

**CITY OF OPA-LOCKA**  
**"The Great City"**

---

**REGULAR COMMISSION MEETING MINUTES**

**MARCH 14, 2012**

**7:00 P.M.**

**Opa-Locka Municipal Complex**  
**780 Fisherman Street, 2<sup>nd</sup> Floor**  
**Opa-Locka, FL 33054**

**1. CALL TO ORDER:**

Mayor Myra L. Taylor called the meeting to order at 7:00 p.m. on Wednesday, March 14, 2012 on the 2<sup>nd</sup> Floor of the Opa-Locka Municipal Complex, 780 Fisherman Street, Opa-locka, Florida.

**2. ROLL CALL:**

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

**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):**

Mayor Taylor requested that resolutions 16-2 through 16-15 regarding the Choice Neighborhood Initiative (CNI) grant, she will entertain having a special meeting next week to allow for better discussion and save time in the regular commission meeting.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to hold a Special Commission Meeting on Tuesday, March 20, 2012 @ 3:00 p.m. Commissioner Miller asked why it was being tabled. Mayor Taylor explained that she wanted to allow for more discussion due to the sheer number of resolutions involved (16). Commissioner Tydus expressed concern about missing the deadline, but stated that she would attend a special meeting. Vice Mayor stated she had commitments every day next week except Tuesday.

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

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

Manager Finnie requested items 19-2 and 19-4 be deferred and re-submitted at a later date.

The following items were pulled from the Consent Agenda (these items would be discussed separately under Agenda Item 15 – Action Items): 19-3, 19-5 (Johnson), 19-7, 19-8 (Tydus) and 19-1, 19-6, and 19-8 (Holmes).

Item 19-3 was deferred as mentioned by Mayor Taylor.

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.

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

Request to amend the agenda to include item 18A4 (first reading ordinance):

18A4: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ARTICLE 4, UNIFIED LAND DEVELOPMENT REGULATION CODE, PROVIDING FOR THE CREATION OF THE TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to amend the agenda to include items 18A4 and 16-1.

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

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

16-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO POST AND ADVERTISE FOR QUALIFIED CANDIDATES FOR THE CITY CLERK/SUPERVISOR OF ELECTION POSITION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

This item was deferred in order to allow the Commission to come together. There was extensive discussion and concern about this resolution.

Mayor Taylor asked Mr. Logan to the podium and informed him that resolutions 16-2 through 16-15 were deferred and the Commission would be holding a special meeting to discuss these resolutions further. She also stated that the ordinance, however, would remain on the agenda

**7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:**

**8. APPROVAL OF MINUTES:**

**Regular Commission Meeting – 02/08/2012**

**Special Commission Meeting – 02/22/2012**

**Regular Commission Meeting – 02/22/2012**

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to approve the minutes of the Regular Commission Meeting of February 08, 2012. Vice Mayor Johnson asked that these minutes be revised to reflect additional comments and dialogue made at the end of the meeting as the former City Clerk was departing. She also stated that if the Commission does hold the public meeting requested by a colleague at the February 8th meeting, she would like to see a legal reference for keeping her out of a meeting as a public official. Mayor Taylor asked Interim City Clerk Flores to review the DVD of this meeting once again. Clerk Flores stated that the minutes are meant to be a summary, but if there are any additional sections of the meeting Vice Mayor Johnson would like to have verbatim, this can easily be accomplished.

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

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

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to approve the minutes of the Special Commission Meeting of February 22, 2012.

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

|                     |     |
|---------------------|-----|
| Vice Mayor Johnson  | Yes |
| Commissioner Miller | Yes |

|                     |     |
|---------------------|-----|
| Commissioner Tydus  | Yes |
| Commissioner Holmes | Yes |
| Mayor Taylor        | Yes |

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to approve the minutes of the Regular Commission Meeting of February 22, 2012.

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

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

**9. 17<sup>th</sup> CONGRESSIONAL DISTRICT OF FLORIDA REPORT:**

**10. STATE SENATORS REPORT:**

**11. STATE REPRESENTATIVES REPORT:**

**12. DISTRICT ONE - COUNTY COMMISSIONER REPORT:**

Larry Gardner, Liaison for District 1 Miami-Dade County Commissioner Barbara Jordan's office reported that last year FDOT worked on the railroad tracks crossing 27<sup>th</sup> Avenue and 22<sup>nd</sup> Avenue, but the tracks are still in rough shape. Additional construction will be taking place in the future although no specific date has yet been determined. Manager Finnie will connect with Mr. Gardner on this project to stay informed.

