

# CITY OF OPA-LOCKA

"The Great City"

---

## REGULAR COMMISSION MEETING MINUTES

April 25, 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, April 25, 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, Vice Mayor Dorothy Johnson and Mayor Myra L. Taylor. Also present were: City Manager Bryan K. Finnie, City Attorney Joseph S. 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:

**16-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO RECOGNIZE THURSDAY MAY 3<sup>RD</sup> 2012 AS NATIONAL DAY OF PRAYER WITHIN THE CITY OF OPA-LOCKA AND THIS YEAR'S THEME SHALL BE "ONE NATION UNDER GOD"; PROVIDING FOR INCORPORATION OF RECITALS' PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Commissioner Tydus***

It was moved by Vice Mayor Johnson, seconded by Commissioner Tydus to amend the agenda to include item 16-1. There being no discussion, the motion to add this resolution to the agenda was unanimous.

**16-2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA RESCINDING RESOLUTION NUMBER 12-8386 REGARDING THE CONTRACT WITH LULU'S CAR WASH, LLC FOR CITY WIDE CAR WASH**

**SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by Commissioner Miller*

It was moved by Commissioner Miller, seconded by Commissioner Holmes to amend the agenda to include item 16-2. There being no discussion, the motion to add this resolution to the agenda was unanimous.

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

The following items were pulled from the Consent Agenda to be discussed separately under Agenda Item 15 – Action Items: 19-5, 19-10, 19-13, 19-14, 19-15 (Johnson); 19-2, 19-12 (Miller), and 19-3, 19-4, 19-6, 19-7, 19-8, 19-9, 19-11, 19-12 (Holmes). Manager Finnie deferred agenda items 18C-1 and item 19-1.

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

**Presentation- I Believe In Opa-locka (IBIO) Neighborhood Beautification Awards**

Commissioner Tydus presented the I Believe In Opa-locka Neighborhood Beautification Award to Delores Ingram. This award will be given quarterly to business or home owners who actively improve the City's appearance through their home or business improvements. Anyone who wishes to nominate someone can get the appropriate form from the City Clerk's Office. The winner received a T-shirt, a \$100 gift certificate to Home Depot and a certificate of appreciation.

**8. APPROVAL OF MINUTES:**

Regular Commission Meeting - 04/11/2012

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to approve the minutes of the Regular Commission Meeting of April 11, 2012. The vote to approve the minutes was unanimous.

**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 of Commissioner Barbara Jordan's office announced that Commissioner Jordan is opening a summer youth internship program this year for students aged 16-21 who are residents of Miami Dade County District 1, possess a 2.5 GPA on a 4.0 scale, and provide official transcripts, resume and other requirements. He offered brochures for distribution offering more information on the program.

Vice Mayor Johnson thanked Commissioner Jordan for her support of the Summer Camp programs in the District. She also asked that Commissioner Jordan look into a situation with school buses in the District are not showing up to their stops and dispatch has been providing insufficient excuses for why this is happening. She said she has had to take kids to school about 12 times this school year.

**13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:** No report.

**14. PUBLIC PRESENTATION:**

**14a. CITIZENS' FORUM:**

Lamar Cruz of 13831 NW 24<sup>th</sup> Ave, Opa-locka, Florida asked the Vice Mayor if they could "make up" regarding his residence. Vice Mayor Johnson stated that they were fine as long as the area was kept clean. Mr. Cruz also stated that he felt it was a waste of money for the City to rent offices instead of buying them.

Eldridge Redmon of Villa Francine commended the Mayor and the City Manager for their work in ensuring that vendors are cooking with appropriate greases to address diabetes. He also thanked Commission Miller for the Scholarship awards dinner and said that it was fabulous. Thirdly he stated he was upset at what happened at the last meeting. He was upset that his comments regarding the proposed salary for the City Clerk were not responded to until he sat down and could not respond.

Linda Parker of 955 Arabia Avenue, Opa-locka, Florida appeared before the City Commission and stated that she and her neighbor walk every night and she noticed sewer water coming out at the corner of Bahman. After calling it in, it has since been repaired.

