

**CITY OF OPA-LOCKA**  
**“The Great City”**

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**REGULAR COMMISSION MEETING MINUTES**

**July 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 Taylor called the meeting to order at 7:05 p.m. on Wednesday, July 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: Vice Mayor Dorothy Johnson, Commissioner Gail Miller, Commissioner Timothy Holmes, and Mayor Myra L. Taylor. Also in attendance were: City Manager Kelvin L. Baker, Sr., City Attorney Joseph S. Geller and Interim City Clerk Joanna Flores. Commissioner Rose Tydus arrived at 7:10 p.m.

**3. INVOCATION:**

The Invocation was delivered by Mayor Myra L. Taylor.

**4. PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited in unison.

**5. APPROVAL OF AGENDA:**

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

Vice Mayor Johnson pulled items 1 and 6.

Manager Baker deferred item 3 from the consent agenda until the next Commission Meeting.

Attorney Geller deferred item 4 from the consent agenda until the next Commission Meeting.

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

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

Commissioner Miller	Yes
Commissioner Holmes	Yes

Commissioner Tydus	Not Present
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

**7. APPROVAL OF MINUTES:**

**Special Commission Meeting- 06/28/2012**

It was moved by Commissioner Miller, seconded by Commissioner Holmes to approve the minutes of the Special Commission Meeting of June 28, 2012.

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

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Not Present
Commissioner Miller	Yes
Mayor Taylor	Yes

**Special Commission Meeting- 07/03/2012**

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to approve the minutes of the Special Commission Meeting of July 3, 2012.

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

Vice Mayor Johnson	Yes
Commissioner Miller	Yes
Commissioner Tydus	Not Present
Commissioner Holmes	Yes
Mayor Taylor	Yes

**Regular Commission Meeting- 07/11/2012**

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to approve the minutes of the Regular Commission Meeting of July 11, 2012.

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

Commissioner Miller	Yes
Commissioner Holmes	Yes
Commissioner Tydus	Not Present
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

- 8. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:**
- 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, Community Liaison for Miami-Dade County Commissioner Barbara Jordan's Office (District 1) came forward and stated that he was happy to be of assistance to the City of Opa-locka.

Vice Mayor Johnson informed the City Commission that she recently received the information regarding Sherbondy Park and she would be sharing that information with them.

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

- 1. Opa-locka CDC  
re: Sustainable Opa-locka 20/30**

Willie Logan, Executive Director of the Opa-locka Community Development Corporation came forward and informed the commission that the City of Opa-locka received a Sustainable Community Grant from HUD to look at the land use zoning laws and the Comprehensive Master Plan. The City of Opa-locka contracted with the Opa-locka CDC to carry out the deliverables due to HUD which include a downtown report, current condition report of all land in the city regarding economic development, housing strategy report, current zoning analysis, land use strategy report, a recommended comprehensive plan, and a land use development code. These items are scheduled to be submitted to the City of Opa-locka over the next 5 months for consideration.

Bob Cambrick, South Florida Regional Planning Council, 3440 Hollywood Boulevard, Hollywood, Florida came forward and said the South Florida Regional Planning Council covers Broward, Miami-Dade, and Monroe counties. The South Florida Regional Planning Council will review the city's zoning code and bring back recommendations for changes to the City Commission.

**14a. CITIZENS' FORUM:**

Alvin Burke, 2928 NW 132 Street, Apt. 328, Opa-locka, Florida, appeared before the City Commission to applaud Mayor Taylor for taking a step toward terminating the lease with Town Center because the city is currently paying \$600,000.00 per year for a building the citizens will never own.

He further said there are too many car washes in the City of Opa-locka for the city to spend its money in Miami Gardens at Lulu's Car Wash. He suggested that the city do business with companies located in the City of Opa-locka.

