

CITY OF OPA-LOCKA
"The Great City"

CLERK'S ACTION SUMMARY MINUTES
REGULAR COMMISSION MEETING

FEBRUARY 22, 2012

7:00 P.M.

Opa-Locka Municipal Complex
780 Fisherman Street, 2nd Floor
Opa-Locka, FL 33054

1. CALL TO ORDER:

Mayor Taylor called the meeting to order at 8:00 p.m. on Wednesday, February 22, 2012 on the 2nd Floor of the Opa-locka Municipal Complex, 780 Fisherman Street, Opa-locka, Florida. The delay was due to the Special Commission Meeting prior to this meeting.

2. ROLL CALL:

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

3. INVOCATION:

The Invocation was delivered by Mayor 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 for the record that agenda items 19-10 and 19-11 were moved to the Special Commission Meeting.

The following resolutions were pulled from the consent agenda to be discussed separately under agenda item 15 – Action Items: 19-7, 19-9 (Miller); and 19-2, 19-3, 19-4, 19-5, 19-6, 19-10 (Holmes).

Request to amend the agenda to include the following resolution under agenda 16 – New Items:

16-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE OPA-LOCKA COMMUNITY REDEVELOPMENT

AGENDA (CRA) TO UTILIZE CITY OF OPA-LOCKA RESOURCES TO ASSIST IN ITS OPERATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.A.*

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to amend the agenda to include the above resolution as item 16-1.

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

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

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

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

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

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

8. APPROVAL OF MINUTES:

Regular Commission Meeting – 02/08/2012
Special Commission Meeting – 02/13/2012

It was moved by Commissioner Holmes, seconded by Commissioner Miller to approve the minutes of the Regular Commission Meeting of 02/08/2012 and the Special Commission Meeting of 02/13/2012.

Vice Mayor Johnson stated that it was brought to her attention although she didn't see it after requesting verbatim minutes of the Official Board Report that after she left the Regular Commission Meeting of February 8, 2012 there was a lot of dialogue and she does need that portion transcribed in verbatim.

Clerk Flores informed Vice Mayor Johnson that the portion of the minutes as requested was transcribed in verbatim on page 48 of the Regular Commission Meeting minutes of February 8, 2012 under Official Board Reports.

Vice Mayor Johnson stated that when the Official Board Report came up, "Vice Mayor Dorothy Dottie Johnson" was mentioned highlighted very openly and she doesn't see any of that language in that portion of the minutes.

Clerk Flores advised that she transcribed that portion verbatim as requested.

Vice Mayor Johnson said although that is what Clerk Flores transcribed, that was not what was stated because she received several telephone calls telling her to go back to the Commission Meeting.

Clerk Flores said she would go back and double check that portion of the minutes.

Vice Mayor Johnson agreed to approve the minutes with the necessary corrections.

Mayor Taylor asked, what is the correction?

Vice Mayor Johnson said that the correction needs to be stated from the DVD of which she can provide a copy of because there is going to be special action so she needs the verbatim minutes. However, she does know that she requested the Clerk transcribe those minutes verbatim and since they were verbatim, she assumed that whatever was stated should actually be there. The request was done the day following the meeting so it should have not been time consuming that it should have happened. She said she read the verbatim portion under the Official Board Reports, but she didn't see her name mentioned. In getting five citizens call and tell her she is being publicly ridiculed then she does need to have that and she knows her colleagues would not have allowed that to happen, it may have been an oversight, but she needs to make sure for the record that she has copies of it and it's in the official records.

In view of the fact that there is an objection, Attorney Geller suggested that the Commission defer approval of that set of minutes.

Commissioner Holmes suggested that Vice Mayor Johnson find out if what she is speaking about is really on the tape.

Vice Mayor Johnson said she got it from the internet and it is unfortunate that it is not even on the tape, but it is on the internet.

The second and motion on the approval of minutes were withdrawn to defer approval of the February 8, 2012 minutes.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to approve the minutes of the Special Commission Meeting of February 13, 2012.

