

CITY OF OPA-LOCKA

"The Great City"

REGULAR COMMISSION MEETING MINUTES

MARCH 28, 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 7:00 p.m. on Wednesday, March 28 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 present were City Manager Bryan K. Finnie, Assistant City Attorney Michael Rodriguez, and Interim City Clerk Joanna Flores. City Attorney Joseph S. Geller arrived at 8:00 p.m.

3. INVOCATION:

The Invocation was delivered by Commissioner Rose Tydus.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was lead by the Girl Scout Service Unit 41 following a flag presentation ceremony.

5. APPROVAL OF AGENDA:

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

Vice Mayor Johnson requested to pull items 2, 3, 5, 6, 7, 8, 9, and 10 from the consent agenda. Items 1 and 4 from the consent agenda were pulled by Commissioner Holmes.

Request to amend the agenda as follows:

16-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA URGING THE FLORIDA LEGISLATURE TO CONVENE HEARINGS RELATING TO THE "STAND YOUR GROUND" LAW AND TO REPEAL THE LAW, SUPPORTING GOVERNOR SCOTT'S TASK FORCE ON CITIZEN SAFETY AND

PROTECTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Johnson requested that the City Attorney strike from the record the language regarding the sponsorship of this add-on item.

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

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

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

Commissioner Rose Tydus and the City of Opa-locka Mayor/Commission presented a proclamation to the Girl Scouts in honor of their 100th Anniversary.

8. APPROVAL OF MINUTES:

Special Commission Meeting – 03/01/2012
Regular Commission Meeting – 03/14/2012

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to approve the minutes of the Special Commission Meeting of March 01, 2012 and the Regular Commission Meeting of March 14, 2012.

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

9. 17th CONGRESSIONAL DISTRICT OF FLORIDA REPORT:

10. STATE SENATORS REPORT:

11. STATE REPRESENTATIVES REPORT:

Jennifer Laurent, Legislative Aide to State Representative John Patrick Julien, District 104, came forward and briefly provided a post session report.

12. DISTRICT ONE - COUNTY COMMISSIONER REPORT:

Larry Gardner, Community Liaison from Miami-Dade County Commissioner Barbara Jordan's office came forward and provided an update on Mom & Pop grant process and the number of applicants from Opa-locka.

Vice Mayor Johnson asked about legislation going to the County regarding the "Stand Your Ground" law and asked for the most current copy of that legislation.

13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

14. PUBLIC PRESENTATION:

**1. Michelle Alvarez Barakat
Candidate for County Court Judge, District 20**

Mrs. Barakat, candidate for County Court Judge, came forward and introduced herself. She provided an overview of her professional career as an attorney and her life long goal of becoming a judge. She humbly asked for the citizens' support at the August 14, 2012 election.

**2. Starex Smith, Director
City of Opa-locka Crime Prevention
re: Opa-locka Youth Crime Prevention Program**

Mr. Smith appeared before the City Commission and stated that this is a grant requirement for application to the Robert Wood Johnson Foundation to continue efforts that are part of the education compact legislation passed by the Commission. They recently received a grant from the War on Poverty for health disparities and are looking to continue this work through the Robert Wood Johnson grant. Also, the students in the Crime Prevention Program are working on public speaking and they wrote a poem that they would like to share with the Commission. Two students from the program came forward and read the poem.

Mayor Taylor requested a written copy of the poem. Mr. Smith provided the Mayor/Commission with a copy of the poem.

Vice Mayor Johnson also commented that Blue Cross Blue Shield funds the War on Poverty project addressing health disparities.

**14a. CITIZENS' FORUM:
(opportunity for discussion of any concerns – please limit to 3 minutes)**

Jacqueline Fogarty of 1151 Peri Street, Opa-locka, Florida, came forward and stated that after she came to speak at the last Commission Meeting regarding robbery problems, the Chief and the

Deputy Chief attended their Neighborhood Watch meeting and helpful suggestions were offered to alleviate the problem. Some of the suggestions would be presented to the Commission at a later date. She asked that the Commission meet with legal staff to find out what ordinances could be passed regarding the alleys to assist them in alleviating crime.

She further stated that the American flag on Pervis Avenue is very tattered and should be replaced. She suggested the Girl Scouts may be able to assist in retiring that flag and replacing it with a new one.

Mayor Taylor asked Mr. Finnie to address both these issues and agreed that having the Girl Scouts participate would be excellent.

Alvin Burke of 2928 NW 132 Street, Apt. 328, Opa-locka, Florida came forward and informed the Commission of the recent activities taking place in South Florida and Sanford, Florida in support of the family of Trayvon Martin

He asked if the pool will be open this summer since the children will be out of school soon. He understands that the building isn't open yet but thought that having the pool available for the kids would be good.