However, the pump near the park was apparently not working and the pool was dirty and there are poisonous frogs inhabiting in the area. She also stated that she has a problem with the car wash contract idea. She stated that if the City is paying for the cars, their maintenance and insurance, it should be the employee's responsibility to have the car washed. She thanked the Mayor for addressing the issue of time in the City Commission meetings.

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

1. (19-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A RETROACTIVE EXTENSION AGREEMENT WITH LAWRENCE WRIGHT & PARTNERS, LLC., FOR A PERIOD OF SEVEN MONTHS, FOR PERFORMANCE OF ALL ESSENTIAL SERVICES NECESSARY TO CLOSE OUT THE PROJECT, AS PROJECT MANAGEMENT, COMMENCING FROM DECEMBER 2011 AND ENDING JUNE 2012, FOR COMPLETION OF THE SHERBONDY PARK VILLAGE INITIATIVE, AT A COST OF \$7,142.86 A MONTH, PAYABLE FROM ACCOUNT NUMBER 44-541802; 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 for discussion.

Commissioner Miller asked why the City Manager was bringing this back since it didn't pass in a previous meeting.

Manager Finnie explained that the expertise and project management he is bringing to the table are essential to finish this project regarding negotiating costs for final items and completing tasks on the final punch list. He explained that Mr. Wright's expertise and historical knowledge of the project to date is invaluable.

Vice Mayor Johnson asked about the work that has been done between December 2011 and now and requested clarification of where this payment was coming from in the budget. She asked for documentation tracking exactly how much has been spent on this project, especially because some of the money budgeted was borrowed.

Commissioner Holmes asked about the pump station at the park.

Manager Finnie stated that the contract has been signed and the work to rebuild the pump station has begun.

Commissioner Holmes disagreed that any work had been done.

Mohammed Nasir, Interim Director of Public Works stated that CNI received the contract at the end of March 2012.

Commissioner Holmes asked about the plans for the pump station and when they were commenced and who designed them.

Mr. Nasir responded that it commenced in 2010 by staff and the Department of Public Works owns the plans.

Commissioner Holmes asked who Calvin Giordana was and was told that he was a consultant. He stated several reasons why he doesn't have confidence in the City Manager.

Vice Mayor Johnson clarified that although the consultant previously mentioned assisted in drawing the plans, staff has executed all the steps since and were the ones to actually draw the plans.

Commissioner Tydus asked for the 60 item punch list to determine if this service is actually needed. She stated she is not comfortable with supporting this.

Mayor Taylor stated she couldn't support this resolution.

Vice Mayor Johnson reiterated that it should be spelled out what is owed for the contract to date and then list separately what would be owed in the future.

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

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

2. (19-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR QUALIFIED CONTRACTORS TO PROVIDE SIDEWALK PAVEMENT MILLING AND RESURFACING SERVICES ON BURLINGTON STREET FROM OPA-LOCKA BOULEVARD TO NW 27<sup>TH</sup> AVENUE, INTERSECTION OF BAHMAN AVENUE AND JANN AVENUE; AND INTERSECTION OF SUPERIOR STREET AND ALADDIN STREET, PAYABLE FROM ACCOUNT NUMBER 47-541630; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

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

Vice Mayor Johnson mentioned to the City Attorney that all RFPs and contracts should have an anti-discrimination clause in the future.

Commissioner Holmes asked if the funds are available for this.

Manager Finnie said yes.

The vote to approve the resolution was unanimous.

3. (19-4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ISSUE REQUEST FOR PROPOSALS (RFP) FOR QUALIFIED CONSULTANTS FOR THE PREPARATION OF WATER AND SEWER SYSTEMS ATLAS, PAYABLE FROM ACCOUNT NUMBER 64-533630; 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 asked again to make sure that an anti-discrimination clause be added to the RFP & contract.

Commissioner Holmes asked for clarification from the City Manager as to why this was needed and what exactly the atlas entailed.

Vice Mayor Johnson asked how this is different than the work APAC did.

Mohammed Nasir, Interim Director of Public Works stated that the previous work has been selective of only a few pipes and a comprehensive map is still needed. He also stated that this map is a requirement of a consent agreement with the County that this map be done every 10 years and there have been many extensions added to the lines since 1991.

Manager Finnie confirmed this information.

