of concern was that Chief Cason and her family were put in jeopardy because her residence was aired on television and her address being shown to the public when law enforcement officers home addresses are not public information. He was of the opinion that the city should have filed an injunction to stop Channel 7 news from airing the Chief's address on television.

He further expressed his disagreement with Agenda Item 19-3 to hire a public relations firm. He suggested that the city utilize others means available (i.e. Opa-TV) and said that public relations starts with the Commission by making sound and good decisions for the citizens in the City of Opa-locka.

Vice Mayor Johnson said she would not apologize for the presentation to the City of North Miami Police Department because public safety is important to everyone and she appreciates the speedy response whether it is Opa-locka or not. She stated for the record that she wasn't aware of any incident with Chief Cason because she was out of town for a week, but she hope that if something like that did occur that staff would take the initiative to look into it. The City Commission cannot stop any camera. Because everyone has a concern about this issue, they should go to Help Me Howard and rebuttal it.

She continued by saying that if this incident did occur, she would hope the City Attorney and City Manager would be providing the Commission with a report.

Jeannette Arlene of 2324 Service Road, Opa-locka, Florida and voiced her concerns about the speeding on Service Road and the recent auto thefts in the area. She requested

that the city install speed humps to address the speeding. She stated that the East Side Crime Watch is in agreement with the overlay in the Magnolia North area.

Commissioner Miller directed the City Manager to have staff speak with Mrs. Arlene regarding her concerns.

Mark Brown, Founder/President of Black Global Bikers Association, Inc. appeared before the City Commission and requested support for their 6th Annual Motorcycle Charity Run scheduled for Sunday, December 18, 2011. He went over the schedule of events for the charity run.

Vice Mayor Johnson suggested that Mr. Brown submit his letter so that she can see what can be done as far as sponsorship.

Linda Parker resident on Arabia Avenue, Opa-locka, Florida, came forward and informed the Commission of her inability to reach a live person in the utility department or various other departments in the city for a long period of time.

Mayor Taylor asked the City Manager if he heard Ms. Parker's concern?

Manager Finnie replied, yes.

Mayor Taylor apologized to Ms. Parker for the inconvenience.

David Norris of 260 Perviz Avenue, Apt. 18, Opa-locka, Florida appeared before the City Commission speaking as an employee of the city and said that he was saddened to see agenda item 19-3. After speaking to a commissioner, the City Manager and putting in a request to speak to another commissioner which didn't happen...

Mayor Taylor interrupted Mr. Norris and asked if he had spoken to his supervisors in his department since he was addressing the Commission as an employee. She said she was concerned about employees coming before the Commission before they have spoken and gone through the chain of command. She indicated to Mr. Norris that if he was coming as a resident, that would be different, but he has indicated he is speaking as an employee and Mr. Norris should have received an employee manual which dictates how employees are to address grievances. She said she didn't believe the manual says to start with the Commission.

Mr. Norris advised that prior to coming to the Commission and the City Manager, he went to his supervisor and director. He asked for permission to continue.

He continued by expressing his concern with Agenda Item 19-3 to solicit a public relations firms which in his opinion is not needed, but the employees are still suffering without getting taken care of financially.

Manager Finnie stated that Agenda Item 19-3 has to do with the marketing of the city; it is for discussion purposes only and there's no dollars attached to it, therefore, it is inappropriate for his staff to be involved in this discussion.

Mr. Norris requested to continue his presentation as a citizen.

Vice Mayor Johnson suggested that the Commission allow Mr. Norris to speak since he has indicated he is refraining from speaking as an employee and will now speak as a citizen. In talking about branding and imaging, she said if every employee knows what the city's plan is and they have feedback then it would eliminate these types of situations. In previous conversation with Mr. Norris, she indicated to him that he would have to address his employee issues with his supervisor, but he could still speak as a citizen during the commission meetings.

