

CITY OF OPA-LOCKA
"The Great City"

CLERK'S ACTION SUMMARY MINUTES
REGULAR COMMISSION MEETING

November 13, 2013
7:00 P.M.

City Commission Chambers at Sherbondy Village
215 President Barack Obama (Perviz) Avenue
Opa-locka, FL 33054

1. CALL TO ORDER:

Mayor Myra L. Taylor called the meeting to order at 7:00 p.m. on Wednesday, November 13, 2013 in the City Commission Chambers at Sherbondy Village, 215 President Barack Obama (Perviz) Avenue, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Vice Mayor Joseph L. Kelley, Commissioner Dorothy Johnson, Commissioner Luis B. Santiago, Commissioner Timothy Holmes, and Mayor Myra L. Taylor. Also in attendance were: City Manager Kelvin L. Baker, Sr., City Attorney Joseph S. Geller, and 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):

The following items were pulled from the Consent Agenda to be discussed separately under Action Items: 19-2, 19-8, and 19-11 (Commissioner Johnson).

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

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

Commissioner Johnson	Yes
Commissioner Santiago	Yes
Commissioner Holmes	Yes

Vice Mayor Kelley	Yes
Mayor Taylor	Yes

Request to amend the agenda to include the following items:

16-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING RESOLUTION NO. 13-8613 AND AUTHORIZING THE CITY MANAGER TO SUPPORT THE OPA-LOCKA COMMUNITY DEVELOPMENT CORP (OLCDC) REQUEST TO ADD ADDITIONAL PROPERTY LOCATION TO THE KABOOM PROJECT AND AUTHORIZING THE CITY MANAGER TO EXPEND \$2,500.00, A BUDGETED ITEM, PAYABLE FROM ACCOUNT NO. 32-541340; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

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

There being no discussion, the motion to amend the agenda passed by a 4-1 vote.

Commissioner Santiago	Yes
Commissioner Holmes	Yes
Vice Mayor Kelley	No
Commissioner Johnson	Yes
Mayor Taylor	Yes

16-2: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING THE FINAL INTERLOCAL AGREEMENT BETWEEN THE MIAMI-DADE COUNTY COMMISSION AND OPA-LOCKA COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was moved by Commissioner Johnson, seconded by Vice Mayor Kelley to amend the agenda to include item 16-2.

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

Commissioner Holmes	Yes
Vice Mayor Kelley	Yes
Commissioner Johnson	Yes
Commissioner Santiago	Yes
Mayor Taylor	Yes

16-3: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE EXPENDITURE OF TWO THOUSAND DOLLARS (\$2,000.00) TO SPONSOR THE OPA-LOCKA 12TH ANNUAL "HOLIDAY IN THE VILLAGE TOY GIVE-AWAY", TO BE HELD DECEMBER 21, 2013, PAYABLE FROM ACCOUNT NUMBER 79-579402, PROVIDING FOR

INCORPORATION OF RECITALS; PROVIDING FOR AND EFFECTIVE DATE.
Sponsored by D.J.

It was moved by Commissioner Johnson, seconded by Commissioner Santiago to amend the agenda to include item 16-3.

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

Vice Mayor Kelley	Yes
Commissioner Johnson	Yes
Commissioner Santiago	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

8. APPROVAL OF MINUTES:

Regular Commission Meeting – 10/23/2013

It was moved by Vice Mayor Kelley, seconded by Commissioner Johnson to approve the minutes of the Regular Commission Meeting of October 23, 2013.

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

Commissioner Santiago	Yes
Commissioner Holmes	Yes
Vice Mayor Kelley	Yes
Commissioner Johnson	Yes
Mayor Taylor	Yes

9. 17th CONGRESSIONAL DISTRICT OF FLORIDA REPORT:

10. STATE SENATORS REPORT:

11. STATE REPRESENTATIVES REPORT:

12. DISTRICT ONE / DISTRICT TWO - COUNTY COMMISSIONER REPORT:

Larry Gardner, of Miami-Dade County Commissioner Jordan's Office (District 1) came forward and invited everyone to attend Movie Night Out hosted by Commissioner Barbara Jordan and Mayor Myra L. Taylor on Friday, November 15, 2013 @ 7:00 p.m. at Sherbondy Park.

Mr. Gardner invited everyone to attend a free Jazz Concert hosted by Commissioner Barbara Jordan and Mayor Oliver Gilbert on Friday, December 6, 2013 @ 6:30 p.m. at Betty T. Ferguson Center.

Commissioner Johnson asked for Commissioner Jordan's support for the city's Annual Toy Give-Away on December 21, 2013. She requested the stage from Miami-Dade County for the Toy Give-Away.

13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

14. PUBLIC PRESENTATION:

**1. Opa-locka Community Development Corp.
re: Kaboom Playground**

Chris Davis, 490 Opa-locka Boulevard, Opa-locka, FL appeared before the City Commission to request that the Kaboom Playground in the Magnolia North area be extended to include lots 14 and 15. In addition, the Opa-locka Community Development Corporation requested that the City Commission allow the City Manager to approve \$2,500 towards the application for soil testing for the lots.