Vice Mayor Johnson asked about the budget line item that would be paying for this project.

Faye Douglas, Budget Director pointed out the line item.

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

4. (19-5) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RETROACTIVELY AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO ENTER INTO AND EXECUTE AN AGREEMENT WITH NIGHTS OF NIL, LLC TO PROVIDE OFFICE SPACE FOR THE INTERNAL AFFAIRS DIVISION OF THE OPA-LOCKA POLICE DEPARTMENT FOR A ONE YEAR PERIOD, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, IN AN AMOUNT NOT TO EXCEED \$1,000 PER MONTH, PAYABLE FROM ACCOUNT 36-521440; 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 to pass the resolution.

Vice Mayor Johnson clarified the time frame of this contract and that the office space is off site from the police department.

The vote to approve the resolution was unanimous.

5. (19-6) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NORTH AMERICAN RISK SERVICES, INC. (NARS) FOR A ONE YEAR PERIOD TO REPRESENT THE CITY AS THE SERVICING AGENT/TPA FOR THE CITY WORKERS' COMPENSATION CASES WHERE THE CITY IS SELF INSURED, IN AN AMOUNT NOT TO EXCEED \$10,000 PAYABLE FROM ACCOUNT 19-519240; 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 Commissioner Miller for discussion.

Commissioner Holmes asked for a brief summary on this issue.

Attorney Geller explained that this is to address some very old worker's compensation cases that should not take more than a year and the City is required to have third party administrator for these cases.

Vice Mayor Johnson asked why the Attorney didn't sponsor this.

Attorney Geller explained that this is mostly through HR which is the purview of the City Manager.

Vice Johnson cautioned that the amount specified in the resolution will be the only amount she would support.

The vote to approve the resolution was unanimous.

6. (19-7) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RECOGNIZE MAY 20 THROUGH MAY 26, 2012 AS NATIONAL PUBLIC WORKS WEEK; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

The above resolution was read by title by Attorney Geller.

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

There being no discussion, the motion to approve the resolution was unanimous.

7. (19-8) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RECOGNIZE MAY 25, 2012 AS NATIONAL MISSING CHILDREN'S DAY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolution was read by title by Attorney Geller.

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

There being no discussion, the motion to approve the resolution was unanimous.

8. (19-9) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RESCIND RESOLUTIONS IN SUPPORT OF THE OPA-LOCKA COMMUNITY DEVELOPMENT CORP PERTAINING TO THE CHOICE NEIGHBORHOOD INITIATIVE APPLICATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolution was read by title by Attorney Geller.

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

Vice Mayor Johnson stated that this was just to ensure transparency and to make sure that anything given to the CDC, especially in-kind, came back to the table.

There being no further discussion, the vote to approve the resolution was unanimous.

9. (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) FOR CAR-WASHING SERVICES FOR CITY OWNED VEHICLES; 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 Vice Mayor Johnson, seconded by Commissioner Miller to pass the above resolution.

Vice Mayor Johnson stated her concern that all car washes that respond to this RFP have to be DERM certified and is concerned that not enough car washes within the city limits are DERM certified.

Commissioner Miller stated that she sponsored this item because she felt that a new RFP process would be more ethical.

Commissioner Tydus expressed concern that any mobile car wash business would be able to handle the entire City fleet.

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

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

**Note: Vice Mayor Johnson later asked that her vote on this resolution be changed to “yes” for the record. The resolution passed by a 4-1 vote.**

10. (19-11) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO EXTEND THE CONTRACT FOR COMMERCIAL SOLID WASTE SERVICES THROUGH FEBRUARY 2013; 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 Vice Mayor Johnson, seconded by Commissioner Miller to pass the resolution.

Commissioner Holmes and Vice Mayor Johnson both clarified that this resolution only addresses commercial collection needs only and that another resolution will be brought before the Commission to generate an RFP for a new contract that covers both residential and commercial through one service.

There being no further discussion, the vote to approve the resolution was unanimous.

11. (19-12) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-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 Commissioner Holmes to pass the resolution.

Commissioner Miller asked that this stop bringing this resolution repeatedly because it is interfering with the ability of the City Manager to do his job.

Commissioner Holmes restated his reason for not trusting the City Manager.