Mr. Norris expressed his concern relating to how the Public Works Department and those employees making under \$30,000.00 are being treated. He spoke about an employee asking Mayor Taylor a question concerning monies and she said she would speak with the attorney and the City Attorney was to get back with the Mayor with regards to how something was worded in the contract. He said he wouldn't have to continue coming back before the Commission, but is he supposed to just let it go and not say anything although it keeps going on. He said he was afraid if he doesn't say something, what would continue to happen. There are so many employees in this city that are complaining and don't know what to do.

Mayor Taylor advised Mr. Norris that he had moved into employee situations and thanked him for coming.

Commissioner Holmes told Mr. Norris to not be afraid of losing his job because he spoke out.

To support Commissioner Holmes statement, Vice Mayor Johnson said that Florida Statutes Whistle Blower's Act protects employees. She said she didn't want Mr. Norris to feel intimidated or that someone would retaliate against him for voicing his opinion. She suggested that Mr. Norris request a copy of the video for this meeting.

In closing, Manager Finnie stated for the record that Mr. Norris has had access to his office because he has an open door policy. His concern is that Mr. Norris has not taken the liberty to come upstairs to his office and talk to him; however, Mr. Norris would speak to him when he wants to work overtime.

Commissioner Tydus responded to Mr. Burke's concern and said she was in agreement with him in regards to the damaging report reported by Channel 7 with reference to the Chief. She said she had not seen the report, but a citizen called her on the following day asking her about it and it was at that time that she called the City Manager which should have not been. Although she didn't know about the rest of the Commission, she said she was not notified.

She requested that the administration send communication to Channel 7 expressing the city's displeasure with the public disclosure of the Chief's home address. In addition to that, she requested that the administration request copies of the broadcast and provide whoever with a copy. In the future, she directed the City Manager to provide the Commission with a copy of the video anytime there's newscast regarding the City of Opa-locka.

Attorney Geller said he was going to cover this matter under his report. He said he received a copy of the DVD through the City Manager's Office and they are looking at what remedies are available; however, he would prefer to brief the members of the Commission individually as oppose to doing it on the dais. But they are looking at this matter seriously because they agree with the remarks that it was inappropriate for the station to do it and it may not be limited just a letter to Channel 7.

After viewing the Channel 7 news report, Commissioner Holmes said he spoke to both the City Manager and City Attorney and they are aware of what happened.

He stated that the police department made numerous arrests over the past few weeks.

Major Eleven Barrett of the Opa-locka Police Department came forward and provided a brief report on the recent arrests made. She advised that the police department was honored by North Miami for their collaborative efforts in working with the WOLF pack.

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

1. (19.3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO SOLICIT PROPOSALS TO HIRE A PUBLIC RELATIONS COMPANY TO ASSIST IN IMPROVING AND MAINTAINING THE CITY'S IMAGE, AND TO MAKE RECOMMENDATIONS TO THE CITY COMMISSION FOR FINAL APPROVAL; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

The above resolution was read by title by Attorney Geller.

Mayor Taylor relinquished the gavel to Vice Mayor Johnson to motion the above resolution. It was moved by Mayor Taylor; motion died for lack of a seconded.

Vice Mayor Johnson returned the gavel to Mayor Taylor.

Mayor Taylor stated that the city doesn't know what to say, when to say it, how soon to say it, therefore, she directed the City Attorney to bring this resolution back. There is a need for someone to represent the city. She made reference to a report that was provided in the packet from the City Manager (Tab 4) where the article read that the city was hiking taxes and nobody addressed it. She expressed the importance of getting someone to speak on behalf of the city.

Vice Mayor Johnson said that she understood when a motion is made, and it receives a second then discussion is allowed. However, once a motion dies for lack of a second, the agenda continues to the next item. This was the second time she seen this happen, and since the City Attorney as the parliamentarian is not going to do right, she requested that he bring back a resolution for an in house attorney. She refused to sit on the dais and allow the City Attorney to sit silent and not say a word.