Mayor Taylor asked Mr. Gardner for information on how many businesses in Opa-locka took advantage of the Mom & Pop grant. She requested that this information be submitted in writing to the City Clerk's Office.

**13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:**

**14. PUBLIC PRESENTATION:**

**14a. CITIZENS' FORUM:**

1. Jacqueline Fogarty of Northwest Zone 2 Neighborhood Watch appeared before the City Commission and stated that there are serious problems on the 1100 through 1300 blocks of Jann Avenue, Kasim Street and Peri Street. She showed a visual of homes that have been burglarized, some of them 2-3 times. The Neighborhood Watch spoke with Major Barrett about this concern and a meeting is scheduled with the police department next week. She requested that the Commission consider adopting an ordinance or funding to be directed toward the police department to help combat this onslaught of crime in such a small concentrated area. The

residents of this area are all homeowners and some of them are afraid to even leave their homes because they have been victimized multiple times. Alleys have become conduits for thieves, who often use cell phone to divert police with false calls for assistance.

2. Gary Tremmel of 1260 Peri Street, Opa-locka, Florida came forward and agreed with everything stated by Mrs. Fogarty. The same people are being arrested repeatedly for the same crimes in the same areas. He said that residents can identify these criminals who are a nuisance to the well being of the neighborhood.

3. Deacon Jackson of 1307 Kasim Street, Opa-locka, Florida came forward and emphasized that the alleys are certainly a problem. He has been patrolling the area around his home but he can't do the whole neighborhood.

4. Eddie Davis of 1307 Peri Street, Opa-locka, Florida appeared before the City Commission and stated that his house was burglarized 3 times. In his opinion, these crimes are being perpetrated by a few individuals who live right on the same block where he lives. He has observed youths in the area for the past year traveling in packs, carrying empty backpacks and then returning with them full. He also requested improved response times by the police.

Mayor Taylor requested that the Police representative and a representative from the City Manager's office at the meeting step outside with Ms. Fogarty to further discuss this problem.

5. Brian Dennis of 3133 NW 134<sup>th</sup> Street, Opa-locka, Florida came forward and stated that he had a group of individuals in his office today from a company trying to invest in the city. He would like to connect each of the Commissioners individually with this company for meetings because he is uncertain as to the City Manager's position at this time. They are looking to rebuild the old water plant. They began the discussion regarding job development for the city. Commissioner Holmes offered to meet with Mr. Dennis directly. Vice Mayor encouraged him to get in touch with the Beacon Council and also make sure that the deal is within the 5 year plan and is a good fit with the City. She offered to meet with Mr. Dennis as well. Mayor Taylor asked Interim City Clerk Flores to coordinate the Commissioners' schedules with Mr. Dennis for meetings.

6. Linda Parker, resident on Arabia Avenue, Opa-locka, Florida came forward and informed the Commission about the upcoming Brain Fair at the Museum of Science. The event will be fitting both adults and children for bicycle helmets. She is a volunteer with this organization and is trying to get the word out about this important safety issue.

Vice Mayor asked the City Manager to distribute this to kids in the Spring Break Parks & Recreation Dept. She suggested that this get posted at the library. Additionally, she mentioned a possible water safety program that the city can provide to their citizens through her organization and she will get additional information to the Commission regarding this program.

7. Eric Bundy of 2435 Ali Baba Avenue, Opa-locka, Florida, appeared before the City Commission and commented on the ordinance for towing junk cars in the city regarding legal issues that could be involved in towing junk cars that are technically on private property. He

suggested that they review procedures to enforce this resolution to prevent towing companies from legal implications while performing this service.

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

1. (19-1) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE THE SETTLEMENT OF WILLIE SMALLS IN THE MATTER OF SMALLS VS CITY OF OPA-LOCKA, CASE NO. 11-23062 CA 09, IN THE TOTAL AMOUNT OF \$57,000.00, PAYABLE FROM ACCOUNT NO. 28-514390; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

Commissioner Holmes stated that this should have been paid months ago.