Vice Mayor Johnson applauded his support efforts of Trayvon Martin's parents, but also stated that legislators are right now more focused on legislative issues regarding this matter.

Mayor Taylor thanked him for his participation and asked that he come back to report to the Commission on what happens at Saturday's gathering.

Stacy Foster of 3051 NW 134th Street, Opa-locka, Florida appeared before the City Commission and thanked them for funding the COOL kids program. Through this program, kids are learning to stand for something, stay off the streets and improve academically.

Gladys Smith of 1851 Ali-baba Avenue, Opa-locka, Florida, came forward and expressed her concern relating to her attempt to obtain a permit for an Easter Egg Hunt in the neighborhood, but her application was denied.

Manager Finnie stated that he would speak with the police department to pull the application and find out why it was denied.

Vice Mayor Johnson stated the importance of listing on permit denials the reason for the denial. She also stated that permits are being issued that go against legislation on the books. She already has had problems with the police shutting down neighborhood gatherings she has hosted while others have had parties on her same block, but not had any police participation.

She continued by saying that there are city ordinances in place that require enforcement of these items and it is a lack of consistent enforcement of them which leads to the perception that only some people are being held to the law.

Manager Finnie asked Ms. Smith to come to his office the next day at 10am with her information and he would be happy to meet with her.

Fritz (inaudible) appeared before the City Commission and expressed his appreciation for what the city did on Ali-baba Avenue near the school.

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 SUPPORT THE REQUEST OF THE FLORIDA STATE CONFERENCE OF THE NAACP FOR THE COMMUNITY RELATIONS SERVICE OF THE U.S. DEPARTMENT OF JUSTICE TO REVIEW THE SHOOTING DEATH OF UNARMED BLACK TEENAGER TRAYVON MARTIN IN SANFORD, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H. and M.T.*

The above resolution was read by title by Attorney Rodriguez.

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

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

2. (19-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA ADVISING THAT ANY OUTSIDE TRAINING FOR CITY EMPLOYEES THAT REQUIRE EXPENSE OF CITY FUNDS MUST BE APPROVED PRIOR TO EXPENDITURE BY THE CITY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolution was read by title by Attorney Rodriguez.

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

Commissioner Holmes stated that police officer training comes out of the department budget and asked if this resolution includes the police department. He stated that if this resolution applies to police as well, he won't support the resolution.

Vice Mayor Johnson stated that there is a separate line item in the budget for police training and she was more concerned with the Professional Development line item in the budget. She also stated that she is not looking to replace any approval procedures that are already in place.

Commissioner Tydus stated that each department already has training line items in their individual budgets and asked Vice Mayor Johnson what she was attempting to accomplish with this particular resolution.

Vice Mayor Johnson stated that she wanted to ensure transparency in the process for paying for city employee training. Some departments don't have training in their budgets.

Faye Douglas, Budget Administrator stated that training for all departments, except for the police department, have access to training dollars through the City Manager's office.

Vice Mayor Johnson stated that she had overheard conversations which raised concerns for her about how this money was being used and this why she sponsored this legislation.

Commissioner Holmes stated that the Commission should stop interfering with the day to day operations of the City.

Commissioner Tydus stated that she believes the checks and balances are already in place to prevent employee misuse of funds.

Vice Mayor Johnson stated that last year an employee attended training and wanted to be reimbursed. The City Manager had no knowledge of this process, but the employee was reimbursed anyway and she has paperwork to demonstrate this. She stated that she will be bringing this resolution back to each meeting because she wants it to pass.

Commissioner Miller stated that she agrees with Vice Mayor Johnson and that if people are not following appropriate procedures to procure money for training the Commission should pass this resolution.

Mayor Taylor suggested an individual cap per employee within the program, but confirmed that there are safe guards in place within the program.

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

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

3. (19-3) 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.*

The above resolution was read by title by Attorney Rodriguez.

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

Vice Mayor Johnson stated the importance of hiring someone with higher education into this position. She stressed that she will bring this resolution back each meeting.

Commissioner Holmes stated that although he does not have a problem looking into candidates with advanced degrees, he does not want to discount others who do not have a degree but possess valuable skills that would be applicable to the position. He also does not feel that the deadline listed in the resolution is realistic.

Vice Mayor Johnson stated that the date for applications should have been updated since the document the Commission had in its possession is outdated and needs to be updated and she does not have ulterior motives for presenting this document with that particular date.

Commissioner Tydus requested that under experience in the job description it should say equivalent combination of education and experience. She also stated that the Commission should support the City Clerk's office in their work to ensure that records management continues in an efficient and professional manner. She requested that the City Attorney draft a resolution for her to sponsor at the next commission meeting asking that the appropriate county official provide technical assistance to determine the needs of the City Clerk's office and make an assessment of what the department needs going forward. This item was deferred by the Commission.