As the parliamentarian, she went on to say that the City Attorney is to speak on what's right.

Attorney Geller advised that when a motion dies, discussion on the motion ends. Having said that, the procedure is that members of this Commission afford each other the courtesy to speak. He mentioned that Commissioner Holmes just brought up an item that he felt strongly about the police department and if the attempt was made to reintroduce it in anyway, he certainly would have jumped in and ruled out of order. But when a member on the dais is going to make a comment, the practice has been to allow each other the courtesy of making some kind of comment, and since the remark was only directed towards something Mayor Taylor was going to do in the future, he didn't think her making a statement while she's chairing the meeting was out of order.

Vice Mayor Johnson expressed her concern with hearing Mayor Taylor say she was going to bring an item back and the City Attorney allowing the discussion to go on. In terms of Commissioner Holmes comments, the Commission is not voting on that item.

Attorney Geller advised Vice Mayor Johnson that the Commission was not voting on this item either because Mayor Taylor said she was going to bring it back at another meeting.

Vice Mayor Johnson asked, is the Commission going to vote on it when it comes before them at the next meeting or not?

Attorney Geller chuckled and said, not if it doesn't get another seconded.

Vice Mayor Johnson stated that if the item comes on the agenda, there is a possibility for a vote and whether there is a second or not, that is not the City Attorney's prerogative.

Commissioner Holmes suggested that an in house person is designated as the city's spokesperson instead of going out to hire a public relations firm.

Following Attorney Geller's lead, Mayor Taylor said she didn't have discussion, but made a statement on this agenda and said she would bring the item back. She said she would consider a resolution based on what Commissioner Holmes has stated about an in house person.

2. (19.4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO RATIFY

THE ACTION OF THE PREVIOUS CITY MANAGER IN AUTHORIZING THE PURCHASE AND INSTALLATION OF TREES AND REMEDIATION OF EXISTING TREES WITHIN THE CITY; FROM MY LAWN SERVICE, IN THE AMOUNT OF FOURTEEN THOUSAND FOUR HUNDRED DOLLARS (\$14,400.00), PAYABLE FROM ACCOUNT NUMBER 44-541819; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

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

Vice Mayor Johnson asked for further clarification on the above resolution because although it is to ratify the action of the previous manager she recalled seeing a previous item for \$19,000.00. Additionally, she inquired as to why this item did not go through the procurement process.

Manager Finnie accepted responsibility for this item because the actual disbursement happened on his watch; however, the procurement began and ended before his arrival. This began in March and by the end of June, the city was faced with a situation where it was going to either use it or lose it. In an effort not to lose the grant, he asked staff for the recommended contractor and he was provided with the contract based on staff analysis. This was not a RFP process, but an internal bid process.

Vice Mayor Johnson recalled that on July 15, 2011 at 9:24 a.m. prior to her tree planting, she met with staff and the vendor. At that time, staff indicated that they received an extension which was not true because the person who supposedly gave the extension was present at that meeting, but staff wasn't aware that she had a relationship with that person prior to now. Of further concern was that she provided information to the City Manager and the city could have bid out this project. She mentioned another company that staff made an agreement with, but because that was not who staff wanted, they came up with this. She said she would not support this resolution because she was tired of pre-selection.

Additionally, she stated that the trees planted on NW 27th Avenue are FDOT and she wants to know why the city was planting on FDOT.

Because the work was already completed, Commissioner Tydus asked, what can be done at this point? Although she was not in disagreement with Vice Mayor Johnson, she said there was nothing the Commission could do at that point.

Vice Mayor Johnson said that the Commission keeps saying the same thing and staff keeps doing it.

Mayor Taylor asked, did this item go out for bid under Mr. Patterson?

Manager Finnie advised that this item went through a desk bid process and this company was chosen.

Mayor Taylor stated that this company went through the process whether the Commission likes it or not and they have done the work so the city owes the money. The city can not stop the payment to the vendor because something was not done right.