Vice Mayor Johnson confirmed with City Attorney Geller that this amount includes attorney fees. She also confirmed with the City Attorney and City Manager that this individual will be returning to work for the city immediately as soon as the resolution is approved.

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

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

2. (19-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MAANGER TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES, PAYABLE FROM ACCOUNT NUMBER 16-512491; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

This item was deferred by the City Manager.

3. (19-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO DECLARE CERTAIN CITY PROPERTY AS SURPLUS, AND TO AUTHORIZE SAID PROPERTY FOR PUBLIC AUCTION AND TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ARMANDO PERERA AUCTION TO PROVIDE FULL AUCTION SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller with discussion.

Vice Mayor Johnson requested that the City Attorney double check that city employees can take advantage of this auction.

Attorney Geller will confirm this and if there is any prohibition, people will be notified when they attempt to register at the auction.

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

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

4. (19-4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO EXTEND THE CONTRACT BETWEEN THE CITY AND LAWRENCE WRIGHT & PARTNERS, LLC., FOR ONE (1) YEAR TO PROVIDE PROJECT MANAGEMENT SERVICES ON SEGAL PARK AND HISTORIC CITY HALL REDEVELOPMENT AND ASSISTANCE ON ADDITIONAL CAPITAL PROJECTS, PAYABLE FROM ACCOUNT NUMBER 44-541823 AND 44-541824; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

This item was deferred by the City Manager.

5. (19-5) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE WAIVER OF \$5,620.41 IN CODE ENFORCEMENT LIENS ON THE PROPERTY LOCATED AT 13280-13340 PORT SAID ROAD, ALTERNATE PROGRAM, INC.; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes with discussion.

Vice Mayor Johnson stated that she received a check dated February 29, 2012 from Washington & Assoc. P.A. stating that \$3,645.31 was paid toward this lien.

Commissioner Holmes stated that this check went to the water department and does not address this lien, as a water lien is separate.

Manager Finnie stated for the record that the total amount owed to the City was \$13,975.41 and of that amount the applicant has paid \$3,645.31 which has been allocated to water. The difference would be 2 numbers: \$8,355.27 would be paid by the applicant and the remaining \$5,620.41 is the requested waiver. The recommendation is made based on the guarantee that the \$8,355.27 is paid, that the project when it is completed will generate \$151,000.00 in tax revenue to the city within 5 years, that the project represents a \$15 million investment in the city, 141 construction jobs will be created and 41 permanent jobs will be created as well.

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

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

6. (19-6) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO EXPEND FUNDS TO GL DISTRIBUTORS FOR BODY ARMOR VESTS, PURCHASED FOR THE POLICE DEPARTMENT BY PREVIOUS ADMINISTRATION, IN THE AMOUNT OF SEVEN THOUSAND EIGHT HUNDRED SIXTY-FIVE DOLLARS (\$7,865.00), PAYABLE FROM ACCOUNT NO. 36-521521; 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 with discussion.

Vice Mayor Johnson clarified that the previous Deputy Director of the police department ordered these items. She also asked the City Manager if the special police funds funneled to the department in last year's budget would be used for this. Manager Finnie stated that this amount is coming from the Police Administration fund and he will research the \$165,000 fund mentioned by the Vice Mayor. He will send a written report to the commission on this fund before the next meeting. Mayor Taylor confirmed that the items were received.

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

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

7. (19-7) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AMEND SIGNATORIES FOR CITY ACCOUNTS, PROVIDING

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

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Tydus, seconded by Commissioner Miller with discussion.

Commissioner Tydus stated a concern that it caused her to discover the signatories that are in place presently are not bonded. She would like the administration to have all signatories bonded before adding any additional signatories.

It was moved by Commissioner Tydus, seconded by Vice Mayor Johnson amending the resolution to only remove the individuals in question and not add anyone else at this time.

Attorney Geller confirmed that although the bank was notified to remove the names from their record, a resolution should still be made to remove them from the record.

Ezekiel Orji, Finance Director for the City of Opa-locka came forward and stated that in the last 5 years a third signatory had never been necessary.

Vice Mayor Johnson stated that she does not feel there is a need for a third signatory at this time and that instead the two current signatories should be bonded now.

Mayor Taylor stated that there should be a third signatory designated for assurance that checks can be signed.

Commissioner Tydus stated she will change her amendment to state that all signatories must be bonded, the removal of the two names of individuals who are no longer employees, and the addition of one additional name for assurance of continuation of the business of the city.