4. (19-4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE MIAMI-DADE COUNTY ASSOCIATION OF CHIEFS OF POLICE (MDCACP) COUNTYWIDE PRISONER PROCESSING PROJECT, EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM – AMERICAN RECOVERY AND REINVESTMENT ACT AWARD IN THE AMOUNT OF ELEVEN THOUSAND THREE HUNDRED AND SIXTY-FOUR DOLLARS (\$11,364.00); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Rodriguez.

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

Commissioner Holmes stated that he pulled this item because he would like to see a prompt use of funds like these that are awarded and not have the money languish in the bank.

Mayor Taylor asked if there are any grants for the police department over \$10,000 that the City of Opa-locka would be eligible for.

Manager Finnie assured the Commission that if there are grants of any size out there that the City is a good fit for and can help the police department, an application will be made.

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

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

5. (19-5) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AUTHORIZE THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS (RFP) TO LEASE – PURCHASE AN EFFICIENT MECHANICAL STREET SWEEPER CAPABLE OF HANDLING HEAVY CONSTRUCTION DEBRIS OR LIGHT STREET MAINTENANCE, PAYABLE FROM ACCOUNT NUMBER 43-538640; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Rodriguez.

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

Vice Mayor Johnson asked why the sweeper currently in possession of the City has not been used more than once in the 11 years that she has observed.

Manager Finnie stated that the sweeper is unreliable and in disrepair and a new piece of equipment is needed.

Vice Mayor Johnson also asked about an interagency agreement with Miami Gardens that the City Manager was supposed to arrange.

Manager Finnie stated that he felt the limitations of such an agreement would be more harmful than helpful and that more autonomy would be needed in order to provide full levels of service as needed by the City.

Vice Mayor Johnson asked what the line item amount is in the budget for something like this and was told there is \$100,000 currently in there.

Mayor Taylor asked whether the County could assist.

Manager Finnie stated that he asked and they did not have equipment available. The city has had this same piece of machinery repaired several times and it breaks down with every use. He

assured Commissioner Miller that anyone operating this equipment will be adequately trained in operating and maintaining the machine appropriately.

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

Vice Mayor Johnson	Yes
Commissioner Holmes	Yes
Commissioner Tydus	Yes
Commissioner Miller	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 ISSUE A REQUEST FOR PROPOSALS (RFP) FOR GENERAL ENGINEERING SERVICES FROM QUALIFYING ENGINEERING CONSULTING FIRMS, FOR THE REHABILITATION AND RESTORATION OF HISTORIC CITY HALL LOCATED AT 777 SHARAZAD BOULEVARD; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Rodriguez.

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

Vice Mayor Johnson asked the City Manager what happened with a resolution that was passed for this same item several years ago.

Manager Finnie stated he was not aware of any other resolutions regarding this item.

Vice Mayor Johnson stated that research needs to be conducted to review past resolutions first before passing new resolutions.

Manager Finnie stated that he will defer the item and conduct research to see if authorization is already in place.

Commissioner Holmes concurred with Vice Mayor Johnson that this item had been voted on in the past.

Mayor Taylor confirmed with Manager Finnie that the money allocated to the City could not be accessed last year because the City was not adequately far along in the restoration process. The money will be available in 2013 if the requirements are met before then.

Commissioner Tydus stated that it is unproductive to research the past when the City needs to be moving forward and felt that a deferral would be useless.

Manager Finnie stated that two weeks will not materially affect the process of this project and in an abundance of caution chose to still defer the item two weeks until the next regular Commission meeting.

7. (19-7) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ACCEPT AND EXECUTE THE AGREEMENT BETWEEN THE CITY OF OPA-LOCKA COMMUNITY DEVELOPMENT CORPORATION (OLCDC) FOR A PERIOD NOT TO EXCEED THREE (3) YEARS, BEGINNING FEBRUARY 1, 2012, FOR IMPLEMENTATION OF THE COMMUNITY CHALLENGE GRANT, IN AN AMOUNT NOT TO EXCEED \$472,296.00, PAYABLE FROM ACCOUNT NO. 37-515531; 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 resolution.

Vice Mayor Johnson asked the City Attorney about the Charter requirements for contracts of more than a year in length because she believed that this was supposed to be an ordinance instead of a resolution. Attorney Geller stated his belief that this requirement was only in regard to contracts for goods and services.

Mayor Taylor requested that going forward a copy of the Charter and the Budget Book should be present at every Commission meeting for reference if needed.

