

CITY OF OPA-LOCKA

"The Great City"

REGULAR COMMISSION MEETING MINUTES

May 9, 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, May 09, 2012 on the 2nd 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 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. Commissioner Rose Tydus arrived at 7:05pm.

3. INVOCATION:

The Invocation was delivered by Mayor Myra Taylor.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. APPROVAL OF AGENDA:

6. APPROVAL OF CONSENT AGENDA/PULL LIST:

Vice Mayor Johnson pulled items 3, 4, and 5. Commissioner Miller pulled item 7. Commissioner Holmes pulled items 2, and 6. The City Manager deferred item 1 on the consent agenda. Commissioner Holmes and Mayor Taylor clarified with the City Manager his reasons for pulling this item.

A motion to approve the agenda was made by Vice Mayor Johnson and was seconded by Commissioner Holmes.

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

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

8. APPROVAL OF MINUTES:

Regular Commission Meeting- 04/25/2012

A motion to approve the minutes of April 25, 2012 was made by Vice Mayor Johnson and seconded by Commissioner Holmes.

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

9. 17th CONGRESSIONAL DISTRICT OF FLORIDA REPORT:

10. STATE SENATORS REPORT:

11. STATE REPRESENTATIVES REPORT:

12. DISTRICT ONE - COUNTY COMMISSIONER REPORT:

Larry Gardner of Miami-Dade County Commissioner Barbara Jordan's Office (District 1) came forward and indicated that he did not have a report.

Vice Mayor Johnson asked that Mr. Gardner inform Commissioner Jordan that she is not available to be the delegate for the State of Florida for Congressional District 17 for the Democratic Party.

13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

14. PUBLIC PRESENTATION:

14a. CITIZENS' FORUM:

Alvin Burke of 2928 NW 132nd Street, Apt. 328, Opa-locka, Florida appeared before the City Commission and stated that he has a problem with agenda item 19-5 because the City is going to have a summer program as does the Crime Prevention and there won't be enough space for all the programs. He is concerned that it will take away participants from the City programs which he feels are sufficient for the needs of the youth.

Harold Long of 1860 NW 170th Street, Miami Gardens, Florida came forward and said that on March 6th at the Fleet Reserve Lounge across the street a police sergeant pulled him over for speeding. He felt that he was profiled and pulled over unethically and received a ticket undeservingly.

Commissioner Holmes asked why he took so long to come to the Commission.

Mr. Long stated that he wanted to go through the courts first.

Commissioner Holmes said that if he had come earlier something might have been done, but at this point there is not much they can do for him.

Vice Mayor Johnson asked that the City Manager have the Deputy Chief speak to the citizen about this issue.

15. ACTION ITEMS:

1. (19-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AUTHORIZE THE CITY MANAGER TO MAKE PUBLIC ITS INTENT AND TO SUBMIT AN APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM IN THE AMOUNT OF TWENTY SEVEN THOUSAND FOUR HUNDRED FORTY-THREE DOLLARS (\$27,443); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

A motion to approve was made by Commissioner Miller and seconded by Commissioner Holmes.

Mayor Taylor asked, after two years of getting \$45,000 and then \$36,000, why the amount is decreasing for this City.

Charmaine Parchment, Grants Coordinator for the City of Opa-locka came forward and stated that this is because one of the criteria is the crime rate which has steadily declined.

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

2. (19-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH C&I CONSTRUCTION AND DESIGN, INC. FOR THE REHABILITATION OF MASTER SANITARY SEWER PUMP STATION 11C, IN AN AMOUNT NOT TO EXCEED ONE MILLION FOUR HUNDRED SEVENTY-FIVE THOUSAND ONE HUNDRED EIGHTEEN DOLLARS (\$1,475,118.00), PAYABLE FROM ACCOUNT NUMBER 35-535630; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

A motion to approve was made by Vice Mayor Johnson and seconded by Commissioner Miller.

