

CITY OF OPA-LOCKA
"The Great City"

CLERK'S ACTION SUMMARY MINUTES
REGULAR COMMISSION MEETING

October 10, 2012

7:00 P.M.

Opa-locka Municipal Complex
780 Fisherman Street, 2nd Floor
Opa-locka, FL 33054

1. CALL TO ORDER:

Mayor Myra L. Taylor called the meeting to order at 7:03 p.m. on Wednesday, October 10, 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: Vice Mayor Dorothy Johnson, Commissioner Rose Tydus, Commissioner Gail E. 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.

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):

Attorney Geller said item 19-4 should read sponsored by Commissioner Tydus, not Mayor Taylor.

The following items were pulled from the Consent Agenda to be discussed separately under Action Items: 19-3, 19-4, 19-7, 19-11 (Vice Mayor Johnson); 19-5, 19-10 (Commissioner Miller) and 19-6 (Commissioner Tydus).

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

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

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

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

8. APPROVAL OF MINUTES:

Second Budget Hearing – 09/26/2012

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to approve the minutes of the Second Budget Hearing of September 26, 2012.

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

Regular Commission Meeting – 09/26/2012

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to approve the minutes of the Regular Commission Meeting of September 26, 2012.

There being no 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

9. 17th 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, District 1, came forward and announced that the CAA Beautification program is

currently available for painting and landscaping and applications are available at the District Office, 2780 NW 167 Street, Miami Gardens, Florida.

13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

14. PUBLIC PRESENTATION:

14a. CITIZENS' FORUM:

1. Janette Arline of 2324 Service Road, Opa-locka, Florida, appeared before the City Commission and spoke in regards to El Presidente #28 Supermarket. At this time, she does not think the city needs another supermarket because it will bring additional traffic to the area and parking is limited.

Vice Mayor Johnson said she shops at Publix, however, she welcomes El Presidente Supermarket as a neighboring supermarket.

2. Janette Dandy of 14410 NW 22 Court, Opa-locka, Florida, came forward as a volunteer at Ingram Park. She voiced her concerns as it relates to the high grass at the city parks, particularly at Ingram Park.

She further said there is no beautification in the city and she does not see any improvement.

She would like to see the city park facilities open on the weekends for tutoring services.

Commissioner Holmes said this is rainy season so it may take longer to have the grass manicured.

Vice Mayor Johnson said she haven't heard of parks being closed on the weekends, however, she recommend that staff speak to the citizen in regards to the park hours of operation.

3. Corporal Lawrence Holborrow of the City of Opa-locka Police Department appeared before the City Commission and stated that the city is fortunate to have Chief Cheryl Cason and Deputy Chief Antonio Sanchez. A study was done three years ago on the moral of their police officers and it was very bad. He provided the Commission with a signed petition by the employees at the Police Department that says they are happy with the job Chief Cason is doing.

Commissioner Holmes said he is aware of the good performance from the City of Opa-locka Police Officers and he encouraged them to keep up the good work.

Deputy Chief Sanchez thanked everyone for allowing him to serve the City of Opa-locka.

4. Peter Padowitz of 2160 Opa-locka Boulevard, Opa-locka, Florida came forward and stated that he owns a property located on the west side of the proposed El Presidente site and he is in favor of the supermarket. In the past, this particular property has been an eyesore to the community.

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

(19-1) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO FORM AN EDUCATION COMPACT BETWEEN THE CITY OF OPA-LOCKA AND THE MIAMI-DADE PUBLIC SCHOOLS; 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 Vice Mayor Johnson, seconded by Commissioner Miller to pass the resolution.

Vice Mayor Johnson requested that Lubby Navarro, Director of the Office of Intergovernmental Affairs make a brief comment with regards to the Education Compact.

Lubby Navarro of 11840 SW 177 Terrace, Miami, Florida came forward and said her responsibilities are to manage the Education Compact. She thanked the elected officials and staff for attending the school board meeting today. The item before the City Commission sets out the vision of what they would like to see every school achieve.

Dr. Susan McEachin of 5041 Brookstone Terrace, Cooper City, Florida came forward and thanked the City Commission for their hard work for the betterment of education. On behalf of the staff, students, and parents of Dr. Robert B. Ingram Elementary School they are excited to enter into the compact with the City of Opa-locka and Miami Dade County School Board so they can become the A school that the community deserves.