Commissioner Miller expressed her frustration with staff not doing what they are supposed to as it relates to their jobs.

Manager Finnie stated that this was not the typical process because the very day before the recommendation was made, the company was called via telephone and told if they give their price within 24 hours the city would include them into the process. He said he was uncomfortable with the process and a process like this no matter how much money as long as he's here will not move forward until there is an official bidding process. However, this is grant money and the city will get reimbursed for these funds.

Commissioner Miller suggested that the City Manager not allow this type of situation to occur again.

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

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

3. (19.5) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ACCEPT THE RECOMMENDATION OF THE CITY MANAGER TO BEGIN FORECLOSURE PROCEEDINGS ON CERTAIN PROPERTIES IN THE MAGNOLIA NORTH AREA, MAGNOLIA GARDENS, AND OTHER AREAS OF THE CITY, AND TO ACT ON SUBSEQUENT FORECLOSURES AS RECOMMENDED BY STAFF; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by C.M.

The above resolution was read by title by Attorney Geller.

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

Vice Mayor Johnson said she could not support the resolution as is allowing the City Manager to act on subsequent foreclosures as recommended by staff. Based on the history of staff so far, she said everything pertaining to this city must come back to the Commission. She suggested a friendly amendment to the resolution.

As per Vice Mayor Johnson's request to amend the resolution, Attorney Geller recommended that the resolution be amended as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ACCEPT THE RECOMMENDATION OF THE CITY MANAGER TO BEGIN FORECLOSURE PROCEEDINGS ON CERTAIN PROPERTIES IN THE MAGNOLIA NORTH AREA, MAGNOLIA GARDENS, AND OTHER AREAS OF THE CITY; ~~AND TO ACT ON SUBSEQUENT FORECLOSURES AS RECOMMENDED BY STAFF~~; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Taylor asked, what does "and to act on subsequent foreclosures as recommended by staff" mean?

Attorney Geller advised that it means if staff brought other recommendations that the City Manager would be authorized to begin the foreclosure proceeding whereas the amendment the Vice Mayor is seeking would take that away and only authorize the foreclosures shown in the attached list. Anything else would have to be presented separately.

He went on to say that Section 2 of the resolution would be amended as follows:

SECTION 2. The City Commission of the City of Opa-locka hereby accepts the recommendation of the City Manager to initiate foreclosure proceedings on certain the properties in the Magnolia North area, ~~and on such property as may be recommended by the City Manager.~~ as shown on the attached Exhibit "A".

Commissioner Miller asked, who will pay for the foreclosures?

Manager Finnie stated that the intent is to go after foreclosures that have liens and the city will go after the liens, but there would be a processing fee. It would be nominal and there would be a carrying cost. What he would like to do is determine how much it cost to acquire the property and then past that cost. Whatever cost the city spends to obtain and maintain the property would have to come back to the Commission. As the city transfers, sells, and/or liquidate the property he would have to get permission from the Commission to do that. In that liquidation, the city would get back their costs.

Commissioner Miller asked, who will the city sell the property to?

Manager Finnie said that the city will acquire the properties and then come back to the Commission with a recommendation on liquidating those properties. The idea in this instance is to acquire as much land as possible through the foreclosure process and land bank it for future use of the city. Any property acquired would have to come back to the Commission to be liquidated.

Commissioner Holmes stated for the record that since 1994 he could not recall a time when the Commission gave the City Manager this type of responsibility to begin foreclosure proceedings on properties.

Vice Mayor Johnson said that many of the liens on properties were never recorded at Miami-Dade County. Although the City Manager indicated that this matter was corrected, she would have to see for herself. If the Commission can't pass the resolution with the amendment then she could not support it.

Manager Finnie understood Vice Mayor Johnson's concern and agreed with her; however, regardless of what is approved, he said he has looked at the lien situation and he restructured staff to address that. The city is working diligently to make sure all liens are properly maintained and accounted.