Vice Mayor Johnson asked Manager Finnie about the panel discussion because one the panel members' evaluation was significantly different from the others. She also stated that she noticed the company the panel is recommending has a cash flow problem. Thirdly, she stated that in his

write up the City Manager stated that he was seeking a diversified contract pool, but that doesn't seem to be the case in the recommendation.

Manager Finnie stated that the panel member accidentally used the wrong form.

Vice Mayor Johnson stated that it should have been fixed by management staff before it came before the Commission.

In regard to the cash flow issue, the City Manager stated although he recommended them and they are a viable company his recommendation to only work with them on one or two pump stations was a preventative measure should they continue to have problems in order to prevent projects from suffering delays.

Vice Mayor Johnson stated that she would not support the recommendation because this company has worked for the City before and there is no statement regarding their previous success record of performance.

Commissioner Holmes asked where C&I ranked in the evaluation.

According to the City Manager, they were ranked #1.

Commissioner Holmes stated that previously this company has received contracts without going through the proper channels. He was also concerned about the amount of the contract.

Commissioner Miller clarified that pump station 11A will be completed in June or July.

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

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

Commissioner Holmes reminded the City Manager that the Mayor voted yes because it is the Master pump station which is something that Commissioner Holmes brought up in the discussion.

3. (19-4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ADOPT THE CRA REDEVELOPMENT PLAN AND FINDING OF NECESSITY (FON) ADDENDUM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

A motion to approve was made by Vice Mayor Johnson and it was seconded by Commissioner Miller.

Vice Mayor Johnson stated that although she supports this resolution, she has asked repeatedly that all correspondence coming from staff to the Commission have a hand written signature on it. She clarified with the City Attorney that this is opening up opportunities for fraudulent activity which concerns her.

Newall Daughtrey, Executive Director of the CRA came forward to the podium.

Vice Mayor Johnson asked that he follow this process of signatures as well.

Mr. Daughtrey stated that this resolution was really just a formality based on requirements by the County and he will ensure that in the future anything needing to come before the Commission will go through the Board Chair as the sponsor.

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

4. (19-5) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TEEN-UPWARD BOUND, INC. TO OPERATE ITS 2012 SUMMER PROGRAMS IN SHERBONDY PARK AND INGRAM PARK; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

A motion for approval was made by Vice Mayor Johnson and it was seconded by Commissioner Miller.

Vice Mayor Johnson asked if the Parks & Recreation Department is going to be the additional insured in case of liability. She also asked why the correspondence refers to after school and summer programs, but the legislation only refers to summer programs.

Manager Finnie explained that this letter of support written in March was to help them apply for a grant so he used appropriate phrasing for their application, but the resolution to offer them space is only for their summer school activities.

Vice Mayor Johnson asked about the citizen concern of the impact on City programs by this group.

Charles Brown, Director for the City of Opa-locka Parks & Recreation Department stated that the operational details are still being discussed and Parks & Recreation will be working with the organization closely.

Vice Mayor Johnson clarified that the ratio of kids at the parks is to the point of illegality with Mr. Brown stating that they are short staffed. She stated that these groups need to sit down and hash out more details before the Commission can vote on this item because there doesn't seem to be a cohesive plan in place.

Commissioner Holmes agreed that this item should be deferred.

Vice Mayor Johnson suggested outlining in documentation in detailing the facilities that will be used by the non-profit.

Commissioner Tydus clarified that this program is trying to enhance the City summer programs already in place and are not trying to take anything away. They also have a budget that is much larger than that of Parks & Recreation. She stated that the details should be left to staff to work out and the Commission should only vote on whether or not this program should be allowed.

Commissioner Miller expressed concern about the legislation mentioned by Commissioner Holmes that doesn't allow the City to partner with nonprofits.

Vice Mayor Johnson reiterated the insurance concerns of liability.

Manager Finnie stated his willingness to defer the item with the condition that he have the opportunity to call a special meeting of the Commission should the need arise due to time concerns. The item was deferred.