Vice Mayor Johnson stated that instead of names it should only include titles in the resolution. City Attorney Geller re-read the amendment in Section 2 to state that "...in the absence of the City Manager or the Finance Director, to sign for any reason, the Assistant Finance Director, Charmaine Parchment, may sign in his place, conditioned upon the posting of bond as required by law. In addition, the City Manager and Finance Director shall also post bond as required by law within 15 days."

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

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

The motion on the resolution passed by a 5-0 vote.

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

8. (19-8) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO SUPPORT THE INCLUSION OF FUNDS IN THE ANNUAL BUDGET FROM THIS DAY FORTH, FOR THE MARTIN LUTHER KING, JR. DAY WALK; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by G.M.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson with discussion.

Vice Mayor Johnson clarified that although in the past there was a budget line item for this event, there was not one in place for this year and it needs to be added.

Commissioner Holmes asked where the money will be coming from.

Manager Finnie clarified that this resolution is only for next year's budget and the amendment to this year's budget has not yet been completed for distribution.

Vice Mayor Johnson clarified with Commissioner Miller that this event has in the past only cost \$5,000 and that there needs to be a commitment to make sure that the money is raised if for any reason the money is not available in the City budget.

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

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

9. (19-9) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO REMOVE BRYAN K. FINNIE AS THE CITY MANAGER, DUE TO LACK OF CONFIDENCE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H.*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson with discussion

Commissioner Tydus expressed concern that there were no charges attached to this resolution.

Commissioner Holmes stated that because it is a no confidence resolution, no charges should be required.

Commissioner Tydus stated that the process was already completed and charges were reviewed.

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

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

**16. NEW ITEMS:**

18A4: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ARTICLE 4, UNIFIED LAND DEVELOPMENT REGULATION CODE, PROVIDING FOR THE CREATION OF THE TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson with discussion.

Vice Mayor Johnson asked, what exactly does a transit oriented development zoning district consist of.

Manager Finnie explained that this area in and around the rail station would make the city eligible for County, State, and Federal dollars. In addition, impact fees, tax ratable and other resources would come to the city.

Vice Mayor Johnson confirmed with the City Attorney that this resolution has been vetted for legality.

Attorney Geller stated that three amendments were requested to be added, but this can be done during second reading because they are not central to the resolution. The amendments involve a height limit, defining the minimum dwelling size for efficiency apartments and a parking study to be completed. He also stated that this ordinance can be adopted to assist the CDC to go forward and it has been reviewed thoroughly. In order for individuals to take advantage of this rezoning however, a change would need to be made to the Comprehensive Plan as to the future

land use map, to change the uses outlined currently. The City is at its leisure to make these changes and individuals will not be able to circumvent this process, but these changes will need to be made.

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

|                     |     |
|---------------------|-----|
| Commissioner Tydus  | Yes |
| Commissioner Miller | Yes |
| Commissioner Holmes | No  |
| Vice Mayor Johnson  | 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 APPROVE THE REQUEST OF MAGNOLIA APARTMENT, LLC, TO REZONE THE PROPERTY DESCRIBED BY FOLIO 08-2122-003-0040 FROM R-2 (DUPLEX) ZONING DISTRICT TO THE MAGNOLIA NORTH REDEVELOPMENT OVERLAY (MNRO) ZONING DISTRICT WITH SPECIAL EXCEPTIONS TO OPERATE A MULTIFAMILY HOUSING USE AT THE SITE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.  
*Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson with discussion.

Vice Mayor Johnson confirmed again that this resolution has been reviewed by City Attorney Geller for legality.

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

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

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO APPROVE THE REQUEST OF MAGNOLIA APARTMENT, LLC, TO REZONE THE PROPERTY DESCRIBED BY FOLIO 08-2122-003-0610 FROM R-2 (DUPLEX) ZONING DISTRICT TO THE MAGNOLIA NORTH REDEVELOPMENT OVERLAY (MNRO) ZONING DISTRICT WITH SPECIAL EXCEPTIONS TO OPERATE A MULTIFAMILY HOUSING USE AT THE SITE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson with discussion.

Vice Mayor Johnson confirmed again that this resolution has been reviewed by City Attorney Geller for legality.