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

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

(19-4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ADOPT A PROVISION FOR SEVERANCE PAY FOR THE CITY MANAGER KELVIN BAKER, SR.; PROVIDING FOR INCORPORATION OF RECITALS; PROVIFING FOR AN EFFECTIVE DATE. *Sponsored by R.T.*

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 expressed her concerns relating to this item. She noticed there is an increase from his original agreement.

She asked what was Mr. Baker's severance pay when he was hired?

Manager Baker said two months.

Vice Mayor Johnson said five months is not enough in her opinion based on if everyone have not given Mr. Baker objections and measured those objectives. She will be willing to re-visit this item even though he may already have three votes. Mr. Baker has been employed by the city for three months and she does not feel comfortable giving him five months severance pay in a short period of time.

Commissioner Tydus said she sponsored this legislation for professional reasons. Being a city manager is an Executive position and there are certain benefits and security that goes along with that. She thinks everyone in that position should get a measure of confidence and support.

Commissioner Miller stated at this point the city does not need to increase Mr. Baker's severance pay. He is doing a good job and she would like to see the city get through this year's budget and move forward.

In the event any come unannounced to terminate Mr. Baker, Vice Mayor Johnson said it needs to be built in his agreement.

Vice Mayor Johnson would like to know what the dollar amount of five months severance pay is for Mr. Baker and what account the money will be coming from?

Commissioner Tydus said she would not like to think that anyone is thinking about terminating Mr. Baker at this time.

She further mentioned that the City Manager position should carry more security and professionalism. The Florida Statutes requires a limit up to five months.

Vice Mayor Johnson said when Mr. Baker was hired, his contract included a two months severance pay. Is the intent of the legislation meant to add an additional three months or five months?

Commissioner Holmes said five months severance pay will not affect the city's budget because it is for the future.

Vice Mayor Johnson said in the event this item is passed, will Mr. Baker receive a severance pay of five months?

Commissioner Tydus replied, yes.

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

(19-5) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPOINT JOANNA FLORES AS CITY CLERK OF 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 Miller, seconded by Commissioner Holmes to pass the resolution.

With all due respect to Ms. Flores, Commissioner Miller said this item needs to be done the right way. She probably already has three votes, but the position needs to be advertised and she does not think the City Commission needs to appoint a City Clerk.

She said she understands the City Attorney is requested to draft items, however, he need to explain the legalities the city can face.

Commissioner Holmes said the previous clerk was appointed, because he made the appointment. The City Clerk's position does not have to be advertised. The person that is serving as Interim City Clerk has been the Assistant City Clerk for 15 years. She is being promoted within the department.

Vice Mayor Johnson said the City Commission previously agreed to wait until September then advertise for the City Clerk position. She is pleased with Ms. Flores work performance; however, since the city is suppose to be an Equal Employment Opportunity Employer this needs to be advertised and dealt with after the election.

Commissioner Tydus said in the event this resolution is adopted, is there any legal liability on the city?

Attorney Geller said not in his opinion, this is within the province of the commission because it's a direct commission appointment.

Commissioner Tydus said she served as the Assistant City Clerk and was promoted to City Clerk. In her opinion, Ms. Flores has been the Assistant City Clerk for 15 years and has performed well.

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

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

(19-6) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO RENEW THE

AGREEMENT WITH COMMUNITY NEWSPAPERS FOR SERVICES RELATED TO PUBLICATION OF THE CITY OF OPA-LOCKA REVIEW NEWSPAPER, IN THE AMOUNT OF \$24,000, PAYABLE FROM ACCOUNT NO. 19-519340; 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 Tydus, seconded by Commissioner Holmes to pass the resolution.

Commissioner Tydus asked, will the city be taking an aggressive approach for advertising to generate revenue?

Manager Baker said yes, that is part of the revenue enhancement initiative that was mentioned in the meeting.

He further mentioned that he is seeking approval to continue the city's contract with Community Newspapers with the option to reach out to local businesses to get advertisements to off set the cost.

Commissioner Tydus said she noticed the advertisement agreement says that the city will provide four pages of pictures and copy of which have been exceeded. Will the advertisement be included in those four pages?

Manager Baker replied, no.