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

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| Commissioner Holmes | Yes |
| Vice Mayor Johnson | Yes |

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| Commissioner Tydus | Yes |
| Commissioner Miller | 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:**
- 13. **MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:**

Danny Cardeso, Chief Fire Officer, Battalion 5, of Miami-Dade County Fire Rescue Department came forward and reported on the recent completion of this year's compilation of statistics for all municipalities served and they were mailed out as such.

14. PUBLIC PRESENTATION:

14a. CITIZENS' FORUM:

- 1. Mark Brown, President of Black Global Bikers Association, Inc. appeared before the City Commission and expressed his appreciation for the city's support of the Special Needs Charity Toy Run held on December 18, 2011.
- 2. Ricky James of 1156 Jann Avenue, Opa-locka, Florida, came forward and voiced his concern regarding the speeding of the Opa-locka Express bus # 826.

Mayor Taylor asked, does the Opa-locka Express do the parameter of the city more particularly NW 151st Street?

Manager Finnie said that he can provide the route, but the Opa-locka Express does not go down NW 151st Street.

He continued by saying that this is the third time this particular bus (# 826) has come to his knowledge and he reported it after the last commission meeting when Vice Mayor Johnson brought it up. He said he would set up a meeting with the company on the following week to inquire about the options with this particular bus.

Since this issue is coming up again, Vice Mayor Johnson requested to be a part of that meeting that is going to be scheduled. In addition, she previously requested that the City Manager look into the possibility of the buses installing a "stop" signage similar to school buses.

Mayor Taylor suggested that the City Manager also address the bus route because there are a number of children living on NW 151st Street that have to go to NW 27th Avenue to catch the

bus. She directed the City Manager to provide the Commission with a report on this matter following his meeting with the owner.

3. John Riley of 2963 NW 135th Street, Opa-locka, Florida, appeared before the City Commission (copy of the Miami-Dade County Charter provision of the Citizens Bill of Rights provided to the Commission) and stated that at the last commission he spoke under Official Board Reports and asked that the Commission reach a determination on his issue. He quoted number 5 of the Citizens Bill of Right – right to be heard. He requested that the Commission conduct a public hearing on his issue in order to determine in the matter of his issue in terms of what was reported as charges that the Civil Service is corrupt and the entire City of Opa-locka is corrupt.

Mayor Taylor suggested that Mr. Riley's request is put in writing.

Vice Mayor Johnson asked Mr. Riley, what did he mean by his statement that the city is corrupt?

Mr. Riley said that he indicated that it was alleged that the city is corrupt; it came from the dais.

Vice Mayor Johnson asked, in his knowledge of the Citizen Bill of Rights, does it give the citizen the right to abuse because she is confused as to why the Commission received the handout?

Mr. Riley provided his purpose for quoting section 5 of the Citizen Bill of Rights.

Vice Mayor Johnson asked, what was the purpose of presentation because she did not understand the just of it?

Mr. Riley said that he has an issue and his issue as he stated which he will put in writing and suggested by the Mayor.

Vice Mayor Johnson said she would wait until it is put in writing.

4. Reverend Joseph L. Kelley of 485 Dunad Avenue, Opa-locka, Florida, came forward and requested that the Public Works Department and/or FPL take a look at the timing of the lighting along NW 22nd Avenue. He followed up on his former requests which included a resolution/ordinance for the MLK Walk and the city to work with the Opa-locka CDC for a housing initiative for city employees.

He further expressed his concern relating to agenda item 19-5 and asked if this was something that could be done in-house to save money. Another concern was the shooting and the activity near Segal Park and that surrounding area. The residents in that area are afraid to attend the meetings to report their concerns.

Vice Mayor Johnson stated that the sidewalk project is a great opportunity for job creation and Public Works. She also agreed that lighting/public safety at Segal Park is an issue and that trust with the police department is an issue.