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

1. (19-1) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE THE INITIATION OF NEGOTIATIONS REGARDING TERMINATION OF THE CITY'S LEASE WITH TOWN CENTER, O-L, LLC, OR ITS SUCCESSORS, AND TO INSTRUCT THE CITY MANAGER AND CITY ATTORNEY TO TAKE ALL NECESSARY STEPS TO INITIATE NEGOTIATIONS IN ORDER TO ACCOMPLISH THE TERMINATION EFFECTIVE SEPTEMBER 30, 2012; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.  
*Sponsored by Mayor Taylor*

The above resolution was read by title by Attorney Geller.

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

Vice Mayor Johnson mentioned that she heard citizens concerns regarding this item at this time she is not in support of the resolution to relocate the city offices. Should this item pass by the majority of the Commission then there should be a plan in place for the relocation. Over the past several months, she has heard discussion amongst her colleagues indicating that the city has permission to relocate city offices to Sherbondy Village, but as a champion for that facility she is aware of the speculations outlined in Article 7 from Miami-Dade County.

She requested that the City Attorney read a portion of Article 7 into the record.

Attorney Geller read article 7 of Miami-Dade County Charter applies to all parks, lands acquired for preservation, and aquatic preserves owned and/or operated by Miami-Dade County or any municipality within Miami-Dade County, except for municipal property in Coral Gables, Hialeah, Hialeah Gardens, Miami, Sweetwater and West Miami. Generally, Article 7 requires that parks be used for public park purposes only and prohibits park facilities from being converted to or used for non-park offices, purposes or uses.

Vice Mayor Johnson directed the City Attorney to read the letter from Miami-Dade County to the City of Opa-locka into the record.

Attorney Geller read the letter into the record as follows: *"the city now seems to be contemplating moving a few of their municipal offices to the second floor of the Sherbondy Park building. The city maintains that the Sherbondy Park building gymnasium and swimming pool costs approximately \$3.4 million. Since the GOB portion of the cost is approximately \$900,000, then the balance (approximately \$2.9 million) was funded in large part with non-GOB sources. As a result, it is possible that the GOB funds can be allocated to projects for the intended*

*purposes and in accordance with the attached agreements. As such, my understanding after speaking with OMB, is that staff is currently researching this issue in order to confirm same."*

As directed by Vice Mayor Johnson, Attorney Geller continued reading the site comments of the General Obligation Bond Site: #70555 as follows: *"(FB 2-6-12) 80% complete, construction continues. (FB 7-1-11) Construction continues. (FB 5-3-11) Construction of the Community Center began May, 2010. (FB 10-6-08) To date the city consultant has submitted 75% construction documents. Working with staff, the beautification board and residents, these design documents incorporate the necessary program for the building and a swimming pool with constitute Phase 1 of the project. Under this Phase more specifically, a community center with an indoor Gymnasium of about 10,000 sf. to include meeting rooms, practice rooms, arts and crafts space, ancillary offices and restrooms will be built."*

Vice Mayor Johnson said to her understanding any offices not outlined in Article 7 will have to go out to the voters because this is a general obligation commitment.

She further said the city has a beautiful City Hall they need to investment in. With the surrounding land, the city could expand its existing City Hall. Should the majority of the Commission decide to move the municipal offices to Sherbondy Village building then the city must pay the money back to Miami-Dade County.

Commissioner Holmes said that over the years the city has paid a great deal of money for renting office space. If all municipal offices cannot be moved then he would be in favor of modules until City Hall is renovated. The money currently being spent for the rental can be utilized for employee increases and to upgrade the city.

Mayor Taylor asked for clarification on the information that was read by Attorney Geller.

Attorney Geller said the information he read was sent to the city by Miami-Dade County and it is accurate. He had the opportunity to speak to several county attorneys responsible for various grant programs and there are a number of agreements the city has executed with the county all of which the city are bound by. The city received some money from CDBG, GOB, and Safe Neighborhood Parks and it was indicated that the money they have advanced cannot be used for any other purpose. The percentage paid has to be used for those purposes and they believe the city can use half of the building for other purposes. As Vice Mayor Johnson pointed out that does not include ancillary offices strictly for parks. It is his understanding that if the facility was dedicated as the new City Hall then that will not be proper under Article 7. If the city was to utilize temporary space in the Sherbondy Village Building, more than likely that will not be in objection to Miami-Dade County with the understanding that it is a limited temporary space.