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

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

(19-7) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MIAMI POOL TECH FOR POOL CLEANING SERVICES, PAYABLE FROM ACCOUNT NUMBER 72-572340; 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 Miller to pass the resolution.

As it relates to safety, Vice Mayor Johnson would like to know will the pool have a safety fence.

Manager Baker said there is a security mechanism in place for the gate locking system; a safety net will cover the entire pool when it is not in use, and the height of the fence will be increased to cover the perimeter of the pool.

Vice Mayor Johnson asked, when will the facility be open and how often will the pool be serviced?

Manager Baker will provide the commission with a grand opening date at the end of the meeting and the pool is being serviced three times a week.

Vice Mayor Johnson asked, can the Public Works staff provide maintenance service of the pool?

Manager Baker said at this point our staff does not have the experience to operate public pools.

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

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

(19-10) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RATIFY THE PAYMENT OF NORTH AMERICAN RISK SERVICES (NARS) FOR REPLENISHMENT OF LOSS FUNDS IN THE AMOUNT OF \$13,139.26 SHALL BE PAID FOR COURT ORDERED ATTORNEY'S FEES, IN THE MATTER OF ALONZO WILLIAMS, 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 Miller, seconded by Commissioner Holmes to pass the resolution.

Manager Baker said this item is a time sensitive matter and it is a court ordered settlement.

Attorney Geller said outside counsel deals with the city's workmen's compensation claims and they were very successful with Mr. Williams claim, however, the attorney was entitled to a fee and the amount was ordered by the court.

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

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

(19-11) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO RENEW THE ANNUAL AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS FOR INMATE WORK SQUAD(S), IN AN AMOUNT NOT TO EXCEED FIFTY EIGHT THOUSAND FOUR DOLLARS (\$58,004.04), PAYABLE FROM ACCOUNT NUMBER 41-541340, FOR A ONE (1) YEAR PERIOD, COMMENCING DECEMBER 15, 2012, AND ENDING DECEMBER 14, 2013, WITH THE OPTION TO RENEW FOR ONE (1) ADDITIONAL ONE YEAR PERIOD; 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 had concerns regarding the substantial amount of money being spent on food for the inmate work squads.

Manager Baker said the contract does not call for the city to provide food for the inmate work squads; it has historically been a good faith gesture on the city to provide food in the range of \$6 or \$7 per person on a daily basis at a cost of approximately \$10,000.00 per year.

Vice Mayor Johnson stated in 2007 she arranged for the inmate work squads to eat prior to coming to work and the city provided refreshments later in the day.

She further said no alcoholic beverages should be purchased.

Commissioner Holmes asked, what services the inmate work squads provide?

Manager Baker said they primarily engage in cutting the grass throughout the city. He added that he have received good reports related to their services.

Mayor Taylor shared her concerns regarding the agreement. She said there is a cost for salary incentive payment, repair and maintenance and they use the city's equipment.

Following concerns relating to this item, the City Manager deferred Agenda Item 19-11.

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 ENTER INTO A SEVEN-YEAR CONTRACT WITH ENVIRONMENTAL PRODUCTS, INC, TO LEASE PURCHASE AN ELGIN BROOM BEAR STREET SWEEPER, IN AN AMOUNT NOT TO EXCEED \$47,031 PER YEAR, PAYABLE FROM ACCOUNT NO. 43-538640; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

Vice Mayor Johnson asked, what is the cost to purchase the street sweeper?

She said it was previously asked that the city enter into an Intergovernmental shared agreement which would cost less.

Manager Baker said this item went out for bids and it was requested that the companies bring in their own financing.

He further said the total payoff amount is \$329,217.00 including equipment maintenance.

Faye Douglas, Budget Administrator said the annual cost of the street sweeper is \$47,031 which is a total of \$329,217.00 for seven years. This item went out for bids and they received several responses, however, this proposal was the best. The company will train the city staff on minor things, but they will come to our facility to do the maintenance.

Vice Mayor Johnson asked, where is the training stated in the agreement?

Ms. Douglas said on page two of the agreement the training is spelled out and it reads the training will require a minimum of one day for operating and one day for daily maintenance.

Manager Baker stated that he would like to proceed with the recommendation and whatever needs to be adjusted they will do so for the second reading.