Vice Mayor Johnson agreed that bringing this resolution to every meeting is counter productive. She also suggested that the City Manager and Commissioner Holmes sit down at a meeting to work out their differences to move forward.

Commissioner Holmes agreed to defer the resolution until the end of May.

12. (19-13) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ESTABLISH A SEARCH COMMITTEE TO SOLICIT FOR QUALIFIED CANDIDATES FOR THE POSITION OF CITY MANAGER FOR THE CITY OF OPA-LOCKA; 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 Holmes, seconded by Vice Mayor Johnson to pass the above resolution.

Vice Mayor Johnson asked why this resolution is necessary.

Commissioner Holmes stated that the City Attorney told him that this was necessary.

Vice Mayor Johnson asked for an amendment to change the language instead to defining the City Commission itself as the search committee.

Attorney Geller read the new language; instead of "to establish" it instead reads, "to name the City Commission as".

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson amend the resolution and read into the record by the City Attorney. There being no further discussion, the vote to approve the amendment was unanimous. The vote to approve the resolution as amended was also unanimous.

13. (19-14) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO POST AND ADVERTISE FOR QUALIFIED CANDIDATES FOR THE CITY MANAGER'S POSITION; 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 Vice Mayor Johnson, seconded by Commissioner Holmes to pass the resolution with discussion.

Vice Mayor Johnson asked if there is a job description for this position as she didn't see one in the package.

Commissioner Holmes stated he didn't draft a new job description because he was fine with the previous one. Vice Mayor Johnson asked that the job description be sent to the Commission by the City Clerk for review before it is posted just to make sure there is approval.

There being no further discussion, the vote to approve the resolution was unanimous.

14. (19-15) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY ATTORNEY TO REPRESENT THE CITY OF OPA-LOCKA IN THE LITIGATION ROADRUNNER PROFESSIONAL SERVICES, LLC VS. CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.A.*

The above resolution was read by title by Attorney Geller.

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

Vice Mayor Johnson cautioned the City Attorney about the \$433,000 deficit the City is in when negotiating this litigation.

Commissioner Miller asked if the City would have to pay the City Attorney extra for this work and the answer was yes.

Vice Mayor Johnson explained that this has always been the practice, but this way the Attorney gets approval for the expenditure from the Commission before any litigation commences.

There being no further discussion, the vote to approve the resolution was unanimous.

**16. NEW ITEMS:**

16-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RECOGNIZE THURSDAY, MAY 3, 2012 AS NATIONAL DAY OF PRAYER WITHIN THE CITY OF OPA-LOCKA, AND THIS YEAR'S THEME SHALL BE "ONE NATION UNDER GOD"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by R.T.*

The above resolution was read by title by Attorney Geller.

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

There being no discussion, the vote to approve the resolution was unanimous.

16-2: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RESCINDING RESOLUTION NO. 12-8386, REGARDING THE CONTRACT WITH LULU'S CARWASH, LLC FOR CITYWIDE CARWASH SERVICES; 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 Commissioner Holmes to pass the resolution.

Vice Mayor Johnson asked that her vote on the previous resolution be changed.

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

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

Vice Mayor Johnson confirmed that everyone who is eligible to apply will have equal opportunity to do so.

**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 LEASE AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, TO LEASE A PARCEL OF LAND TO NATHAN B. YOUNG ELEMENTARY SCHOOL FOR PUBLIC EDUCATIONAL PURPOSES, PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above ordinance was read by title by Attorney Geller.

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

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

Commissioner Miller asked for clarification on where this land is and what it is for.

Vice Mayor Johnson explained that the lease document states that the lease is for 99 years for a Community Garden, but the charter only allows for 10 years at a time so the school board will have to renew with the City every 10 years. She stated for the record that she and her husband

paid \$99 on behalf of the school board to cover the \$1 per year lease payment to cover the full 99 years.