Mayor Taylor thanked Vice Mayor Johnson for the information; however she already had it because she was in communication with several people in regards to the Sherbondy Village Building. They had overcome the CDBG and Parks funding, but they were still negotiating the GOB funding.

She went on to say that the main point is to stop the bleeding of tax payer's money being spent on rent. She mentioned the city's \$300,000.00 budget deficit that the Commission recently approved the use of reserve money to fill the gap. Currently, the city has a building that a percentage can be utilized for office space providing that the majority of the space is used for park purposes.

She further stated that the issue is saving the taxpayers \$600,000.00 per year and giving the employees a raise; however, she is open to hear ideas from the Commission.

Commissioner Tydus was in agreement with the ultimate goal to save \$600,000.00 per year; however, she has not heard a plan in which she can feel confident with. She is not in favor of moving back to Historic City Hall because the city has outgrown that building, but she would like to see it as a museum. That building only housed the City Manager and Mayor/City Commission offices and there are other departments that need to be taken into consideration.

She continued by saying that according to the ratios the City Attorney provided for space at Sherbondy Village, she was not sure it would be enough space to house the number of department left. She is not in favor of modules for security purposes because there are some sensitive departments.

She further stated that she is in favor of the resolution because it is only authorizing the City Attorney and City Manager to take necessary steps to initiate negotiations to terminate the lease, but because there is a need for additional temporary space at Town Center, she is not in favor of negotiations to accomplish a complete lease termination.

Commissioner Miller was in favor of relocating from Town Center, but she wants to see a plan of action as to where the offices will be located.

Commissioner Holmes recalled city offices being in modules several years ago and those modules were secure. Additionally, he said that the old Human Resources building could be utilized for temporary office space.

Commissioner Tydus said she would like to see a plan as to what departments will be on the 2<sup>nd</sup> Floor of the Sherbondy Village. She asked, how much square footage will be provided according to the ratio?

Attorney Geller said the city can use approximately 60 percent of office space and the 2<sup>nd</sup> Floor has 9,000 square feet and the 1<sup>st</sup> Floor has 19,000 square feet which is a total of 28,000 square feet. The thought would be to use only 9,000 square feet on the 2<sup>nd</sup> Floor which would be less than 50%.

Commissioner Tydus asked, how many square feet the city is currently using at Town Center?

Manager Baker said approximately 19,000 square feet; however a certain percentage of the space is unused.

Commissioner Holmes said based on the information that has been provided, if additional space is needed, the city can use modules on a temporary basis to save money.

Commissioner Tydus suggested a friendly amendment is made to the resolution.

Attorney Geller said the title of the resolution should be amended to read *"to take all necessary steps to initiate negotiations in order to accomplish a modification or termination"*. The last "whereas" clause of the resolution should be amended to read *"approves initiations of negotiations regarding modification or termination and non-renewal"*. Section 2 of the resolution should be amended to read *"negotiations regarding modification or termination of"*. The last line should be amended to read *"the termination or modification"*.

Vice Mayor Johnson would like to add with the approval of the City Commission.

Attorney Geller said the end of Section 2 of the resolution should be amended to read *"with any proposed action to be subject to approval by the City Commission"*.

It was moved by Commissioner Tydus, seconded by Commissioner Miller to amend the resolution as read into the record by Attorney Geller.

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

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

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

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

Commissioner Holmes said the City Manager has the month of August to provide the Commission with a plan of action.

2. (19-6) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DESIGNATING CLERKS AND INSPECTORS FOR THE SPECIAL ELECTION TO BE HELD IN AND FOR THE CITY OF OPA-LOCKA, FLORIDA, ON AUGUST 14, 2012, AS REQUIRED BY CHAPTER 8.5 SECTION 8.5-5 OF THE CODE OF ORDINANCES OF THE CITY OF OPA-LOCKA, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Clerk*

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 said the City Attorney previously mentioned that the recommended charter amendments did not have to go before the charter review board. She asked, is that correct?