Commissioner Holmes agreed with Vice Mayor Johnson that any agreement of over a year should be an ordinance.

Attorney Geller confirmed that the Charter states that only contracts for outgoing money needs to be an ordinance, and for money coming in it can be a resolution.

Commissioner Miller and Vice Mayor Johnson both agreed that the resolution was worded incorrectly for what the City Manager is asking.

Mayor Taylor asked that Stephanie Williams come to the podium.

Stephanie Baldwin Williams of the OLCDC came forward and stated that there is a quarterly report due March 30th so this is time sensitive.

Vice Mayor Johnson stated that the resolution is unclear because the amounts listed are incorrect.

Mayor Taylor asked the City Attorney if this resolution can be altered within the meeting.

Attorney Geller clarified that the City would be awarded \$624,479.00 and the amount that would be paid to the CDC would not exceed \$472,296.00. There is already a resolution approved for the City Manager to accept the \$624,000 from HUD within partnership with the CDC. The

amount of \$472, 296.00 is the amount coming out of the grant money to be disbursed to several entities. So although it is money being paid out, it is only passing through and not an actual allocation of expense.

Vice Mayor Johnson asked that the resolution then be amended to include the money coming in to clarify that this is not expenditure.

Attorney Geller suggested adding to Section 2 the words “which shall be received by the City from HUD as a portion of the Community Challenge Grant”.

Vice Mayor asked for wording that demonstrates the money coming into that account as well as coming out of it.

Attorney Geller also composed additional language for the resolution and corrected a typo in the account number. The newly added language, verbatim states in Section 2, after the number \$472,296 “*which shall be received by the City from HUD as a portion of the Community Challenge Grant, and deposited into account number 37-515531, and then payable from 37-515531*”.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to amend the agenda as follows:

SECTION 2: The City Commission of the City of Opa-locka, hereby authorizes and directs the City Manager to accept and execute the Agreement between the City of Opa-locka and Opa-locka Community Development Corporation (OLCDC), for a period not to exceed three (3) years, beginning February 1, 2012, for implementation of the Community Challenge Grant, in an amount not to exceed \$472,296.00, which shall be received by the city from HUD as a portion of the Community Challenge Grant, and deposited into Account No. 37-515531, and then payable from Account No. 37-515531, in substantially the form attached hereto.

** Underline reflects new language*

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

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

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

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

Mayor Taylor

Yes

8. (19-8) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO DIRECT THE CITY MANAGER TO CREATE AND ADVERTISE FOR THE ESTABLISHMENT OF A BUSINESS IMPROVEMENT DISTRICT (B.I.D.) IN SUPPORT OF THE CHOICE NEIGHBORHOOD INITIATIVE FOR THE TRANSFORMATION PLAN OF THE NILE GARDENS NEIGHBORHOOD AREA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Rodriguez.

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

Vice Mayor Johnson asked about the process for this designation.

** This portion of the minutes is transcribed in verbatim as requested by Vice Mayor Johnson.*

Manager Finnie: *"How we, again, we are doing this to support the application, but I envision coming up with the concept and coming back to the Commission and asking for you to bless the details of the creation of the BID and in that process we will ask that the Commission identify private sector business owners in that area to sit on the BID Board as is customary throughout the state"*.

This concludes the verbatim portion of these minutes.

Vice Mayor Johnson asked that Manager Finnie ensure that citizen input and CRA involvement are included during the process, as well as the Beacon Council and local colleges & universities.

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

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

9. (19-9) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ADVERTISE A REQUEST FOR PROPOSALS (RFP) FOR UNIFORM RENTAL AND LAUNDRY SERVICE, PAYABLE FROM ACCOUNT NUMBER 19-519440; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Rodriguez.

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

Vice Mayor Johnson asked the City Manager asked about a local business that was already providing this service for the last 10 years and why the contract with them was not renewed.

Manager Finnie stated that because of the length of the relationship, he felt it was necessary to go through a competitive bid process to ensure that the process is fair and the expenditure is justified.

Vice Mayor Johnson requested that the City Manager have a conversation with the current provider clarifying that they are still eligible to bid on this contract and it is not through any fault of theirs that this bid process is taking place, in order to maintain friendly relations.

There being no further 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

10. (19-10) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS (RFP) TO RETAIN A QUALIFIED FORENSIC AUDITOR FOR THE CITY'S UTILITY BILLING ACCOUNTS, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, PAYABLE FROM ACCOUNT NUMBER 16-512490; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Rodriguez.

Per request by Vice Mayor Johnson, this section of discussion is hereby transcribed in verbatim format.