Manager Finnie gave a brief report on findings at the park- the North side fence needs to be replaced, the gate needs to be locked when the park is closed, and light switches in the park are manual so Public Works will be putting in a key system and possibly add a sensor as well. Community policing and anonymous hotline possibilities will be explored by the City Manager and brought back to the Commission.

There were no further items and Mayor Taylor officially closed the Citizen's Forum.

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 AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH C & I CONSTRUCTION AND DESIGN, INC., FOR THE REHABILITATION OF PUMP STATION 11A, IN AN AMOUNT NOT TO EXCEED \$844,000.00, 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 Geller.

It was moved by Commissioner, seconded by Vice Mayor Johnson to approve the above resolution with discussion.

Commissioner Holmes expressed concern about this resolution because it is one of the charges he brought against the City Manager. He stated that if this resolution passed he will be keeping a close eye on when the work is accomplished.

Vice Mayor Johnson asked if this was the Master Pump Station. She also asked if they have done work for the city before.

The City Manager stated they have.

Vice Mayor Johnson asked that a quality check of their previous work before they are awarded additional contracts. Mayor Taylor requested that the City Manager needs to be giving the Commission written updates on ongoing projects throughout the city, especially those involving outside contractors and construction.

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

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

2. (19-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JVA ENGINEERING CONTRACTOR, INC. (JVA) FOR IMPROVEMENTS OF 143RD STREET DRAINAGE AND ROADWAY, IN AN AMOUNT NOT TO EXCEED \$468,644.80, PAYABLE FROM ACCOUNT CIP FY 2012; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

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

The correct account numbers for this contract should be 44-541805 State of Florida DEP and account number 47-541805 PTP. Each source will be in the amount of \$234,322.40

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

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

4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH A & A FRONTE, INC. TO PROVIDE ASPHALT PAVEMENT AND CONCRETE CURB REPAIR SERVICES AT THE INTERSECTION OF SHARAZAD BOULEVARD AND KALANDER STREET, IN AN AMOUNT NOT TO EXCEED \$6,662.00, PAYABLE FROM ACCOUNT NUMBER 64-533630; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AND EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson for discussion on the above resolution.

Commissioner Holmes stated that Public Works has the necessary equipment to complete this project and it should not be contracted out.

Vice Mayor asked the City Manager if this can be done in-house.

Mohammed Nasir, P.E. of the City of Opa-locka Public Works Department came forward and stated this project was outside the scope of their capability.

Vice Mayor Johnson requested that a quality check list be provided for this project and said she will be bringing legislation to make this standard practice for all projects going forward.

Commissioner Holmes repeated that there is an asphalt roller at Public Works and that this department should be able to do this work.

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

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

5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TIMBERWIND CONSTRUCTION FOR THE REHABILITATION OF SIDEWALKS THROUGHOUT THE CITY, IN AN AMOUNT NOT TO EXCEED \$200,000.00, PAYABLE FROM ACCOUNT NUMBER 47-541630; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson for discussion on the resolution.

Commissioner Holmes stated that he did not have any confidence in City Manager Finnie to get this project done.

Vice Mayor Johnson asked if there is any opportunity for job creation and use of local resources to complete this project. She asked to defer this resolution in order to explore this possibility. She also requested to be involved in the negotiating process.

Manager Finnie requested to defer this resolution.

Mayor Taylor asked Mr. Mohammed if this is something his staff can do.

Mohammed Nasir stated they have capability only for the basic repairs.

Mayor Taylor stated she would like to see some of this \$200,000.00 go to the staff at Public Works who complete this special project.

Manager Finnie stated he would explore this option based on union rules during his investigation.

The above resolution was deferred.

6. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE A RELEASE TO PHIL PASQUINI FOR THE USE OF PHOTOGRAPHS OF CITY HALL AND OTHER CITY BUILDINGS ON A BOOK COVER AND / OR IN THE BOOK ITSELF; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson for discussion on the resolution.

Attorney Geller noted that there were a couple of blanks on this resolution that the Commission will need to fill in if they decide to pass the resolution.