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

Commissioner Tydus	Yes
Commissioner Miller	Yes

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ADOPT THE FUTURE LAND USE MAP AND TEXT AMENDMENTS, AMEND THE PARKS AND RECREATION ELEMENT TO THE CITY'S COMPREHENSIVE DEVELOPMENT MASTER PLAN, AND AUTHORIZE THE TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR FINAL ADOPTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

There being no 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

3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO IMPLEMENT AN ANTI-NEPOTISM POLICY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by R.T.*

The above ordinance was read by title by Attorney Geller.

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

Vice Mayor Johnson asked, does this item include the City Commission?

Attorney Geller said yes, but it does exempt current city employees.

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

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

B. SECOND READING/PUBLIC HEARING:

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CLOSE, VACATE OR ABANDON THE ALLEY ADJACENT TO ALADDIN AND FISHERMAN STREETS, CONSISTING OF APPROXIMATELY .14 ACRES (5973.10 SQ FT), AT THE REQUEST OF RUDG TOWN CENTER, LLC., TO ACCOMMODATE FOR A SENIOR CITIZENS AFFORDABLE HOUSING DEVELOPMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on September 12, 2012). *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

Mayor Taylor opened the floor for a public hearing.

Henry A. Pollard of Kazaar Temple Shiners appeared before the City Commission and asked, what is the location of the proposed Senior Citizens Affordable Housing Development?

Howard Brown, Community Development Director came forward and briefly pointed out the location of the Senior Citizens Affordable Housing Facility.

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

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

There being no 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

C. RESOLUTIONS/PUBLIC HEARING:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE FINAL SITE PLAN FOR APPLICANTS ANTONIO ACOSTA AND GUSTAVO RAMOS, AND PROPERTY OWNER PEDRO O. RODRIGUEZ REQUEST TO CONSTRUCT A SUPERMARKET AT 2121 NW 135TH STREET, OPA-LOCKA, ENCOMPASSING APPROXIMATELY 22,415 SQUARE FEET; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

Mayor Taylor opened the floor for a public hearing.

1. Doretha Nixon of 2190 NW 135th Street, Opa-locka, Florida, appeared before the City Commission and mentioned that she would like to see the presentation prior to commenting.

2. Gustavo Ramos of 10305 NW 41st Street, Miami, Florida, appeared before the City Commission with a video presentation reference to El Presidente Supermarket.

Mrs. Nixon mentioned that no changes were made from when she first saw the presentation and her concerns relates to traffic, maintenance of the building, safety, and lighting remain the same.

She further mentioned that she would like for the city to support the citizen's request to FDOT to be involved during the planning phase regarding road improvements.

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

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

Commissioner Tydus agreed with the concerns of the citizen as it relates to traffic safety and the maintenance of the property.

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

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

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE DEVELOPER'S AGREEMENT BETWEEN THE CITY OF OPA-LOCKA AND EL PRESIDENTE #28 SUPERMARKET FOR THE PROPERTY LOCATED AT 2121 NW 135TH STREET, OPA-LOCKA, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution 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 resolution.

There being no 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

19. ADMINISTRATION:

CONSENT AGENDA:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, PROCLAIMING FRIDAY, OCTOBER 12, 2012, AS "ETHICAL GOVERNANCE DAY"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, SUPPORTING THE CENTRAL EVERGLADES PLANNING PROJECT FOR THE RESTORATION OF THE CENTRAL EVERGLADES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

8. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, CONCERNING AMENDMENT 4 TO THE FLORIDA CONSTITUTION WHICH, IF ADOPTED, WOULD CREATE ADDITIONAL INEQUITIES IN FLORIDA'S TAX SYSTEM BY GRANTING CERTAIN TAX BREAKS TO SOME TAXPAYERS AT THE EXPENSE OF OTHER TAXPAYERS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

9. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO PAY PETERSON'S HARLEY DAVIDSON OF MIAMI \$7,464.69, FOR DAMAGES TO A POLICE MOTORCYCLE, PAYABLE FROM ACCOUNT NO. 36-521466; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to pass items 1, 2, 8 and 9 of the consent agenda.

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

A. CITY MANAGER'S REPORT:

Manager Baker reported that the negotiation discussions continue with the owner of the Town Center Building. He announced that the grand opening is in the process of being scheduled for the Sherbondy Community Center. He has been working with Johnson Controls concerning the automated meter reading system. Several tests have been performed and the majority of the city's meters tested okay. A follow up meeting has been scheduled to determine the ultimate fix of the system. The vacant Villa Francine lot has been manicured and he would like to have the owner further the maintenance of their property. The pump station on Perviz Avenue has been addressed to alleviate the noise.