Commissioner Miller: *Move it.*

Vice Mayor Johnson: *Seconded for discussion.*

Mayor Taylor: *Moved by Commissioner Miller, seconded by Vice Mayor Johnson. Vice Mayor Johnson.*

Vice Mayor Johnson: *To the Manager.*

Manager Finnie: *Vice Mayor.*

Vice Mayor Johnson: *Your report, I am very concerned. I am concerned because it reminds me of the lawsuit that we went through a couple years with friends and family. When I look at it and I am seeing people's water bill turned off or on for \$30 and we got people on 30 and 70 some thousand dollars and they still have their water bill ain't nothing you got to analyze, the water need to go off. And then analyze how could we get to this point? We have, in this report; we have businesses that have 9 active accounts that owe us over \$32,000, why and how? When there are people in this city that owe \$200 or \$30 and their water being turned off. Something is drastically, drastically wrong. When you get down to your second statement, here is an employee, I don't know the name, don't want to know the name, all it says 1 employee, you got a lien, I don't care who it is, this fits the model for the Friends & Family lawsuit that we got sued and paid thousands of dollars out and the judge told us we can't do this. This is the same thing that was done back in the day that we're doing now. How could this happen? You don't need no auditor, y'all need to get this straight. Then, in the same report, it is telling us that employees forgave water? What you mean? Now I been real cool, what are you talking about?*

Manager Finnie: *The purpose of this item is to help me define exactly what I am talking about, to make sure that I have my facts right.*

Vice Mayor Johnson: *You look like you got your facts right, you got it in writing.*

Manager Finnie: *Again, I'm, I was trying to make a point, I think I need the audit, the documentation, to back up these findings and this is a follow up on what our auditor had alluded to in our Management agreement last year. And all I'm doing is following it up the right way.*

Vice Mayor Johnson: *Well let me tell you the right way, in my opinion, I appreciate you analyzing this because when I see an account also shows an adjustment made by staff erasing \$10,916.52 no employee should do that. No employee should do that. When I go over here and see again, why a large amount of money is owed almost \$11,000 was erased by staff, then I sure hope staff is not here and if that's interfering with the day to day, it's interfering. That's wrong because we got people out here that can't pay the water bill and their water bill is turned off. Something is wrong. No one should owe the city like this. No one. This is pathetic. So if you are asking, when are they going to start, tomorrow? Because we need to have a press conference real quick to say what's going on. And if this continues to happen we're going to be back in court. This is hundreds of thousands of dollars that can go to public workers and any other workers. This is a lot of money owed to the city. And I'm totally going to support it, I don't know do you need no I think the auditor I don't think it should be no one internal and I hope it's someone external and I would also like to put a part of this to ask for Dade County for technical support and anybody else, State Attorney's office, whatever office, IG, something is wrong. Nobody should be erasing this type of water bill. Nobody. We call one lady that brought it to my attention with an \$80 water bill, because she brought it to my attention this month her water bill is \$200. Yes thank for calling, she did tell me she got a call from you today. But this should not happen. So Mr. Manager you brought out at least 4 in my opinion, critical parts, I am very concerned with employees erasing accounts. And if that's interfering, then so be it. But I will go on record I think it's wrong. I think we're headed back to a large lawsuit and I think if we don't nip this in bud now it's going to come back to haunt us. Thank you Madame Mayor.*

Mayor Taylor: *Any other discussion on this item?*

Commissioner Miller: *Yes Madame Mayor.*

Mayor Taylor: *Commissioner Miller.*

Commissioner Miller: *Mr. Finnie, this employee who erased this money, she still working for the city? Yes or no?*

Manager Finnie: *I believe so.*

Commissioner Miller: *Huh?*

Manager Finnie: *I believe so.*

Commissioner Miller: *Well that's pathetic. Cause she or he should have been gone a long time ago.*

Manager Finnie: *Again we have a history of sometimes doing the right thing the wrong ways, wrong way, and it comes back to bite us. Um, with your permission I would like to pursue this path. Um, and cross the t's and dot the i's and uh take care of it the way it should be done, and effectively.*

Commissioner Miller: *Uh, Mr. Finnie, ok I'm gonna vote on this tonight but I can tell you this, if this come back and forth in front of me before I leave out of here in November, it's not gonna be nice. Thank you Madame Mayor.*

Mayor Taylor: *Any other discussion on this item? Madame Clerk roll call.*

Commissioner Holmes: *No.*

Vice Mayor Johnson: *Yes.*

Commissioner Tydus: *Yes.*

Commissioner Miller: *Yes.*

Mayor Taylor: *Vote yes.*

Interim City Clerk Flores: *Motion passes 4-1.*

This concludes the verbatim portion of these minutes.