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

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

3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING CHAPTER 7 OF THE CITY OF OPA-LOCKA CODE OF ORDINANCES BY AMENDING ARTICLE 7 OF THE CITY OF OPA-LOCKA CODE OF ORDINANCES BY AMENDING ARTICLE VI ENTITLED "FLOOD DAMAGE PROTECTION"; PROVIDING A SHORT TITLE; PROVIDING A STATEMENT OF PURPOSE; PROVIDING OBJECTIVES; PROVIDING DEFINITIONS; PROVIDING JURISDICTION; PROVIDING A BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD; PROVIDING FOR ESTABLISHMENT OF DEVELOPMENT PERMITS; PROVIDING FOR COMPLIANCE; PROVIDING FOR ABROGATION AND GREATER RESTRICTIONS; PROVIDING FOR INTERPRETATION, PROVIDING A WARNING AND A DISCLAIMER OF LIABILITY; PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR DESIGNATION OF LOCAL ADMINISTRATOR; PROVIDING PERMIT PROCEDURES; PROVIDING DUTIES AND RESPONSIBILITIES OF THE BUILDING OFFICIAL; PROVIDING PROCEDURES FOR VARIANCES FROM THIS ORDINANCE; PROVIDING GENERAL AND SPECIFIC STANDARDS FOR HAZARD REDUCTION; PROVIDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS; PROVIDING STANDARDS FOR SUBDIVISION PROPOSALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

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

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

**B. SECOND READING/PUBLIC HEARING:**

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO 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 (first reading held on February 22, 2012). *Sponsored by R.T.*

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 Miller, seconded by Vice Mayor Johnson with discussion.

Vice Mayor Johnson asked City Attorney Geller to address liability issues mentioned in comments from earlier.

Attorney Geller stated that the procedures outlined in the resolution currently would adequately safeguard both the city and any companies contracted to perform this action without liability.

Vice Mayor Johnson stated that she had concern that these procedures wouldn't necessarily be followed. She asked for an amendment.

Attorney Geller suggested amending section 7 to include the sentence "Prior to removal of any vehicle, the Administration shall consult with the City Attorney's Office."

It was moved by Commissioner Tydus, seconded by Commissioner Miller to amend the ordinance as stated above by the City Attorney.

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

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

The motion on the ordinance passed by a 5-0 vote.

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

**C. RESOLUTION/PUBLIC HEARING:**

**19. ADMINISTRATION:**

**CONSENT AGENDA:**

**A. CITY MANAGER'S REPORT:**

Vice Mayor Johnson stated that on page 75 of the budget, the MLK Walk was projected, but no amount was actually assigned. She also stated that although the Employee Appreciation event did not have money specifically allocated, there is \$25,000 in the budget allocated to Special Events. She stated that she is very concerned with comments she received from citizens feeling they are forced to move illegally by landlords. She requested that the City Manager follow up with Legal Aid and Miami Dade County Housing Authority on this issue. She also requested that he report back to the Commission on the results of this investigation.

Vice Mayor Johnson asked for follow up on her request for an ordinance or resolution requiring all uniformed positions in the city be prohibited from additional or non-regulation items which are being added to the uniform. This will protect the city's image and branding and will maintain a high level of professionalism.

Commissioner Miller asked Manager Finnie to touch base with the Police Department regarding reports that there is a sexual predator in Opa-locka.

Manager Finnie indicated that he would contact the police department immediately.

Commissioner Holmes asked for a status report on pump stations.

Manager Finnie stated that the contract for the pump station near Sherbondy Park has been signed. There is a committee currently reviewing the bids for a lift station and the 143<sup>rd</sup> Street project and there are several other station projects moving forward.

Commissioner Holmes inquired about the Atlas pump station which the City Manager stated should be operational within 2 weeks. He expressed his concerns relating to an individual driving a dump truck who hadn't received pay for 90 days and a pay raise for an employee that Manager Finnie approved.

Manager Finnie stated he made the decision as the manager and released a memo to Commission regarding this.

Commissioner Miller stated that her daughter has brought in a significant amount of fines to the department.

Manager Finnie re-emphasized that he put in his written memo to the Commission all the reasons he authorized pay increases to particular individuals and he also recommended department wide increases in other areas as well.

Commissioner Miller stated that she would be speaking with the State Attorney's Office regarding the statements made by Commissioner Holmes.