Commissioner Holmes asked if there was revenue to be received for this. City Manager Finnie stated Mr. Pasquini is willing to come up by another \$100-\$200 if that would help the resolution to pass.

Vice Mayor Johnson stated that she would not like to pass a resolution without a confirmed, agreed upon amount included. She recommended a request for 1,000 copies of the book.

The Commission chose to defer this item until the City Manager can get an exact figure for how many book copies and how much money will be part of the package.

Vice Mayor stated she would like to make sure the language in the agreement incorporates input from the Commission and that all resolutions coming before the Commission be in their final form and not as draft in order to increase efficiency.

7. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, REGARDING THE COMMUNITY REDEVELOPMENT AGENCY, TO APPOINT JOHNNIE MAE GREEN AND JAMES DIXON AS BOARD MEMBERS OF THE OPA-LOCKA COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Commissioner Holmes for discussion on the resolution.

Commissioner Miller stated per an earlier discussion that it was agreed the CRA needed to be up and running before private citizens were added to the Board. She therefore does not support the resolution.

Vice Mayor Johnson agreed that it was too early in the development process to add citizens.

The item was deferred by Mayor Taylor to the next meeting based on these requests.

Manager Finnie also requested that it be deferred as the County may have requirements as to who can be on the Board as well.

Commissioner Tydus agreed that this is the case.

9. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ESTABLISH A SEARCH COMMITTEE TO SOLICIT FOR QUALIFIED CANDIDATES FOR THE CITY CLERK POSITION OF THE CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J., T.H., G.M.*

The above resolution was read by title by Attorney Geller.

Pursuant to the ordinance, according to Attorney Geller, the City Commission voted that the Commission itself may constitute the search committee, OR each Commissioner may appoint an individual to the committee in their stead.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller for the Commission to serve as the search committee for the City Clerk position for the City of Opa-locka.

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

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

Commissioner Holmes emphasized the importance of each candidate taking a drug test and submitting to a level 2 background check.

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

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

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

10. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ESTABLISH A CITIZEN ACADEMY, WITH EXPENSES PAYABLE FROM ACCOUNT NUMBER 19-519541; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson for discussion on the resolution.

Vice Mayor Johnson suggested that this is a great opportunity to teach citizens of the city more about how their city government works. It would also allow citizens 18 and older to get involved in municipal government and aid current city government members to plan ahead for succession by future city leaders. She said she is meeting with the President of Florida Memorial and other universities to form an education compact. The \$3,500 is to pay for the course materials in order to make it free to citizens.

She also stated that the Florida League of Cities might also want to get involved as the Citizen's Academy is a statewide effort.

Commissioner Tydus stated that Miami Gardens has done this program and it has been successful.

Vice Mayor Johnson said that the 10 week program will have an inaugural round and based on the results, the Commission will decide on whether to make the program continuous throughout the year, but she would spearhead this program.

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

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

11. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO DETERMINE SEVERANCE PAY FOR CITY MANAGER BRYAN K. FINNIE IN THE EVENT OF HIS RESIGNATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

This item was removed from the agenda.

12. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO REMOVE BRYAN K. FINNIE AS THE CITY MANAGER, FOR THE REASONS SET FORTH HEREIN; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H.*

This item was removed from the agenda.

16. NEW ITEMS:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE COMMUNITY REDEVELOPMENT AGENCY (CRA) TO USE CITY OF OPA-LOCKA RESOURCES TO ASSIST IN ITS OPERATIONS; 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.

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

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

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 ADOPT POLICIES TO REMOVE ABANDONED AND INOPERATIVE VEHICLES (JUNK CARS) FROM THE VIEW OF THE GENERAL PUBLIC IN THE CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by R.T.*

The above ordinance was read by title by Attorney Geller.

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

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

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

B. SECOND READING/PUBLIC HEARING:

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RESCIND ORDINANCE NO. 06-03, ADOPTING THE EMPLOYMENT CONTRACT WITH DEBORAH S. IRBY AS CITY CLERK; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on January 25, 2012). *Sponsored by T.H.*

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 Tydus to pass the ordinance.