Attorney Geller replied, yes.

Vice Mayor Johnson asked, did they need any citizen input regarding the charter amendments?

Attorney Geller said that item is scheduled for public hearing tonight.

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

**16. NEW ITEMS:**

**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 AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A FIVE (5) YEAR INTERLOCAL AGREEMENT AS CO-PERMITTEES WITH MIAMI-DADE COUNTY FOR PROFESSIONAL SERVICES PERTAINING TO THE CONTROL OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES), PERMIT NO FLS000003-0003, IN AN AMOUNT NOT TO EXCEED SEVEN THOUSAND FIVE HUNDRED ELEVEN DOLLARS (\$7,511.00), PAYABLE FROM ACCOUNT NO. 43-538340; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR EFFECTIVE DATE. *Sponsored by the City Manager*

The above ordinance was read by title by Attorney Geller.

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

Vice Mayor Johnson said she to understand that within five years this will cost \$7,511.00 or is it per year for five years?

Manager Baker said the cost is \$7,511.00 annually. This item is part of the storm water utility and in order to have a storm water utility the city is required to have all bodies of water that flows through the city canals tested and sampled. This is a very cost effective approach to get the samples done.

Vice Mayor Johnson was in support of this item, however, she heard this test being done in the past and received a report on it. She asked to be provided with the schedule for testing / sampling.

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

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

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO REZONE 2070 LINCOLN AVENUE (FOLIO NO. 08-2122-003-570), OWNED BY MAGNOLIA NORTH APARTMENT, LLC, FROM R-2 (TWO-FAMILY) ZONING DISTRICT TO THE MAGNOLIA NORTH REDEVELOPMENT OVERLAY DISTRICT (MNRO), WITH SPECIAL EXCEPTIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.  
*Sponsored by the City Manager*

The above ordinance was read by title by Attorney Geller.

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

Vice Mayor Johnson asked for the status on the process with Habitat for Humanity because she was told Habitat for Humanity did not receive enough qualified individuals to purchase homes.

Dr. Willie Logan, President of the Opa-locka Community Development Corporation explained that he was working with Habitat for Humanity and Commissioner Jordan's office with regards to the lots given to Habitat for Humanity by Miami-Dade County. In the interim, they are proposing some lots be used for trees to beautify the area. In addition, Habitat for Humanity has

agreed to trade 3 or 5 of the lots with Opa-locka Community Development Corporation and the City of Opa-locka for parking, community garden, and a park. It is his understanding there is no plan from Habitat for any single family housing within the next 6-12 months.

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

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

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

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING ORDINANCE 11-15, THE GENERAL FUND BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012 ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECIVE DATE (first reading held on June 27, 2012).

The above ordinance was read by title by Attorney Geller.

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

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

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

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

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING ORDINANCE 11-16, THE PROPRIETARY AND SPECIAL REVENUE FUNDS BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A", REFLECTING CHANGES IN REVENUE SOURCES AS FOLLOWS: FEMA FUND (FUND 169), FIVE THOUSAND FOUR HUNDRED AND NINETY FIVE DOLLARS (\$5,495); WATER AND SEWER FUND (FUND 440), EIGHT HUNDRED AND FIFTY NINE THOUSAND NINE HUNDRED AND EIGHTY ONE

DOLLARS (\$859,981); CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; FURTHER PROVIDING FOR AN EFFECTIVE DATE (first reading held on June 27, 2012) .

The above ordinance was read by title by Attorney Geller.