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

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

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

**C. RESOLUTION/PUBLIC HEARING:**

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO GRANT THE REQUEST OF ALL JAPANESE ENGINES HOLDINGS FOR A CONDITIONAL USE FOR ALUMINUM SMELTING OR REFINING OF METALS IN THE I-2 (LIBERAL INDUSTRIAL) ZONING DISTRICT, AND TO ALLOW OPERATION OF AN ALUMINUM SMELTING OVEN AT THE PROPERTY LOCATED AT 2300 NW 150<sup>TH</sup> STREET, FOLIO NO. 08-2122-025-0110, AS SUBJECT TO CONDITIONS STATED IN ORDINANCE NO. 11-06; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

This item was deferred by the City Manager.

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE THE REQUEST OF O&E EAST COAST INVESTMENT AIXA SIERRA LITTLE ONES ACADEMY FOR A CONDITIONAL USE TO OPERATE A CHILD DAY CARE CENTER, AT THE PROPERTY LOCATED AT 2527 OPA-LOCKA BOULEVARD, IN THE B-1 ZONING DISTRICT, FOLIO(S) 08-2122-011-0420, 08-2122-011-0430, 08-2122-011-0440, AND 08-2122-011-0410; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was noted by the City Attorney that although this is a resolution, it requires a public hearing.

Mayor Taylor opened the floor for a public hearing.

Susana Rodriguez and Aixa Sierra whose address is at 985 116<sup>th</sup> Street Biscayne Park came forward and stated that the City of Opa-locka has a clear need for the child care center especially to address the needs of low income families.

There being no further persons to speak on the public hearing, the public hearing was closed.

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

Vice Mayor Johnson referred to the Planning Committee meeting minutes which stated concerns about parking that she felt were not addressed. She also expressed concern that the elevation study submitted expired in 2009 and that the signature on the application was not hand written. Because of these concerns she felt she could not support the application unless these issues are addressed, especially parking.

Gerald Lee of Community Development & Planning Department stated that there are 23 spaces at this lot and the applicants are only required to have 5 so they have adequate parking. He also included this in the staff report which was included in the packet submitted to the Commission.

Vice Mayor Johnson stated that his recommendation stated only 4 parking spaces, but Mr. Lee stated that this was due to some incorrect calculations which have since been corrected.

The correction was made for the record and read by the City Attorney as follows (verbatim), *"the correction has been made by staff for the record that 5 parking spaces are required and they have certified on the record that there are more than 5 parking spaces available"*.

Mayor Taylor clarified that the licenses are reviewed annually, but the Planning Council will review the operational use zoning every 2 years.

There being no further discussion, the vote to approve the resolution was unanimous.

**19. ADMINISTRATION:**

**CONSENT AGENDA:**

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

Manager Finnie reported that pump station 14 is actively working as certified by Miami Dade County and the generator is now gone. He said that there are 4 more to go this year. Trash collection efforts continue and Randolph Aikens was commended for catching a perpetrator of illegal dumping.

Commissioner Holmes asked about pump number 5.

Manager Finnie stated the developer for that site has started on it. The vehicle in the accident had no insurance so the City is looking into other avenues for compensation on this.

He stated that there are educational efforts being made to get buy in from residents of Opa-locka to combat illegal dumping. This is an ongoing problem and everyone needs to be watchful and immediately report to police if they witness this activity.

He requested that a Strategic Planning briefing by Mr. Karis be held prior to the Annexation Meeting in order to better inform the discussion around annexation.

He further reported that once the lift station is completed, the City needs to focus on raising capital to replace the water pipes because the water delivery system is in dire need of updating and he will be bringing this back to the Commission shortly.

Manager Finnie stated that tomorrow a memo will be released on the building options for City offices to help the City Commission make a decision at the next meeting as to where City offices should be relocated.

He asked for a special meeting to discuss the current status on the Blackman and Walls case. The mediation for 7-8 hours has not been productive and the federal judge stated that he would prefer to see the parties come to an amicable agreement and keep this case from going to court.

Attorney Geller formally requested for the record an Executive Session of the City Commission to discuss this case as is required by law. He stated he will schedule the meeting as is convenient with the Commission members.

Vice Mayor Johnson stated she expects a good turn out for the FAA function and asked the City Manager to make sure that citizens and schools, parks and recreation and other departments get the information on this program in time because a signed permission slip is needed from parents in order for children to participate. She stated that she had an issue with her vehicle that she would like an answer from the City Manager on ASAP.