Manager Baker continued by saying that there were several discussions regarding the Red Light Camera and he plans to meet with the City Attorney to close the contract, however, there is pending legislation that could possibly encourage all cities to opt out of the Red Light Camera system.

He identified Burlington Street as the first drainage project. As he toured the city he noticed that a lot of the roads have been paved, but funds were never allotted for drainage.

Commissioner Miller said she noticed the city was making payments to Lulu's Car Wash and she would like know what the payments were for.

Manager Baker said a contract was not approved for Lulu's Car Wash and he is unsure of who used that company for services; however, he would look into it.

Commissioner Tydus asked, has the city addressed the retirement payments due for the City Commission?

Vice Mayor Johnson said she previously requested the city's financial advisor report to purchase the Town Center Building and she have yet to receive the requested information.

Manager Baker said that information was included in the booklet provided by the City Manager's office.

Vice Mayor Johnson inquired about the residential containers at the apartment complex located at 2550 NW 139 Street.

She reported that one of the city's vans was parked in a handicap parking in front of the Town Center Building.

She put on the record that someone brushed up against her car; however, it is not physically damaged.

She mentioned her concerns relating to the El Presidente Supermarket agreement which reflected a 20% going towards Parks & Recreation, but in 2008-2009 it was agreed that 10% of that would go towards the Education Compact.

She continued by reporting that some of the liquor stores are not adhering to the city's legislation regarding hours of operation on Sundays.

She further said staff needs to visit the area of Burlington Street near the fish market; it is not up to code. The grocery store put up a screen so no one can see, but there is a loud odor.

She suggested a plan is put in place as it relates to Amendment 4. Perhaps workshops should be put in place to educate the citizens of the impact it may have on the city.

Vice Mayor Johnson said that the Community Relations, Recreation & Activities Advisory Board minutes had remarks that she suggests the City Manager review. As it relates to grand opening of the Sherbondy Village facility, she had concerns as to who will be the service provider for youth development.

Manager Baker said all the current services will be continued and they will gradually add other services. One of the challenges is with the relocation in terms of recreational activities because it is still unclear if the city offices will utilize a portion of space in that facility.

Vice Mayor Johnson requested a comprehensive plan as it relates to the swimming activities at the Sherbondy Village.

She does not want the City Manager to lose sight of what the primary purpose of that facility is; it is for youth development and activities.

Commissioner Tydus said the Burlington Street Canal near Nathan B. Young Elementary School is in need of immediate attention and the drain in the parking lot of Diaz supermarket has a foul odor.

She said that the city is in need of a new charter and she does not think the Commission promoted the importance of the proposed Charter Amendment.

Shirley Freeman, Human Resources Director stated that she was made aware of the retirement payments due for the City Commission by Commissioner Miller on yesterday. After reviewing the letter she realized she needed additional information prior to presenting it to Mr. Baker. After reaching out to Jason Guedo, Department of Management Services, he provided her with copies of the resolutions. She is currently researching the documents before reporting to the City Manager.

As a result of the 2009 IRS Audit which appointed the City Commission as city employees, they are going back to 2002 indicating the city has to report retirement for the City Commission.

Manager Baker said he will make it a priority to resolve the issue.

Commissioner Holmes said he receives numerous complaints regarding the water bills and it's time to come up with a solution.

He further asked for an update on the master pump station.

He directed the City Manager to research if there are available funds to purchase additional police cars.

Mr. Baker needs to start planning to relocate the city offices if a purchase price cannot be agreed upon.

Mayor Taylor said the City Commission would like to see all city lots cut and she is asking that the owners of private lots be notified as to their lots being cut. In addition it is her understanding that the public works department was utilizing the lot next to the tri-rail station, if so they need to be responsible for keeping it cut.

She further directed the City Manager to create a beautification initiative and to include a water fountain in the area of the canal on 27th Avenue.

She continued by saying when the commission sponsor legislation they need to push it. They have not educated the citizens about the Sherbondy Village project and the proposed charter amendment; therefore she would like to schedule a town hall meeting.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to amend the agenda.