5. (19-6) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO REPORT TO THE COMMISSION ALL CONTRACTS THAT ARE SET TO EXPIRE WITHIN A THREE (3) MONTH TIME FRAME PRIOR TO EXPIRATION SO THE CITY COMMISSION WILL HAVE NOTICE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolution was read by title by Attorney Geller.

A motion to approve was made by Commissioner Holmes and it was seconded by Vice Mayor Johnson.

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

Mayor Taylor clarified with the City Attorney that this resolution covers all contracts for ongoing services.

6. (19-7) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING, SETTING FORTH AND SUBMITTING TO THE ELECTORATE A PROPOSED CHARTER AMENDMENT, AMENDING THE CHARTER OF THE CITY OF OPA-LOCKA, FLORIDA TO AMEND ARTICLE II, SECTION 7, TO ESTABLISH HEALTH AND LIFE INSURANCE AND DEFERRED COMPENSATION

BENEFITS FOR MAYOR AND CITY COMMISSIONERS; CALLING AND PROVIDING FOR A REFERENDUM SPECIAL ELECTION TO BE HELD ON AUGUST 14, 2012, FOR THE PURPOSE OF SUBMITTING SAID CHARTER AMENDMENT TO THE ELECTORATE AT SAID REFERENDUM; FURTHER DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE HEREIN RESOLUTION TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by T.H.

The above resolution was read by title by Attorney Geller.

A motion for approval was made by Commissioner Miller and it was seconded by Commissioner Holmes.

Commissioner Miller asked for clarification on this item.

Commissioner Holmes said that previously deferred compensation for the Commission had passed via ordinance, but was stopped a few years later because that was in violation of the charter. This charter amendment will bring back deferred compensation by vote of the people which will make it legal and legitimate.

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

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

Commissioner Holmes added the comment that this was not a personal agenda item and that it was out of best interest for present and future Commission members.

16. NEW ITEMS:

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, AUTHORIZING THE CITY MANAGER TO RENEW, ENTER INTO AND EXECUTE A TWO-YEAR INTERLOCAL AGREEMENT WITH THE MIAMI-DADE COUNTY STORMWATER UTILITY FOR CONTRACT SERVICES PERTAINING TO STORMWATER MANAGEMENT AND MAINTENANCE OF SHARED STORMWATER DRAINAGE SYSTEMS, COMMENCING OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2014, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED FORTY-SIX THOUSAND THREE HUNDRED TWENTY-TWO DOLLARS (\$346,322) ANNUALLY, PAYABLE FROM ACCOUNT 43-538340; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on April 11, 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.

A motion for approval was made by Vice Mayor Johnson and seconded by Commissioner Miller. The vote to approve the ordinance was unanimous.

C. RESOLUTION/PUBLIC HEARING:

19. ADMINISTRATION:

CONSENT AGENDA:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AUTHORIZE THE CITY MANAGER TO EXPEND FUNDS TO PURCHASE EQUIPMENT NECESSARY TO MAINTAIN THE ALLEYS, MEDIANS AND ENTRY SIGNS, IN AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND FOUR HUNDRED NINE DOLLARS AND ONE CENT (\$14,409.01), PAYABLE FROM ACCOUNT NUMBER 41-541640 AND ACCOUNT NUMBER 41-541520; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

This item was deferred by the City Manager.

19A. CITY MANAGER'S REPORT:

Manager Finnie explained Management by Objectives (FBOs) which will hopefully improve management efficiency across all City departments.

He reported that the police department has begun an aggressive Community Policing effort with increased visibility in the community. They have also increased disciplinary and operational standards resulting in a staff turnover of about 20%. This is being supplemented by comprehensive recruitment using these higher standards to obtain better qualified professional

candidates. There has also been an increase in cooperative efforts by various groups within the City to combat crime.