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

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

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

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

3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, PROHIBITING THE SALE, OFFER FOR SALE, PURCHASE WITH INTERNT TO SELL OR PUBLIC DISPLAY FOR SALE OF LOOSE, LEAFY OR GRANULAR INCENSE PRODUCTS AND OTHER SYNTHETIC SUBSTANCES THAT MIMC ILLEGAL DRUGS (SYNTHETIC MARIJUANA); PROVIDING FOR DEFINITIONS; PROVIDING FOR SEIZURE AND INJUNCTIVE RELIEF; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE (first reading held on June 27, 2012) .

The above ordinance was read by title by Attorney Geller.

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

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

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

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

4. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE AMENDMENT TO ORDINANCE 12-10, TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDED TWO-YEAR INTERLOCAL AGREEMENT WITH THE MIAMI-DADE COUNTY STORMWATER UTILITY AS TO PROVISION OF CONTRACT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on June 27, 2012).

The above ordinance was read by title by Attorney Geller.

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

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

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

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

5. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING THE COMPREHENSIVE DEVELOPMENT MASTER PLAN BY CREATING THE TRANSIT ORIENTED DISTRICT (TOD) OVERLAY CLASSIFICATION, AMENDING THE FUTURE LAND USE MAP, UPDATING THE PARK AND RECREATION ELEMENT AND AUTHORIZING THE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; 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 June 27, 2012) .

The above ordinance was read by title by Attorney Geller.

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

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

Vice Mayor Johnson stated that the Transit Oriented District is a great opportunity for the city to look at social economics and she hopes this is tagged along with any future projects. Also, any and all new developments must include underground utilities.

Manager Baker explained that the “TOD” overlay is a Transit Oriented District which takes a particular area near the transit system and applies an overlay over it. It’s a transit enhancement, economic development, and it creates synergy into the area, which ties in with the transit system.

Commissioner Holmes said it does not mean you can build a seven story senior citizen building.

Manager Baker said it allows for mixed use, and mix used includes a lot of things such as what was mentioned by Commissioner Holmes.

Vice Mayor Johnson said whatever is coming she hopes everyone knows that in Miami-Dade County there are funds that the city is about to lose.

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

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

6. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO IMPOSE A MORATORIUM ON NEW JUNKYARDS, SCRAP METAL FACILITIES AND AUTO SALVAGE BUSINESSES CITYWIDE FOR TWELVE (12) MONTHS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION PROVIDING FOR AN EFFECTIVE DATE (first reading held on June 13, 2012). *Sponsored by the City Manager*

The above ordinance was read by title by Attorney Geller.

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

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

Commissioner Holmes asked, will this legislation affect the junkyards that are currently in the city?

Manager Baker replied, no. It is for new businesses and anything that is pending will be grandfathered.

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

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

**C. RESOLUTIONS:**

**D. PUBLIC HEARING:**

**1. Proposed new charter  
(please limit to 2 minutes)**

John Riley, 2963 NW 135<sup>th</sup> Street, Opa-locka, Florida, appeared before the City Commission and voiced his concerns as it relates to the Proposed Charter Amendment. He read the proposed charter amendment and based on what he read, there's a consolidation of powers and it seems as if the powers will rest solely with the City Commission and City Manager. The city will rid itself of all boards and re-establish some, if any, by ordinance, but the City Commission will have the final say.

He went on to say that in any democracy there is shared responsibility and Opa-locka is a democratic society designed for participation from the citizens and the government belongs to the people. Based on what is read, he will be voting against the new charter because you don't consolidate powers to the government.

Johnnie M Greene, 2091 Wilmington Street, Opa-locka, Florida, appeared before the City Commission and voiced her concerns as it relates to the Proposed Charter Amendment and the lack of a Town Hall Meeting for public input.

Oria Rodriguez, 785 Superior Street, Opa-locka, Florida, appeared before the City Commission and spoke in opposition to the Proposed Charter Amendment. Of concern was that the public was not properly notified to allow for input.

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

Commissioner Miller explained that the intent is not to get rid of the board, but to re-establish.

She requested the City Attorney provide clarification on the proposed charter amendments.