Commissioner Tydus stated that she is concerned for the health and safety of the citizens of Opa-locka and requested that the City Manager follow up with the appropriate agencies to ensure the Health Department is regularly inspecting the city's grocery stores and restaurants. Vice Mayor also expressed concern with food disposal practices.

Mayor Taylor expressed that Manager Finnie needs to be careful because bringing in money to the city should not necessarily be a basis for a raise. She warned Manager Finnie that he should not be making managerial decisions regarding raises without coming to the Commission for approval.

She continued by asking Manager Finnie for a report on the meeting with the bus company regarding bus 826.

Manager Finnie stated that due to a schedule conflict this meeting has not yet taken place

Mayor Taylor followed up on the request for a written report on all ongoing projects.

Manager Finnie stated that he has not received reports from Weed & Seed or Front Porch.

Mayor Taylor also asked about code enforcement.

Manager Finnie stated that the department is growing and doing well.

Mayor Taylor said she'd asked for a detailed report of what specific items are being addressed. She mentioned several specific issues that she has noticed personally.

Manager Finnie assured that he would look into these issues.

Mayor Taylor asked for an update on the plaque at Historic City Hall.

Manager Finnie will follow up on why it is taking so long.

Mayor Taylor requested an update on the roof repair at Historical City Hall. She expressed concern that this building will be lost.

Manager Finnie indicated that bids were received and he is waiting for one more. He reported that he attended several meetings about the process for obtaining the \$2 million the county has set aside for the building. Estimates for repair run up to \$100,000 because in addition to the roof itself, there may be additional damage.

He further stated that the street sweeper is no longer functioning and he is working on an agreement with the City of Miami Gardens to perform this task for Opa-locka.

Mayor Taylor asked about the possibility to lease this equipment.

Manager Finnie stated that there is money budgeted for this.

Mayor Taylor asked for a written report from Manager Finnie of all salary increases from October 1, 2011 to present.

Commissioner Tydus asked about conflicting signage on Ali-babe Avenue and NW 27<sup>th</sup> Avenue regarding right turns at that intersection.

Manager Finnie will discuss this with the police department.

Commissioner Tydus also clarified that the salary increased discussed earlier was due to a change in job title and that the increase reflected is in compliance with the established pay scale.

#### **B. ACCOUNTS PAYABLE:**

Vice Mayor Johnson requested a meeting with Dr. Orji and the City Manager to discuss the finding of the IRS regarding the Commission.

Mayor Taylor asked about compensation for the Commission that went to court and came back. She referenced the Florida retirement plan and asked if this was part of the IRS issue.

Attorney Geller stated that there is a tax specialist once there is an actual ruling received, however, everything else to this point is preliminary.

**20. OFFICIAL BOARD REPORTS:**

**21. CITY ATTORNEY'S REPORT:**

Attorney Geller reported on the following cases: Deborah S. Irby vs. City of Opa-locka; the Flea Market case; and Rex Galindo vs. City of Opa-locka.

Vice Mayor Johnson asked for correspondence from the Charter that will prohibit her from attending a public hearing. She also asked for an amendment to the Charter regarding liability for hostile work environment matters. She requested a timeline next week as to when this will be ready for approval in addition to the charter. She also stated that she will be seeking legal advice because of statements on the record that she did not share personal emails with others. She requested that any documents received by other Commissioners about her be shared with the entire Commission.

Commissioner Miller requested that City Attorney Geller resign from his position as City Attorney although she stated she does not want to have the entire firm fired. She stated that she has evidence in writing of wrongdoing by the City Attorney.

Mayor Taylor requested that Commissioner Miller share whatever written evidence she has to the rest of the Commission the following day for their review.

**22. CITY CLERK'S REPORT:**

Mayor Taylor asked if the City Clerk's report is a matter of Charter requirement because she did not remember this being a part of the agenda.

Commissioner Holmes stated that having it as an agenda item came about only in the last few years. Mayor Taylor asked Interim City Clerk Flores if she has a report. Ms. Flores stated she had submitted her report in writing to the Commission and had nothing further to add at this time.

Vice Mayor Johnson asked the Interim City Clerk how she distributed her report.

Clerk Flores indicated that it was sent via email and a hard copy was placed in each mailbox.