Attorney Geller suggested that the Vice Mayor make a motion to amend unless there is no objection from the Commission on the amendment.

It was moved by Vice Mayor Johnson, seconded by Commissioner Tydus to amend the resolution as indicated above by the City Attorney.

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

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

The motion on the resolution passed by a 4-1 vote.

Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	No
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 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.

Attorney Robert Holland of 5955 NE 4th Court, Miami, Florida, appeared before the City Commission on behalf of Zepol, Inc. d/b/a Night Hawk Trucking. He requested a land use change of 6.25 acres located at 3325 NW 135th Street from commercial use to industrial use.

It was moved by Commissioner Holmes, (Mayor Taylor relinquished the gavel to Vice Mayor Johnson) seconded by Mayor Taylor to pass the ordinance.

Mayor Taylor said she initially was not in favor of this development because she thought she saw a need in the area that did not have to do with commercial. However, there was something that Commissioner Holmes said at the last meeting "the dredging at the port is going to affect Opa-locka straight down NW 135th Street". Within the next few years that street is going to widen and everything North and South is going to be affected. Opa-locka may want to get in on what's happening at the port because it is going to directly affect the City of Opa-locka.

At this point, Commissioner Tydus said she was not in favor of this particular project because she cannot dismiss from her mind and reality that there is a residential community right behind this property. She said she has to put herself in those peoples shoes and although they did not respond to the public hearing available to them during the Planning Council process, but if she was living in that area she would not want to come out of her home and have to pass by any industrial use facility. Additionally, there is a church behind the property and in front of the property. As a matter of fact there is communication from one of the church's that was not in favor of this project. The administration report outlines the locations and zoning districts and it is more residential and commercial than it is industrial. This is one of the city's major thoroughfares and every time she travels on NW 135th Street she is sickened by the industry which is an eyesore.

She continued by saying that her main concern is the residents in that community. It is a shame what they have to pass by at this time, but she is not in favor of adding to the eyesore. Also, she said she had problems with the declaration of restrictions in terms of the painting aspects because she is not sure whether it is consistent with the city's code in

the fact that the owner of the property has sole discretion as to the repainting. Under employment, she doesn't see where any special consideration is given to the residents of the city. For those reasons, she said she was not in support of this project.

As the growth in the Port of Miami continues and the traffic starts traveling down NW 135th Street, Commissioner Holmes said that the people who have homes on NW 135th Street may be willing to sell their homes to a business person to do whatever needs to be done on that street. He encouraged the Commission to focus on the growth of the city and look at the future. Looking at the future of Opa-locka and the dredging at the port, he said he is in support this project.

Mayor Taylor strongly agreed with Commissioner Holmes and said she too looks at the area because it is an area where her business is; but also she looks to the future of the City of Opa-locka and what the new progress from somewhere else is going to bring. Opa-locka sits in the very center of everything (I95, I75, 826, 135th Street, SR9) and it is time for the city to start taking advantage of what comes through.

She went on say that in looking at the before and after pictures, the before was an eyesore. She asked, when are the trucks coming in?

Attorney Holland said that the trucks leave the business around 4:30 a.m. and return after 7:00 p.m.

Of concern to Mayor Taylor was how the property is maintained and she would hold the applicant to maintain the property. She mentioned that while on the Commission, she voted for a company in the 90's and that company said they would only stack two high, but they are stacking three high. She asked, is this a stacking company?

Attorney Holland indicated that the declaration of restrictions indicates there is no stacking at all. The painting is something the city doesn't have on any other requirement on businesses. In looking at the adjacent businesses, it is an eyesore. This is an attempt for the business to come in and make sure their site is extremely clean, it doesn't interfere during the traffic hours and it is less traffic than a commercial activity would be on that site.

Mayor Taylor recommended that the Commission vote and allow this item to get to second reading so the residents can have an input.

Commissioner Miller said she would like to see development in Opa-locka that will look nice. She added that she would not support this ordinance.