Attorney Geller explained that proposed charter amendment indicates that the charter provision as to the boards are going to be eliminated and it provides that the commission can re-establish any/all the boards. It's just eliminating the fact that there are things over 50 years old in the charter.

Vice Mayor Johnson asked, as the parliamentarian, how can the City Attorney allow the commission to go into discussion without the ordinance being read and moved?

Attorney Geller said the ordinance was adopted at a previous special commission meeting. The resolution adopting the referendum item for the November election was passed at a special meeting, and the text has been sent to the elections department. It simply says "shall the new charter be adopted Yes or No". The charter itself is going to be maintained in the City Clerk's Office for review.

He continued by saying there is no action the Commission needs to take because they have already taken action at the Special Commission meeting and decided to hold a public hearing tonight.

Commissioner Holmes stated that at the Special Commission Meeting the Commission agreed to open the floor for public hearing for citizens input and no one spoke. The Commission is not trying to abolish any of the boards in the proposed charter.

Mayor Taylor thanked the citizens that spoke in regards to the Proposed Charter Amendments for their input and she informed them that they are not being over looked, but in all due respects, the city's charter is antiquated and they trying to update the charter.

## **19. ADMINISTRATION:**

### **CONSENT AGENDA:**

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE DEPARTMENT OF JUSTICE FY 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM, LOCAL SOLICITATION AWARD, IN THE AMOUNT OF TWENTY SEVEN THOUSAND FOUR HUNDRED FORTY-THREE DOLLARS (\$27,443.00); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, CALLING A SPECIAL ELECTION BE HELD IN AND FOR THE CITY OF OPA-LOCKA, FLORIDA, ON AUGUST 14, 2012; PROVIDING AUTHORIZATION FOR THE CITY CLERK TO PUBLISH THE APPROPRIATE NOTICE OF THE SPECIAL ELECTION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY AT LEAST FIFTEEN (15) DAYS PRIOR TO THE ELECTION AS SET FORTH IN SECTION 8.5-3 OF THE CODE OF ORDINANCES OF THE CITY OF OPA-LOCKA, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Clerk*

It was moved by Commissioner Holmes, seconded by Commissioner Miller to pass items 2 and 5 of the consent agenda.

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

Commissioner Miller	Yes
Commissioner Holmes	Yes

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

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

Manager Baker reported that he did a final walk through at the Sherbondy Village Building and all major issues are resolved. The city is now in the process of making plans to transition Parks & Recreation into the facility; however, they are still going through the permit requirements as it relates to the lift stations. The lift station that services that facility will more than likely dictate when they can schedule the Ribbon Cutting Ceremony.

He continued by saying that he is still in the process of meeting all employees and is heavily engaged in the FY 2012-2013 budget; however, the preliminaries numbers are not pretty and it's going to be a major task. He does not want to propose some of the practices taken in the past in terms of tapping into the reserves; therefore, he is looking at some alternative plans.

He further reported on the status of the city's lift stations; currently there are seven on Miami-Dade County's moratorium list. This prevents the city from doing any kind of economic development, but his plan calls for four of the seven lift stations to be completed by December 2012.

Manager Baker informed the Commission that the issue from the last commission meeting regarding a high water bill was resolved. The meter system throughout the city has major problems and he is working to meet with the President of Johnson Controls to discuss other measures to bring the system up to where it should be. The city has a radio transmitted system and the meters should be able to be read in record time, but this is far from what has been happening.

He stated that there were questions with regards to the forensic audit with an auditing firm by the name of Malcolm, LLP as well as concerns about making sure collection practice is included. In looking at the scope of services the commission approved, collection services was not included. In order to include collection services he will have to come up with another plan to address it.

He further mentioned that he is looking at a cost effective citywide beautification plan.

As he moved forward with a lot of new initiatives he is asking for the support of the city commission.

He's looking to make a change as it relates to how grants are used and how the applications are submitted. In his previous city he was able to form an entire organization that worked on capital improvement projects by funding a portion of their salary through grants, and he is hoping to initiate that in all upcoming grants moving forward.