The Building Department's CAP process has begun and is looking to save the City \$40,000-\$60,000 in operation this year. The Public Works Department continues to address infrastructure issues as well as trash and lift station improvements. The 143rd Street project is almost done. The Port Said Road initiative is about to start and overall the City is looking at approximately \$8 million in capital improvements this year. The Parks Department did a great job getting the County to commit to putting circle devices into several intersections which they have been working on obtaining for awhile. Parks & Recreation is preparing for their summer programs. The basketball and baseball programs are looking great and this past weekend they attended the Safe Light program where they brought 35 children representing Opa-locka.

The Finance Department should be completing the audit this month. It will be brought before the Commission shortly. The Code Enforcement program has increased activity to bring in more revenue and ensure compliance with City code. This will hopefully lead to higher property values in the City. Code is also working with businesses to address commercial trash pick up, occupational license issues and water issues. There have been many meetings and phone calls to get the businesses to understand their responsibilities in following City code. In the Budget Department they are working on the mid-term budget amendment which should be done shortly.

Community Development is focused on projects that will increase the tax rateables in the community. They are working currently on a supermarket and some senior housing that will benefit the community.

Commissioner Miller asked the City Manager if the RFP for the car wash has been put out yet.

Faye Douglas, Budget Administrator explained that they are waiting to obtain a copy of the DERM requirements to include in the RFP before it went out to ensure that any and all applicants will be DERM compliant when they apply. The City Manager will review it tomorrow and it will go out ASAP.

Commissioner Miller also asked the City Manager to look into what can be done with 26th Ave. from Burlington to Superior to improve its appearance because it un-kempt, dirty and flooded.

Vice Mayor Johnson clarified that the City Manager will be giving the finished car wash RFP to the Clerk for public posting.

She commended the code enforcement team on their increased efforts, but stated that a lot of code violations occur on the weekend and also stated that a lot of businesses' exteriors are looking dilapidated. She asked if some beautification efforts could be made to improve these buildings. She requested that a resolution is brought to the Commission before June 30th addressing beautification efforts. She stated that she is willing to drop top staff salaries to pay for it if necessary.

She continued by inquiring about the bus stop shelters.

Manager Finnie agreed to get her a report on the status of this project. This project is to build more bus shelters and to add the City logo to existing shelters.

Vice Mayor Johnson expressed an overall concern that although the City Manager seems committed to the City, not his team's efforts to bringing the City's esteem up have been lax. She stated that she has lost some confidence in the City Manager's office because of several projects falling by the wayside and inefficiencies she continues to observe.

Commissioner Tydus asked about two trees which were planted last May in observance of National Day of prayer and each tree was to receive a plaque and this was not done. One will be the "Tree of Peace" and the other will be the "Tree of Transformation".

Commissioner Holmes asked about a public works employee driving a truck that was supposed to receive an increase in pay which he never received. He also asked about an abandoned house on Wilmington Street that needs to be secured and the houses on Rutland Street that also need to be looked into.

Manager Finnie stated he was told by staff that efforts were being made on this, but he would personally review the properties tomorrow to ensure things were being done properly.

Commissioner Holmes stated that he did notice that clean up/extermination had begun on the Cuyahoga Lot. He asked the City Manager to address the speed bumps put down at 140th Street and 23rd Avenue which have no paint on them and no signage so people are not noticing them.

He requested that the Urban Rangers be taken out of the shared budget with Code Enforcement to instead have its own line item in the budget. He also asked the City Manager to look into Nile Gardens on 27th Avenue because the canal is filthy and there are no benches at the bus stop.

He reported that he received two letters of thanks to the police department for their service to the funeral for an IRS employee who passed away, and to the American Cancer Society's Relay for Life and their assistance with that event. He commended the OLPD's community efforts.

Lastly, he mentioned that a letter is being sent to residents of the community claiming that they owe several thousand dollars for their water bill. He asked that the City Attorney write a public statement that can be included with the regular water bills, as well as published in local newspapers so that citizens are aware that this is not true and to disregard this scam.