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

Commissioner Holmes	Yes
Commissioner Tydus	No

Commissioner Miller	No
Mayor Taylor	Yes
Vice Mayor Johnson	No

Vice Mayor Johnson returned the gavel to Mayor Taylor.

2. 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,(Mayor Taylor relinquished the gavel to Vice Mayor Johnson) seconded by Mayor Taylor to pass the above ordinance.

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

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

Vice Mayor Johnson returned the gavel to Mayor Taylor.

B. SECOND READING/PUBLIC HEARING:

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 (first reading held on September 14, 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, seconded by Commissioner Miller to pass the above ordinance on second reading.

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

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

2. 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 (first reading held on September 14, 2011). *Sponsored by C.M.*

The above ordinance was ready 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, seconded by Vice Mayor Johnson to pass the above ordinance on second reading.

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

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

C. RESOLUTION/PUBLIC HEARING:

19. ADMINISTRATION:

CONSENT AGENDA:

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

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO CREATE A PROGRAM THAT WILL ALLOW THE RESIDENTS OF THE CITY OF OPA-LOCKA THE OPTION TO PAY THEIR UTILITY BILLS TO THE CITY OF OPA-LOCKA VIA ONLINE TRANSACTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H.*

The above Consent Agenda resolutions were read by title by Attorney Geller.

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

The motion passed by a 4-0 vote.

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

A. CITY MANAGER'S REPORT:

Manager Finnie briefly introduced the city's new Human Resources Director, Shirley Freeman who began working with the City of Opa-locka in 1981.

Vice Mayor Johnson said she was in receipt of the City Manager's notice as it relates to restructuring and although she has additional concerns which she prefers to have that dialogue with the City Manager, she is not in support of creating new departments. She requested that the City Manager provide a snapshot of the functions of each of these departments. She is not looking at adding additional people to the roster because the city needs to trim down.

She went on to say that she is totally in support of the City Manager and encouraged him to do the right thing in everything he does.

After attending training for the State of Florida After School Alliance she said education is going to be crucial. She requested an outline of the city's after school program to be provided prior to the next commission meeting. Her concern is the academic gain of those students who previously were enrolled in the city after school program, but are now enrolled in her after school program.

She continued by saying that she didn't see a report on her request for an explanation as to why it took the city 90 days to clear a check submitted by American Fruit & Produce.

She further suggested that the City Manager find a way to identify the city's youth who are coming for 20 hours of Saturday program and distinguish where they are to meet because they are coming to her program.

Commissioner Holmes asked for a follow up on his previous request for the City Manager to look into an early retirement for employees who may want to retire early.

Manager Finnie said that request had not been completed yet and he would provide a detailed report at the next meeting.

Commissioner Holmes requested that the City Manager assign the Opa-locka Police Department to patrol the area of SR9 at NW 27th Avenue during the early morning hours of 7:00 a.m. – 9:00 a.m. to address the speeding.

Mayor Taylor expressed her concern with the responses provided in the Commission Action Items and Departments Responses. She made reference to four items she had on the list and how it was answered. The action list reflects that she asked about the streets need cleaning particularly NW 27th Avenue and NW 22nd Avenue and the response was "streets will be cleaned and maintained". Then she spoke about the shrubbery and she wasn't talking about the shrubbery needs to be maintained and cut, but there's a certain piece of shrubbery facing North off of NW 22nd Avenue where a recent accident occurred.

Attorney Geller interjected and said that he didn't know whether this was a matter in litigation or may be in litigation, therefore, he suggested that this discussion not take place in a public setting.

Mayor Taylor requested that the department responses to her action items include a full report with full sentences instead of two or three words.

She went on to say she was concerned in terms of the sidewalk repairs for the blind and the children. She asked, what is the next step following the RFP?

Manager Finnie advised that the committee will meet and he has to recommend a vendor. The committee has been put together for the lift station and now they are working on putting the committee together for the sidewalk repairs.

Mayor Taylor stated to the City Manager that she wants the sidewalks repaired.