Vice Mayor Johnson said in the event the forensic audit is amended she will like to include looking at unpaid debt.

She asked was the change for Sherbondy Village changed from \$284,000 to \$125,000 and if so, was it paid?

Manager Baker replied, yes.

Vice Mayor Johnson expressed her concern as it relates to staff response to citizens and the staff per child ratio when moving into the Sherbondy Village building.

She continued by saying that Dr. Willie Logan informed her that he has 7,000 sq. available in his building that he is willing to give the city as an in-kind should we need to relocate. She requested that the City Manager follow up with Dr. Logan for additional information.

She further voiced her concerns regarding city employees in their uniforms at the liquor store and she hopes the City Manager will do random drug testing on all city employees of which she would be the first to take.

Commissioner Holmes said he would like to see Johnson Control do something about the water meters because he receives a large number of complaints about the water bills.

He asked to be provided with the name of the individual who performs the pump station inspections at Sherbondy Park?

Manager Baker said the Public Works director has sanitary sewer background and he's been doing the inspections.

Commissioner Holmes said he would like to receive a copy of those daily inspections.

Commissioner Tydus said the maintenance of the baseball field at Sherbondy Park needs immediate attention.

Mayor Taylor said there are a lot of empty lots that needs to be maintained, and then take the necessary legal proceedings.

As it relates to the forensic audit since it did not include collection practice, she suggested that the commission make a motion to include it?

Attorney Geller said since it's already adopted the commission can instruct the City Manager to include it or consider negotiate including it.

Mayor Taylor made a motion to instruct the City Manager to negotiate and consider including collection practices on the utilities in the existing forensic audit of utility billing.

The motion was moved by Commission Holmes, seconded by Commissioner Miller.

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

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

Mayor Taylor told the City Clerk to make sure that becomes a document that is signed by her and the City Attorney.

She further said there was a shooting in the Magnolia North area and she did not like that because Magnolia North is a major project to renaissance the City of Opa-locka. She would like an explanation as to what occurred and what is in place for prevention?

Cheryl Cason, Chief of Police informed the City Commission that the city is contracted with Miami-Dade County homicide to handle shootings and this incident is still under investigation. As a result, they have assessed the situation and immediately implemented several policing techniques. Deputy Chief met with command staff and she asked him to inform the commission of the techniques that's currently in place.

Deputy Chief Antonio Sanchez informed the City Commission that the shooting and homicide is still under investigation by Miami-Dade County Police Department; however the OLPD is continuing to support that investigative effort. He could not make any further comments at that time. It was a very unfortunate tragedy that they had no control over. The gathering was a peaceful gathering, for which a permit was obtained. The gathering was not connected to the incident, but it was in close proximity to the gathering and it did have an immediate affect in that area.

He further said the Magnolia North is very important to the police department because they know the efforts of the City Commission to make an investment in that area.

Commissioner Holmes said it was his understanding the person who had the gathering had a permit. Is there a requirement that an officer is hired for parties?

Deputy Chief Sanchez said it was not a requirement; however it is a requirement now.

Chief Cason said it is a requirement to have an off-duty police officer, but it was based on the number of participants the applicant put on the permit application.

Commissioner Holmes said anyone requesting to have an outside party is required to have an off duty police officer.

He directed the City Attorney to draft legislation to that affect for the first meeting in September.

Commissioner Tydus said she does not know the cost of a permit, but if police presence is going to be required, the cost of that police officer needs to be included in the permit cost as well.

**B. ACCOUNTS PAYABLE:**

Dr. Orji, Finance Director informed the City Commission that the city's cash requirement, revenue audit trail and expenditure audit trail have been included in their booklets for review.

**20. OFFICIAL BOARD REPORTS:**

John Riley, 2963 NW 135<sup>th</sup> Street, Opa-locka, Florida, appeared before the City Commission to speak on behalf of the Civil Service Board. Although everyone is entitled to their opinion, he said with the exception of one member from the dais none of the commission have ever attended a meeting or hearing of the Civil Service Board to find out what they do. The Civil Service Board guarantees everyone due process of law. The charter may be antiquated, but that same charter provides for the same positions the commission sit in and it provides the positions and pay for staff.