Vice Mayor Johnson felt that rescinding the ordinance would not address issues for future employees and that it would seem prejudiced and punitive against Ms. Irby because the employment contract still must be honored.

Commissioner Holmes stated that the ordinance was already approved as this is the second reading, and that the contract is NOT affected by this resolution; it will only remove the previous ordinance off the books.

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

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

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO ADOPT A POLICY TO MAKE THE CITY PARKS IN OPA-LOCKA SMOKE-FREE ZONES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION;

PROVIDING FOR AN EFFECTIVE DATE (first reading held on January 25, 2012). *Sponsored by D.J.*

The above ordinance was read by title by Attorney Geller.

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

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

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

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

3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO ADOPT A POLICY TO MAKE THE CITY PARKS IN OPA-LOCKA ALCOHOL-FREE ZONES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE (first reading held on January 25, 2012). *Sponsored by D.J.*

The above ordinance was read by title by Attorney Geller.

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

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

Vice Mayor asked for discussion and asked that in addition to this ordinance for parks, an additional ordinance is needed regarding city employees in a uniform of any kind, buying alcohol while still in uniform, even if it after work hours in order preserve the integrity and image of the City and its public servants.

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

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

C. RESOLUTION/PUBLIC HEARING:

19. ADMINISTRATION:

CONSENT AGENDA:

Items listed under the Consent Agenda are viewed to be routine and the recommendation will be enacted by one motion in the form listed below. If discussion is desired, the item(s) will be removed from the Consent Agenda and will be considered separately. All Consent Agenda Resolutions will be read by title.

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO IMPLEMENT A PAID AND UNPAID INTERNSHIP PROGRAM FOR THE PURPOSE OF ADMINISTERING THE FY2011 COMMUNITY CHALLENGE GRANT, PAYABLE FROM ACCOUNT NUMBER 37-515120; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

8. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO URGE RETAILERS TO STOP THE SALE AND MARKETING OF FLAVORED TOBACCO PRODUCTS IN MIAMI-DADE COUNTY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T. / C.C.*

The above resolution titles were read by Attorney Geller.

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

The motion passed by a 4-1 vote.

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

A. CITY MANAGER'S REPORT:

Manager Finnie recognized the HR department for their fantastic employee appreciation event attended by about 50 people. He requested a special meeting for the following week and approval by the City Commission to submit an application to the Federal TIGER program as the city may be eligible for up to \$10 million in roadway project assistance. The application will cost approximately \$24,000 in engineering survey studies as part of the application.

The Commission gave the City Manager permission to start the grant package, but will want to decide on the monetary portion of the request separately in a special meeting.

Vice Mayor Johnson commented that more Commissioners would have attended the employee appreciation event, but they did not receive enough advance notice. She also commended staff

members who have been writing grants because of the amount of money they have been bringing in. She also emphasized that all staff writing grants need to report back to the Commission on their activities.

She continued by asking about Weed & Seed and the fact that they are going out on their own after their grant runs out.

Manager Finnie will investigate the two grants and Vice Mayor will review them as well.

Vice Mayor Johnson asked Manager Finnie to analyze the spending on gas by the city because of the increasing price of fuel. She also requested again to be present at an upcoming meeting with the van company.

Mayor Taylor asked about CET and Front Porch.

Manager Finnie has not received reports from them but will call them to follow up.

B. ACCOUNTS PAYABLE:

Charmaine Parchment from Finance reported that all bills are up to date and there is a reserve of \$565,000.

20. OFFICIAL BOARD REPORTS:

21. CITY ATTORNEY'S REPORT:

Attorney Geller reported that there were two items in addition to the written report submitted:

1) The City received an order the previous day regarding former employee Ms. Rodriguez for a copy of an old 1992 case for this individual that pre-dates the City of Opa-locka being represented by the Florida League of Cities. This means that the League cannot represent the City in regard to this case because it is not covered by current insurance. The City Attorney requested permission to retain a worker's comp specialist in this particular matter. He would like to use the same attorney that assisted the City recently in another worker's comp issue. Vice Mayor Johnson moved to give City Attorney Geller approval to litigate this 1992 case and retain outside counsel if necessary. It was seconded by Commissioner Miller. The motion passed unanimously.