Manager Finnie stated that he would have something by the next commission meeting, but he has a concern on the proposals submitted due to inconsistencies in the addresses.

Mayor Taylor requested that the City Manager provide a listing of damaged sidewalks.

Manager Finnie agreed to provide the Commission with the sidewalk assessment and then provide an updated sidewalk assessment shortly thereafter.

Mayor Taylor expressed her concern relating to the City Manager's delegation of duties memorandum provided to the Commission for his absence on October 13 – 14, 2011 placing Dr. Orji, Finance Director to oversee municipal operations. She asked, what happened to the Assistant City Manager and why is the City Manager jumping over the Assistant City Manager and using the Finance Director to take over operations? The city has been through this before and it was straightened out to put everybody in their perspective places.

Manager Finnie apologized to Mayor Taylor and stated that he thought as City Manager he had the prerogative to allocate his manpower as he sees fit.

Mayor Taylor stated that the City Manager has an Assistant City Manager and that would be mean and disrespectful. She compared the situation with her as the Mayor giving the gavel to Commissioner Holmes when it should go to the Vice Mayor and she has the prerogative to move the gavel wherever she wants. There is an air of vindictiveness and she doesn't like it. She said she doesn't like disrespect and if the person is in the position then they should be in the position. The Finance Director is taking care of the money and he is the Finance Director; the city has an Assistant City Manager so why disrespect the Assistant City Manager to get the Finance Director to due operations.

She suggested that everything is put in order and kept right and said that Vice Mayor Johnson talked about the reorganization chart, but if this is part of the reorganization then she cannot agree with it because she doesn't like people over looked or disrespected in their area. She suggested that the City Manager go back and use the person who is in that position.

Manager Finnie responded by saying that he is in the process of reorganization and he would not like to discuss this matter any further because it pertains staff and he's made his decision.

Mayor Taylor said she was not discussing this at all, but simply stated that she would like to suggest that the City Manager keep things in order. This is all she is asking. The City Manager's reorganization is as good as the Commission accepts it.

She went on to say that everything has come before this Commission (i.e. grants). The city did the grants today and it hasn't gotten any better. The Commission is fussing about the same thing that staff is not on target and that points to the City Manager so it would almost be redundant to reorganize until he has the people already in office on target and they're not. At every commission meeting there is talk about staff; therefore, how can the city reorganize until the City Manager gets staff straight. To reorganize simple means shifting people around and it will be the same results. The city needs to revisit this again and see what happens, but in the meantime she is not pleased.

She directed the City Attorney to bring back a resolution at the next commission meeting to replace Mr. Finnie.

Vice Mayor Johnson asked, what is going on because she was confused after being away for a week?

Mayor Taylor said she doesn't want shifting, disrespect, and this was based on information she received from the City Manager.

Commissioner Holmes stated that the City Manager has the authority to do whatever he needs to do with those individuals under him. The City Commission does not control that department and as it stands now, this is not a strong mayor form of government. As the City Manager, Mr. Finnie has the right to do whatever necessary with the staff that are under him.

Mayor Taylor said she was aware the city does not have a strong mayor form of government, but she is the mayor and she has just as much right to give her opinion on this dais as the commissioners with all their hollering at the City Manager and City Attorney. All of sudden everybody is confused when she talks, but when everybody else speaks, she never says a word and she never says she is confused even though at times staff is right. She has a right to say this because if she doesn't like what the City Manager is doing, nobody has to have an opinion. If a commissioner doesn't like what Mr. Geller is doing or doesn't like something, she never has an opinion. But when she says something, why does everybody have to have an opinion.

Vice Mayor Johnson said that is each individual's right.

Mayor Taylor disagreed and said that she doesn't do it to anyone of her colleagues on the Commission and she doesn't want it done to her.

Vice Mayor Johnson said she didn't think it was personal.

Mayor Taylor again disagreed and said it is personal.