Commissioner Holmes stated that a citizen brought to his attention that there is construction taking place at 2041 York Street without a permit. He asked that the City Manager look into it. He also stated that 1801 Wilmington Street on the corner there seem to be squatters in the building. At 1960 Rutland Street there is also a dilapidated building that seems to be dangerous. The Cuyahoga Lot has had a problem with snakes and rats infesting homes from there so clean up needs to be a priority or barriers need to be placed to protect nearby homes.

Commissioner Tydus asked for a status report on the efforts to inspect the City's restaurants.

Manager Finnie stated that he will submit a written response the following day.

Commissioner Tydus also reminded the City Manager about getting records management assistance to the City Clerk's office from Miami-Dade County.

Mayor Taylor asked the City Manager to see if Mr. Karas could make his presentation at the next budget workshop meeting once the date is set.

#### **19B. ACCOUNTS PAYABLE:**

Ezekiel Orji, Finance Director, reported that there were three written reports in the packet submitted to the Commission. He also stated that generally everything looks fine and the required reserve amount is still in place.

Vice Mayor Johnson asked about the interest amount that has been received for the accounts held. She also asked for an expenditure status report on all large projects to get a better perspective on where they stand. She asked about having taxes taken out of the City Commission's paychecks. Taxes will be taken out monthly starting May 9<sup>th</sup>. Forms will be provided to the Commission to submit their deductions.

Commissioner Holmes asked how many reserve accounts there are.

Dr. Orji replied that there are two, one in the water & sewer fund and the other is in the general account. The reserve amount the City has is in the general fund.

Commissioner Holmes stated his belief that the reserve account and various credit options be explored as an alternative to lay-offs or transfers of staff in order to address the budget deficit.

**20. OFFICIAL BOARD REPORTS:**

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

Attorney Geller stated that his written report is in the packet and he had nothing to add to it.

Vice Mayor Johnson asked the Attorney to bring a resolution to the next Commission meeting 90 days prior to any contract expiration the City Manager needs to bring any renewals or extensions, etc. before the Commission.

Commissioner Tydus asked that the Commission discuss legislation authorizing the City Attorney to litigate against the Flea Market to obtain the money owed to the City.

Attorney Geller stated that he will assist Commissioner Tydus in scheduling an Executive Session to discuss this.

Commissioner Tydus also stated she would like to meet with City Attorney Geller again to discuss Charter amendments.

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

Clerk Flores stated that in her written report there are options listed for the Budget workshop. She requested that all City Commission members respond with their date preferences as soon as possible.

Vice Mayor Johnson asked for a written action plan for the upcoming election to determine what assistance the City will need to conduct the elections.

**23. MAYOR/COMMISSION REPORT:**

Commissioner Miller thanked everyone who attended the scholarship dinner and was proud of its success. She is also preparing for the annual book bag giveaway in August.

Commissioner Holmes had nothing to report.

Commissioner Tydus announced the Saturday Lunch & Learn on April 28<sup>th</sup>. The movie will be "Tapped" and will explore the safety issues around bottled water. There will also be related activities, prizes and good lunch. She also thanked everyone for supporting the National Day of Prayer. There will be a luncheon at 11:45am in the City Commission meeting space on Thursday, May 3, 2012.

Vice Mayor Johnson announced that Blue Cross Blue Shield will be having their War on Poverty meeting May 14<sup>th</sup> in the Commission Meeting chambers. Since Opa-locka received one of their grants, she encouraged the Commission members and citizens to attend. The summer camp her agency runs is filled and parents are instead being referred to Opa-locka's City summer camp.

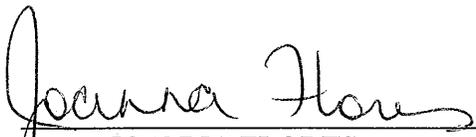
**24. OFFICIAL BOARD APPOINTMENTS:**

**25. ADJOURNMENT:**

There being no further business to come before the City Commission, it was moved by Commissioner Holmes, seconded by Commissioner Miller to adjourn the meeting at 10:07 pm.

  
\_\_\_\_\_  
MYRA L. TAYLOR  
MAYOR

ATTEST:

  
\_\_\_\_\_  
JOANNA FLORES  
INTERIM CITY CLERK