16. NEW ITEMS:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA URGING THE FLORIDA LEGISLATURE TO CONVENE HEARINGS RELATING TO THE "STAND YOUR GROUND" LAW AND TO REPEAL THE LAW, SUPPORTING GOVERNOR SCOTT'S TASK FORCE ON CITIZEN SAFETY AND PROTECTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

The above resolution was read by title by Attorney Rodriguez.

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

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

At this time in the meeting, Attorney Geller mentioned that Mr. Rodriguez would be leaving the meeting as well as leaving their firm to take a prestigious opportunity heading up the Florida office of an international law firm. He thanked Mr. Rodriguez for his service and Mr. Rodriguez thanked the Commission and the Planning & Zoning staff especially.

17. PLANNING & ZONING:

A. HEARINGS:

B. APPEALS:

18. ORDINANCES/RESOLUTIONS/PUBLIC HEARING:

A. FIRST READING:

B. SECOND READING/PUBLIC HEARING:

1. 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 (first reading held on March 14, 2012). *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

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

Vice Mayor Johnson clarified with the City Attorney that there was nothing additional he wanted to add to the record on this item.

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

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

C. RESOLUTION/PUBLIC HEARING:

19. ADMINISTRATION:

CONSENT AGENDA:

All items from the consent agenda were pulled. See above under item 15.

A. CITY MANAGER'S REPORT:

Manager Finnie provided an update on pump stations 11A, 5 and 9; the thefts, replacements and reporting of stolen manhole covers throughout the city; current trash/garbage situation costing the city money which will possibly require legislation to address; and the lunch room and rehab of the shed at the Public Works Department.

He went on to say that the budget team has just published the first quarter numbers and in alignment with the management plan, each Director is sitting down with the management team to discuss expenditure to date versus the budget and to discuss goals & objectives. The first meeting just took place and the process seems to be going well. The department is working on the online approval process, coordinating the implementation of the City wide auction, and coordinated to pre-bid meetings for various projects. The city is working with the Water Billing Department to address billing issues. The department had to get an extension on their audit because of changes in personnel. The audit is still going and is expected to be done in April. He said bond applications for all personnel requested to be bonded have been turned in and as soon as they are processed the Commission will be informed. Finally, the departments has been working with the Water Department to implement a shut off program to address over 200 users of the water system who have been found not to have an account and are on the system illegally.

He further reported on the goals and accomplishments for the Building & License; Community Development; Code Enforcement; Parks & Recreation; Information Technology; and Police Departments.

Commissioner Holmes asked about signage around the pool and stated that he thinks the pool should be drained.

Manager Finnie stated that there has been increased police presence around the pool and they should be receiving a cover for it shortly. He will also explore the option of draining the pool.

Commissioner Holmes asked about Segal Park and why nothing has been done.

Manager Finnie stated that they have to go through the County to access that money in the budget and that they must receive a notice to proceed before anything can be done. The City has submitted everything required to the County and is just waiting for the go ahead from the County to start work.

Commissioner Holmes asked about the wells at the old water plant and whether or not they are capped. He asked that confirmation be sent to him by Friday to confirm that they have been capped. He asked why code enforcement is going to businesses regarding waste management issues.

Manager Finnie explained that through Code Enforcement warnings and citations, businesses are being made to either pay their Waste Management fees, which generate important revenue to the City, or they risk losing their licensing which is a powerful incentive to pay.

Commissioner Holmes asked about an IRS report that checks received by the Commission need to have taxes taken out.

Manager Finnie stated that the negotiations with the IRS were recently completed and on March 27th the City Manager sent out a memo with a detailed letter attached explaining the IRS findings and there should be an item on the next meeting's agenda to address the next steps.

Commissioner Holmes asked about the auction. He stated that in the past City employees were given first dibs on items that were going to auction and asked why this practice has not been continued.

Manager Finnie stated that he felt that because of issues with ethics and transparency it is best that everyone in the City have the same opportunity to participate.

Commissioner Holmes stated that he was having issues with his City issued cell phone. He also stated that on 27th Ave near State Road 9, the road condition is very poor. He asked why no improvements have been done there yet. Additionally, he inquired about the Johnson Controls water meters.

Vice Mayor Johnson clarified that although City employees can participate in the auction, they are not being given first rights to items. This seems to be a reasonable benefit to offer to City employees and if it is legally feasible the pre-auction opportunity should be offered to employees.

She went on to request that the canal project be secured in her area because it is a liability issue. She also stated that children coming from Superior Gardens are throwing rocks at residents. She also emphasized the importance of Community Policing because of the garbage issues going on and because of illegally parked cars creating traffic congestion.

She further stated her disappointment that the author who asked for permission to use photos of the City has now pulled his request and an important opportunity for exposure and revenue has been missed. This is especially unfortunate because the photos on the City's website are not even copyrighted. This should have been taken advantage of.