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

Attorney Geller said he had the opportunity to speak to the attorney of ATS regarding the red light cameras and today he had a conference call along with the City Manager. At the moment they have not carried through with any threat to sue the city.

He informed the commission a few weeks ago that there was a law suit brought against the city under the fair labor standards act by a previous temporary employee. His partner that specializes in that area has mounted a very aggressive defense and there's a preliminary hearing scheduled for Friday in front of the US Magistrate. As a result of the defense and some intense negotiations, as of yesterday the plaintiff attorney indicated that they were prepared to resolve the matter for a total of Two Thousand Dollars inclusive of their attorney fees. Unless there are some objections, he will ask the City Manager to authorize the payment of Two Thousand Dollars within his authority.

Vice Mayor Johnson, Commissioner Holmes, Commissioner Miller, Commissioner Tydus, and Mayor Taylor said they support it.

Vice Mayor Johnson asked, how much is Mr. Geller's litigation cost?

Attorney Geller said it happened all this month, so he does not have the cost available.

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

Interim City Clerk Flores encouraged all registered voters to go out and vote on August 14, 2012. The polls will be open from 7:00 a.m. – 7:00 p.m. and early voting will be from August 4-11 at various locations.

She further said the City Clerk's Office sponsored a Voter Education Day on July 18<sup>th</sup>, there was a lot of good information provided, however a lot of citizens did not come out to take advantage

of that information. She thanked Vice Mayor Johnson for her assistance in helping the clerk's office organize that event.

Vice Mayor Johnson asked, is it possible to air the information that was shared on OpaTv?

Clerk Flores said the event was recorded and she will arrange for it to be aired.

### **23. MAYOR/COMMISSION REPORT:**

Commissioner Miller encouraged everyone to come out to the 16<sup>th</sup> Annual Back to School celebration on Saturday, August 11<sup>th</sup>, at Helen Miller/Segal Park at 1:00 p.m.

Commissioner Tydus invited the citizens to Lunch and Learn Cinema Saturday on July 28<sup>th</sup> at 780 Fisherman Street, 2<sup>nd</sup> Floor at 12:00 noon. This month's presentation is Gifted Hands starring Cuba Gooding.

Also she has been working with C & C Connections Inc. who is presenting a youth summit event on Saturday, August 4<sup>th</sup> at Miami-Dade College North Campus. The event cost is \$25.00 per person, but she received 25 complimentary registration tickets that she would like to first make available to the city's Parks & Recreation Department.

Commissioner Holmes said by now the employees should know that there's a new City Manager and he want them to give Mr. Baker their best.

Vice Mayor Johnson said she is working on two initiatives: Hands on Banking with one of the local banks in the South Florida area and the other initiative is to get more youth involved with the OpaSteppers. She is working with both principles at the Elementary Schools on that initiative. Nathan B. Young and Dr. Robert B. Ingram are both C schools for this year's grade.

Mayor Taylor acknowledged the Wilmington Street family group and thanked them for making it possible for the children to celebrate.

Mike Delavoe, 1821 Wilmington Street, Opa-locka, Florida informed the City Commission that they have Mother's day and Father's day events for the kids including jet skiing, music, and food.

Commissioner Holmes said he is one of their biggest supporters as long as they keep the street clear, don't create any problems, and watch out for the kids on the Jet Ski's.

Manager Baker said Chief Cason was the first graduate in the history of Opa-locka to receive a recent declaration.

### **24. OFFICIAL BOARD APPOINTMENTS:**

**25. ADJOURNMENT:**

There being no further business to come before the Commission, it was moved by Commissioner Miller, seconded by Commissioner Holmes to adjourn the meeting at 9:29 p.m.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
INTERIM CITY CLERK