19B. ACCOUNTS PAYABLE:

Ezekiel Orji, Finance Director for the City of Opa-locka stated that he had two reports that were both included in the written packet. He reported that there is currently \$565,000.00 in the reserve.

20. OFFICIAL BOARD REPORTS:

21. CITY ATTORNEY'S REPORT:

Attorney Geller reported that there is a new lawsuit of Danron Management vs. the City of Opa-locka regarding an occupational license. The City Attorney's office is still evaluating it and will update the Commission ASAP. He also listed some cases that might possibly require Executive Sessions in order to comply with the law that they need to be requested prior to scheduling. These cases are: Danron Management, Blackman & Walls, Burden et al, Irby, Spanner, Scott Miller, and GFM. At some point in the future these may require and Executive session. He indicated that everything else was included in the written report.

Vice Mayor Johnson asked for status on the annexation.

Attorney Geller stated that his office is prepared to do their part once the City Manager has presented recommendations to the Commission at their upcoming workshop and the Commission makes some decisions in regard to the direction they want to take in this effort.

Vice Mayor Johnson asked that the Commission receive a copy of the Educational Compact Foundation incorporation because they were supposed to get one eight months ago. She will be meeting with the school board and wants an agenda item for the next meeting to have the Commission choose the officers for this so they can move forward. A copy of the Compact will be given to the Commission before next meeting.

Mayor Taylor also asked the City Manager to provide another copy of the three options for annexation to the Commission in case any members did not receive it. She also asked that a copy of the summary evaluation the City Manager wrote of several departments be sent to Commission members as well.

22. CITY CLERK'S REPORT:

23. MAYOR/COMMISSION REPORT:

Commissioner Miller reminded everyone about the Cancer Health Fair on May 19th. She also wished all the mothers a Happy Mother's Day.

Commissioner Holmes restated a warning to all the citizens of the City of Opa-locka that if they receive a letter stating that they owe thousands of dollars for water line repair that this is not coming from the City and they should contact Commissioner Holmes either through the City Clerk's office or on his cell phone at 786-412-3785.

Commissioner Tydus stated that the National Day of Prayer luncheon was a tremendous success and she thanked everyone who participated. She also announced that the Lunch & Learn on April 28th was also a wonderful success. The documentary "Tapped" was presented and a lot was learned.

Vice Mayor Johnson commended Commissioner Tydus and the Lunch & Learn as well stating that she brought several kids from her program and there were a lot of important lessons learned.

She has shared the information she learned with family and friends. She also announced that she received the photos from the FAA event which was attended by 35 young people from Opa-locka and she will give them to the City Manager's office so they can be shared. She also announced that she participated for the 4th year in the Teens Court as a facilitator.

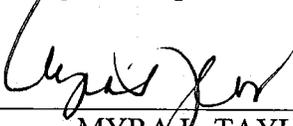
Lastly, she proudly announced that she has achieved 297,432 LinkedIn connections which is an invaluable resource for spreading news and information about the City and of her non-profit to others nationwide.

Mayor Taylor thanked the Public Works Department for all their hard work and they have been filling so many service gaps for an extended period of time and also thanked her colleagues on the Commission for tightening up the time constraints, the agenda, and the length of the meetings. She also wished everyone Happy Mother's Day.

24. OFFICIAL BOARD APPOINTMENTS:

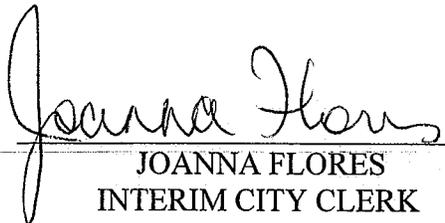
25. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by Vice Mayor Johnson, seconded by Commissioner Miller to adjourn the meeting at 8:50 pm.



MYRA L. TAYLOR
MAYOR

ATTEST:



JOANNA FLORES
INTERIM CITY CLERK