Vice Mayor Johnson said she spoke to an individual, who is now going to be filing a lawsuit against the City because of an outstanding bill. She requested that this be investigated and report on this situation to be given to the Commission by Friday from the City Manager's Office. She also stated that she is aware of a staff member that is asking for attorney's fees and reminded that the City Manager needs to come back to the Commission with that request.

Manager Finnie confirmed that it is in the charter that the Commission is the only body authorized to hire an attorney and if it comes to this, the Commission will be notified.

Vice Mayor Johnson asked about Sherbondy Village dates and wanted to know when it will be open because she is already receiving requests for this. She would like to have dates confirmed for the opening as soon as possible.

Vice Mayor Johnson has noticed that some of the City vehicles are missing logos and need to be replaced so that all City vehicles have the same logo and the vehicles need to be maintained and kept clean.

Commissioner Holmes mentioned Section 185 of the Charter and stated he believes the Manager is in violation of this section.

Vice Mayor Johnson asked about a temp hired recently in the Clerk's Office.

Manager Finnie stated he was not involved in this particular process. He clarified that when it comes to hiring, each department handles their requests through HR directly based on their budget.

Commissioner Miller stated she noticed the temp in the City Clerk's office and her understanding was that the City Clerk needed to go through HR with the approval of the City Manager.

Shirley Freeman, Director of HR came forward and explained that she was asked by a Commission to hire help for the City Clerk's office at the end of February due to short staffing because of Sha'mecca Lawson being on leave.

Commissioner Miller stated that any hiring needs to go through the City Manager. She stated that Commissioners need to stop interfering with daily operations of the City.

Commissioner Holmes stated that the Interim City Clerk has the right and power in her position to hire temporary assistance for her staff.

Commissioner Tydus stated that the Clerk's office is independent and does not have to consult with the City Manager or the Commission to hire into positions where there is already money budgeted for that service. She also stated that she feels that residents need to take responsibility for the safety and the cleanliness of their city.

Mayor Taylor asked for a workshop to discuss the mid-year budget instead of taking time to discuss it in a regular commission meeting. She also asked how many code enforcers are on staff and confirmed that there are 4 active on the street now. She emphasized the code regarding items surpassing the fence line because they are not only a violation of code, but also a danger in case of hurricanes. She also mentioned several other businesses where trailers and other heavy equipment where there are similar hazards. She requested that Code Enforcement be more aggressive.

She asked for an on the plaque for Historic City Hall that was supposed to be displayed by March 27th.

Manager Finnie stated that the plaque was delivered with the wrong dimensions and a replacement should be received by the City the following day.

Mayor Taylor asked about the roof project for Historic City Hall and wanted to know if the bidders will be able to be held to the amounts they offered.

Manager Finnie stated that he wants to sit down with the City Engineer to make sure that the prices being quoted are reasonable for the work that needs to be done.

Mayor Taylor asked if each bidder has offered a guarantee for their work.

City Manager stated that a guarantee will be part of the negotiating process.

Mayor Taylor emphasized the time sensitive nature of this project. She also asked for the status on Segal Park and asked how much money will be needed for this project.

Manager Finnie said that they will not have that information until they have completed designs.

Mayor Taylor asked why the process is taking so long.

Manager Finnie explained that after they receive approval from the County, there has to be a bid process for the design phase which could take a couple of months. After that, the designer has to complete their design and then shop it out to contractors to find out how much the building is going to cost.

Mayor Taylor expressed her frustration at the slow pace of the project.

Manager Finnie understood the frustration but stated that because of Federal regulations and County requirements, a particular process must be followed.

Mayor Taylor asked if it is true that Waste Management is still paying the City even though there are customers not paying their bills.

Manager Finnie explained that the City received a percentage of Waste Management revenues based on what is paid and this has been going down as their revenues have been decreasing. He said he would look into it further, but this is why the enforcement issue has become so important.

B. ACCOUNTS PAYABLE:

Ezekiel Orji, Finance Director came forward and stated that all documents required for his report in writing are a part of the package provided to the Commission.

20. OFFICIAL BOARD REPORTS:

**Community Relations, Recreation & Activities Advisory Board
(minutes of April 04, 2011 submitted)**

21. CITY ATTORNEY'S REPORT:

Attorney Geller reported that the lawsuit for Road Runner was received and a meeting with the City Manager is scheduled.

Mayor Taylor asked that Attorney Geller ensure Vice Mayor Johnson receives a copy of the lawsuit.

Attorney Geller stated that everything else was included in the written report provided to the Commission by the City Attorney's office.