There being no 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

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to direct the City Manager to expend up to \$12,000 to promote a voter educational drive reference to the city's proposed charter amendment and amendment 4.

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

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

The City Commission agreed to schedule the town hall meeting for Wednesday, October 17, 2012 at 6:00 p.m.

Commissioner Holmes asked, will it be more cost effective to advertise the information in the neighbors leading up to the election.

Vice Mayor Johnson suggested there be multiple ways of getting the word out.

Commissioner Miller said a lot of people don't purchase the Miami Herald, but everyone reads the Miami Times.

B. ACCOUNTS PAYABLE:

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

Vice Mayor Johnson asked, what is the plan to replace the \$300,000.00 back to the reserve that was borrowed to fill the budget last year?

Manager Baker said there is a written response in the package provided to the Commission.

He further said as they close out the 2011-2012 budget, based on the available dollars, they will make a decision on placing some of those funds in the reserve account to begin the payoff.

Vice Mayor Johnson requested this is brought back to the commission before doing so.

20. OFFICIAL BOARD REPORTS:

21. CITY ATTORNEY'S REPORT:

Attorney Geller said he provided the Commission with a written report, however, he said there are a number of cases going before the Civil Service Board.

As it relates to closing out 2012, Vice Mayor Johnson said there are a number of pending law suits and she hope those would be included in the close out.

She previously requested a written report regarding the outstanding debt collection and she would like to meet with Mr. Geller and Mr. Gilbert regarding the foundation.

She further said she was saddened to go to the clerk's office last Friday to see they were still working on the agenda package late in the afternoon. In the future, she would like the City Attorney to do due diligence in forwarding the agenda items to the City Clerk in a timely manner.

Vice Mayor Johnson stated that a Ten Thousand Dollars increase was approved and anything pertaining to money must include an account number.

Commissioner Holmes shared the same concern as Vice Mayor Johnson as it relates to forwarding agenda items to the City Clerk's Office in a timely manner. He directed the City Attorney to have all agenda items in the City Clerk's Office no later than 12:00 noon on Thursday prior to the date of the Commission Meeting.

22. CITY CLERK'S REPORT:

Clerk Flores informed the City Commission that Dr. Philip Mann would like to schedule a free business seminar in the City of Opa-locka in the month of October.

She stated that Absentee Ballots are being mailed out and early voting will take place on October 27, 2012 - November 3, 2012 at various locations from 7:00 a.m. – 7:00 p.m. All voting information is available on the city's website.

She thanked the Commission for their support.

Commissioner Miller asked, have the location for a new voting precinct been confirmed?

Clerk Flores said Miami-Dade County Supervisor of Elections informed her that Hanan Daycare center was not approved and because the election is next month she has to wait until after the election to identify another facility. The voting precinct at Westview Baptist Church will remain one of the city's voting precincts for the November 6th election.

Clerk Flores stated that she made several attempts to speak to Sonia Mitchell, Principal at the School located on NW 135th Street, but has not receive a call back from her in an effort to utilize that facility as a precinct.

Commissioner Tydus stated that Dr. Philip Mann should speak to a representative at the Opa-locka Chamber of Commerce in regards to the business seminar.

23. MAYOR/COMMISSION REPORT:

Commissioner Miller said she hosted an Absentee Ballot Seminar, she did not get a large turn out, however she's made numerous request to have it aired on Channel 77.

She further mentioned that she had the opportunity to attend the Miami Dade County School Board meeting in support of the Education Compact and it was very successful.

She thanked Vice Mayor Johnson for leading the City of Opa-locka Education Compact.

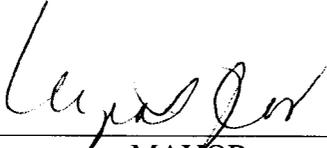
Mayor Taylor said she was invited to attend a meeting with Commissioner Barbara Jordan, the State Attorney, US Attorney, and several other people to come together to try to reduce the crime in the City of Opa-locka and Miami Gardens.

She further mentioned that she attended the Miami Dade County School Board meeting in support of the Education Compact and thanked Vice Mayor Johnson for taking the lead. The Education Compact is a collaboration effort between the City of Opa-locka and Miami Dade County School Board to enhance education in the city.

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 9:50 p.m.



MAYOR

ATTEST:



CITY CLERK