2) An amended complaint has been received from former Clerk Deborah Irby's attorney. She is seeking comp time and there are still some insurance issues to resolve. The judge has set a hearing for next week and the City has until Friday to submit a response to the complaint still seeking an injunction, seeking to be advanced on the calendar, etc. There are also 2 other current cases involving former Captain, now Officer, Rex Galindo, as well as a case involving Chief Cason. The City Attorney is hopeful that the Chief's case can be handled by the League of Cities but this is not certain yet. The City Attorney is requesting permission from the Commission to defend these cases.

He stated that in the case of Ms. Irby, the insurance issue and the injunction issue should be easily resolved, but the comp time issue is a live issue there is some disagreement. Despite the fact that the City was successful in the first hearing, due to this amended complaint, the City must respond and attend the second hearing.

Commissioner Holmes stated his concerns about monetary issues in this case.

A motion to approve the City Attorney to defend all three cases was made by Vice Mayor Johnson and seconded by Commissioner Tydus.

The motion passed by a 4-1 vote.

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

22. CITY CLERK'S REPORT:

The interim City Clerk thanked the Commission for the opportunity to serve in this capacity.

23. MAYOR/COMMISSION REPORT:

Commissioner Tydus reported that she attended the Miami-Dade County League of Cities Officers installation event and commended Mayor Taylor on her appointment to the Board. Attorney Gilbert was also installed as Treasurer. She attended the Nile Gardens Neighborhood Renaissance Task Force meeting and would be speaking at Hialeah Senior High School Black History assembly. Lastly, she wanted to remind everyone about the Cinema Saturday Lunch & Learn the last Saturday of every month.

Commissioner Miller announced the selection of Mr. Newall Daughtrey as the new CRA Executive Director. She also announced that her granddaughter will be playing basketball on Friday so she will not be in the city this weekend.

Commissioner Holmes mentioned his physical struggle with mobility, but he will continue to be at the office every day as long as he can in order to offer the citizens of Opa-locka a face-to-face opportunity to voice their concerns to the City Commission.

Vice Mayor Johnson thanked all the students for their entries into the essay contest. Over 1800 essays were received. Nine will be selected. Because of the number of entries volunteers are needed to review the essays. As the President of the State of Florida Women in Municipal Government, on March 24th she will be sponsoring a women's roundtable. Through the Miami Dade County Black Caucus, local elected officials held their first community forum to address Head Start. Twenty or so people were expected but 259 attended. The next meeting will in South

Dade and the third will return to North Dade. Lastly, she wanted to go on record stating that she, as an employer, may be looking to hire city employees for after hours work, but she will always obtain an ethics ruling before proceeding and will follow protocol in the hiring process.

Mayor Taylor had no report to offer. She did thank the Commission for their cooperation in getting through an extended meeting. She also introduced the reporter newly assigned to the City Commission from the Miami Herald.

24. OFFICIAL BOARD APPOINTMENTS:

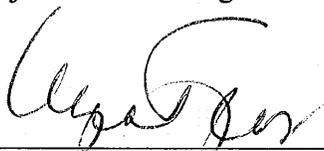
It was moved by Commissioner Tydus, seconded by Vice Mayor Johnson to re-appoint Jannie Russell to the Community Relations, Recreation & Activities Board.

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

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

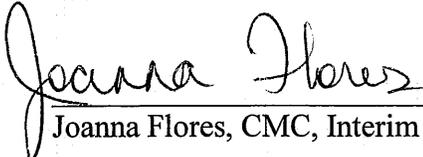
25. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Miller, seconded by Vice Mayor Johnson to adjourn the meeting at 10:05 p.m.



Myra L. Taylor, Mayor

ATTEST:



Joanna Flores, CMC, Interim City Clerk