Vice Mayor Johnson mentioned that there was a second reading needed for an ordinance regarding the CDC. She also mentioned a car wash that was deferred that was not brought back in a new meeting. She requested that it be brought back in the same form as before. She inquired about annexation.

Manager Finnie stated that a document was submitted to the Commission regarding options for this and he will resubmit this to them, if necessary.

Vice Mayor Johnson stated she felt this should be part of the workshop because the Commission needs to discuss this thoroughly and it needs to move forward. She stated that communication with the Commission prior to Commission meetings is important and will be part of mid-year performance reviews.

Commissioner Holmes asked the City Attorney to prepare a resolution for the next Commission meeting to direct the City Manager to find out the cost of moving City Hall offices into modular trailers and how many units it would take for this move to be completed. He would like a deadline of the first Commission meeting in May to be included in the resolution.

He also requested a resolution be drafted that there no longer be a cost charged to employees who wish to obtain a copy of their personnel file.

Commissioner Tydus mentioned that she is disappointed in the charter amendment process. She is frustrated that this has been taking way too long. She feels that at this point they won't be able to give it the attention it deserves before the August ballot.

Attorney Geller stated that it will be ready for submission to the Commission by Friday and that gives the Commission two months to get it finalized for the August ballot if they so choose. The Commission also has the option of putting it on the November ballot, but that is a policy issue to be determined by them. He clarified that the amendment will be passed by resolution so no public hearings are needed and therefore two months should be sufficient for the Commission to complete its review.

Vice Mayor Johnson reminded City Attorney Geller that previous work had been done on this amendment.

Attorney Geller stated that he met with Ms. Weeks and also had meetings with the former City Clerk and included the previous work done on the amendment.

Commissioner Holmes stated he would like another resolution for the next meeting to have one third of Sherbondy Park to develop a new parking lot.

22. CITY CLERK'S REPORT:

23. MAYOR/COMMISSION REPORT:

Commissioner Miller mentioned the scholarship dinner on April 21st. Additionally, she will be hosting a Breast Cancer Awareness Health Fair in Sherbondy Park on May 19th. There will also be a scholarship fundraiser golf tournament that she would like the City to contribute \$1,000 to and she will bring a resolution, if need be, but would like the Commission to support it.

Commissioner Holmes reported that he will be taking some time away from City Hall to travel, but he will keep everyone posted on his upcoming travel dates. He also mentioned that he received complaints from City employees that Commissioners are parking in front of City Hall which is not allowed and City employees are getting in trouble for doing the same thing. He

advised the Commissioners to park their cars in designated spots only. He reminded Attorney Geller that anything being prepared for the Charter amendment is supposed to be going through the Charter Board.

Attorney Geller stated he would talk further with Commissioner Holmes about this because he is not aware that this is the process being followed.

Commissioner Tydus announced the Saturday Lunch & Learn for March 31st has been canceled in order to support the First Annual Football & Cheer Clinic. The next session will instead be the last Saturday in April.

Vice Mayor Johnson thanked the Mayor for the strategic planning session in Broward County. On Sunday of this week there will be a Community Forum in Biscayne Bay sponsored by Congresswoman Frederica Wilson and elected officials from the Miami area are invited. She announced that she attended a meeting that might offer some good resources for the City in the future. She asked the City Manager to Google Kingland, GA because that city has been named "Love Town" USA. There are many movies being filmed there and the city is well maintained and clean despite being smaller in size than Opa-locka.

Mayor Taylor thanked Commissioner Miller for her invitation to the scholarship dinner. She also thanked everyone who was at the press conference regarding Trayvon Martin and shared that Opa-locka is the only municipality to pass a resolution about this situation and express public support of the family. She thanked Thaddeus Lewis and Alonzo Allen, two youths from Opa-locka who have been signed to NFL teams and came back to the City for the football clinic at Sherbondy Park on the March 31st. She encouraged her fellow Commissioners to hit the streets to encourage people to get on City Boards and fill some of the many open positions.

Manager Finnie asked for potential dates to hold the budget workshop for the Commission.

Mayor Taylor asked the Interim City Clerk to poll the Commission for dates in April they are available and get the results to the City Manger before the next meeting so everyone is on the same page.

Manager Finnie asked if he should go ahead and contract with Mr. Karas from the strategic planning meeting.

Mayor Taylor asked that the City Manager ensure that everyone on the Commission has received his proposal first and has a chance to see it before they commit to Mr. Karas' services.

24. OFFICIAL BOARD APPOINTMENTS:

25. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Tydus, seconded by Commissioner Holmes to adjourn the meeting at 11:01 pm.



MYRA L. TAYLOR
MAYOR

ATTEST:



JOANNA FLORES
INTERIM CITY CLERK