Vice Mayor Johnson pointed out that it is just like now when she yielded to Commissioner Holmes, but Mayor Taylor started talking and that is disrespectful.

Mayor Taylor said she wanted to address Commissioner Holmes.

Vice Mayor Johnson replied, "but I had the floor". She indicated that she was an intelligent person and didn't get confused often, but there is one thing she does, she doesn't sugar coat anything. Although at times it may seem like she is yelling, that is just Dorothy Johnson and when she disagrees with something, she will put it on the record. When she said she was confused, it was because she hears the City Manager saying things but she hasn't read anything to support what is being said. She made it clear that

She further directed Dr. Orji to go through the City Clerk's Office to set up an appointment to go over the format for the report.

20. OFFICIAL BOARD REPORTS:

21. CITY ATTORNEY'S REPORT:

Attorney Geller informed the City Commission that he distributed his bi-weekly report of accomplishments. He reported that the city has obtained a copy of the DVD (Channel 7 News broadcast ref: Chief Cheryl Cason) and he spoke with the City Manager about this matter. He is looking at the range of remedies available to the city and consider the action of the TV station to be more than inappropriate, but dangerous. Also, he believes it is not authorized by law. This matter is not something he would like to discuss from the dais, but he would be happy to meet with the Commission individually. He said he would report to the Commission before any official action is taken.

Vice Mayor Johnson suggested that the City Attorney stay on top of this matter because she did not want it to end up like the Bellsouth matter. She expressed the importance of the City Attorney having dialogue with the Commission. She suggested that this matter is not prolonged and reminded the City Attorney that all litigations must be approved by the Commission prior to.

Commissioner Tydus noticed that Mr. Geller's semi-monthly report does not include any updates regarding the Flea Market.

Attorney Geller indicated that there is a tentative meeting scheduled for the last week in October and they are still working on agreeing on a specific date.

22. CITY CLERK'S REPORT:

Clerk Irby stated that a workshop was requested during the last commission meeting and after sending out dates via email to the Commission, she only received two responses. She suggested that the Commission provide several possible dates should they still want to have the workshop.

Mayor Taylor stated that the workshop was needed and directed the City Clerk to poll the Commission with new dates. The workshop is important because she wants to review all of the major projects going on in the city and perhaps have representatives present.

Clerk Irby advised the Commission that she passed out flyers of Dr. Mann's upcoming seminar and he would be present at the next commission meeting for a presentation. She said she was going to put the flyer on Opa-TV, city Website, and place a small ad in the newspaper.

Since the presidential primary election had been moved up, she said the date for any ballot questions have also moved up and she would be providing those dates to the Commission.

Attorney Geller suggested that the City Clerk provide him with a copy as well.

Mayor Taylor asked, are there any ballot questions?

Attorney Geller stated that there were some ballot questions being considered, but nothing specific.

Mayor Taylor suggested that the information on the ballot questions is brought to the Commission.

Vice Mayor Johnson asked, what happened to the information on the Charter?

Attorney Geller advised that the Commission passed a resolution to appoint a committee, but they have not moved forward to appoint the committee.

Vice Mayor Johnson said she needs to get together with the City Attorney on the charter review, CRA report and the foundation.

Mayor Taylor suggested that the workshop also include those three items mentioned by Vice Mayor Johnson.

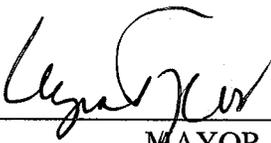
23. MAYOR/COMMISSION REPORT:

Commissioner Holmes announced that his annual turkey giveaway was approaching quickly and he needs any and all donations to be submitted as soon as possible.

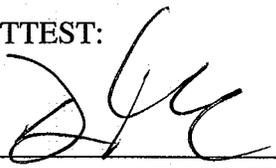
24. OFFICIAL BOARD APPOINTMENTS:

25. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to adjourn the meeting at 9:45 p.m.



MAYOR

ATTEST:


CITY CLERK