Vice Mayor Johnson stated that she feels these reports are valuable and that the City Manager, City Clerk and City Attorney need to have an annual performance evaluation

**23. MAYOR/COMMISSION REPORT:**

Vice Mayor Johnson reported that she and Commissioner Tydus had an opportunity to take a tour with the Beacon Council and Commissioner Barbara Jordan of District One. Also in attendance was Howard Brown, Director of Community Development. It was a wonderful

opportunity to exchange knowledge and goals. She also stated that she met a young man from Cleveland, OH who is interested in filing a \$36 million television project at the Opa-locka Executive Airport. She met with him Sunday and stated that she saw the City Manager at church and invited him to breakfast with herself and this individual. She stated that on Monday she will be meeting with district staff from Miami-Dade Public Schools, Commissioner Jordan along with the President of Florida Memorial to finalize one of the first educational compacts in Miami Dade County as it relates to aviation.

She stated that while on another business trip, she had an opportunity to meet with representatives from the City of Hialeah Parks & Recreation and asked their Manager to look at opportunities for Hialeah to expand their transportation from the Hialeah Flea Market to Opa-locka and Miami Gardens. At this same meeting, Hialeah staff expressed interest in combining Parks & Recreation in both cities to work on water safety.

She further stated that she had not had an opportunity yet to meet with Opa-locka Express regarding the bus issue, but will do so at her earliest convenience.

Commissioner Holmes stated that he would like an update at the next Commission meeting regarding Segal Park from City Manager Finnie. He also received a letter from Fleet Ride Fuel Company advertising a 15% savings on fuel. He will give copies of the letter to the rest of the Commission.

Commissioner Miller stated that the second annual Helen Miller scholarship banquet will be held on April 21, 2012 at Don Shula's at 7:00 p.m. She invited the Commission and City staff. She also stated that in May the City of Opa-locka will be celebrating 86 years of incorporation. She will be trying to raise money for a community picnic to celebrate. She is aiming to do it over Memorial Day weekend, but she will keep the Commission updated on the progress of this.

Commissioner Tydus thanked AT&T for sponsoring the February Lunch & Learn event. The attendance was overwhelming and the information learned by all was invaluable. The food was also excellent and she is very much looking forward to the March event.

Mayor Taylor thanked the staff for the hard work that they do. She appreciates their service to the city. She also reminded everyone that on Friday 72 women who work in the City of Opa-locka will be taken out to dinner in honor of National Women's History Month.

She announced that on Saturday morning there will be a Strategic Planning Session hosted by Becker & Poliakoff law office and facilitated by the Miami Dade League of Cities.

Commissioner Holmes asked the Chief of Police to please enforce the saggy pants ordinance more thoroughly.

Miami-Dade County Commissioner Barbara Jordan spoke to the Commission briefly about the tour with the Beacon Council. She announced that March 22<sup>nd</sup> at 10am at County Hall there will be a meeting to discuss Jackson Memorial Hospital lay offs of almost 1,000 staff members. She also stated that she will have a representative present at CRA meetings, but she will not be on the

Board, nor will any of her staff be eligible to become a voting member of the CRA in order to avoid conflicts of interest.

Mayor Taylor asked the City Attorney if Commissioner Jordan has received the resolution regarding the proposed name change of Opa-locka Executive Airport. Commissioner Jordan stated that she has told airport executives that if they do change the name then will be standard guidelines for all airports, i.e. Miami International Airport at Opa-locka, etc.

**24. OFFICIAL BOARD APPOINTMENTS:**

Mayor Taylor stated that she is going to speak to Attorney Geller and Interim Clerk Flores about combining some of the boards in order for them to function better.

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

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

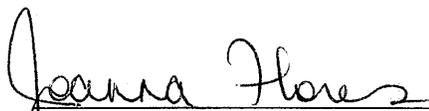
|                     |     |
|---------------------|-----|
| Commissioner Tydus  | Yes |
| Commissioner Holmes | Yes |
| Commissioner Miller | Yes |
| Vice Mayor Johnson  | Yes |
| Mayor Taylor        | Yes |

**25. ADJOURNMENT:**

There being no further business to come before the Commission, the meeting adjourned at 10:30 p.m.

  
\_\_\_\_\_  
Myra L. Taylor  
Mayor

ATTEST:

  
\_\_\_\_\_  
Joanna Flores  
Interim City Clerk