Commissioner Johnson asked, who is the owner of lots 14 and 15?

Mr. Davis said the lots are owned by the city, but they are requesting for the playground to be extended to include those lots.

Commissioner Johnson asked, where is the legislation to support the city playground being extended on city owned property.

Attorney Geller said the resolution authorizes the Kaboom Playground to be extended to the city owned lots. The city will not be transferring ownership; the city will just allow the playground to be put on city's property.

Commissioner Johnson said the legislation is requesting \$2,500.00 and in her professional opinion the legislation does not address the folio number being owned by the city.

She further said there needs to be liability insurance because that's the city's property.

Vice Mayor Kelley said the project has been previously approved. Why the playground has not been built yet?

Mr. Davis said originally Kaboom gave the Opa-locka CDC two dates for the design and build. The build date was scheduled to take place in October and the design date was suppose to take place in August. The dates were pushed back and the design date is November 19 and the build date is January 24. The project was start date was delayed by Kaboom and the funders.

14a. CITIZENS' FORUM:

1. Alvin Burke of 2928 NW 132nd Street, Opa-locka, Florida, appeared before the City Commission to discuss his concerns with regards to city employees that are city

residents not being able to drive city vehicles home for lunch. Employees have to drive the city car back to Public Works and get their care then go to lunch.

Mr. Burke further Armando Hernandez is the owner of Armando's Carburetor and a few months ago he was robbed at his place of business. He was a good business owner to the residents.

Mr. Burke asked the City Commission to consider co-designating the corner of Dunad as Mr. Armando's street.

Commissioner Santiago said Mr. Armando is still alive.

Mr. Burke said he is aware of that and he would like to see Mr. Armando recognized for what he have done for the citizens.

Commissioner Johnson said she supports what Mr. Burke wants to do, however she recalled the legislation stating that the person had to be deceased.

2. Eldred Redmon of 2766 NW 131st Street, Opa-locka, Florida, appeared before the City Commission to thank Commissioner Holmes for giving the citizens turkeys for Thanksgiving.

He further said a few meetings ago he stood before the City Commission and advocated to discontinue the city's contract with Choice, but he was not advocating for any entity, he just wanted choice gone. Tonight he is advocating for Ecological Recycling because he had a chance to wake up at 6:00 a.m. to see how they operate and he was amazed with the service. Yesterday the garbage was picked up late so he called Ecological Recycling and they did not send a representative, the owner came to Villa Francine and that is professionalism at its best.

Mr. Redmon commended the Opa-locka Police Department for their good work on Halloween. They went to the homes off registered sex offenders and asked them not to turn their lights on and not to invite children to their homes.

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

(19-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE CITY OF OPA-LOCKA AND THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD FOR THE CITY'S JOB INITIATIVE PROGRAMS, FROM AUGUST 1, 2013 TO JUNE 13, 2014; 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 Johnson, seconded by Vice Mayor Kelley to pass the resolution.

Commissioner Johnson asked the City Manager for clarification on some of the supporting documents included in the agenda.

Manager Baker said the MOU before the City Commission is a continuation of the original MOU with the agency. The original MOU the city had with them only had a few months left when it was approved based on the budget year that South Florida Workforce is under.

Commissioner Johnson said that is understood, however she would like to know how the supporting documentation integrate with what was mentioned by the City Manager.

Manager Baker said the supporting documentation was included to provide history on the MOU.

Commissioner Johnson said she has a copy of last year's agreement and it did not have supporting documentation, now this legislation had three previous resolutions included in the supporting documents.

Manager Baker said their thinking was since they were utilizing the services of South Florida Workforce to problem the city with the necessary support to provide services that were originally considered to be contracted out. He see what the problem is and they should have omitted included those documents in the package.

Note: This portion of the minutes is transcribed in verbatim format.

Commissioner Johnson: For the record, it is not my understanding that any of the vendors that are in the package is a part of your legislation going forward, is that correct?

Manager Baker: That's absolutely correct.

Note: This concludes the verbatim portion of these minutes.

Commissioner Johnson said she can see if someone is doing the recruitment, but she has a concern when she sees disapproved legislation being included as supporting documentation.

Vice Mayor Kelley asked is the hiring of individuals for the fire hydrants including in the MOU?

Manager Baker said yes.

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

Vice Mayor Kelley	Yes
Commissioner Holmes	Yes
Commissioner Johnson	Yes
Commissioner Santiago	Yes
Mayor Taylor	Yes

(19-8) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO GRANT TEMPORARY PERMISSION TO OPA-LOCKA COMMUNITY DEVELOPMENT CORP TO INSTALL EIGHT (8) PANELS ON THE GROUNDS AROUND HISTORIC CITY HALL IN ANTICIPATION OF ART BASEL MIAMI BEACH, FOR THE PERIOD OF NOVEMBER 20, 2013 THROUGH THE END OF FEBRUARY 2014; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

The above resolution was read by title by Attorney Geller.

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

Mayor Taylor said an artist went around and took pictures of residents of the City of Opa-locka and they would like to display the pictures on the grounds of Historic City Hall.

Commissioner Johnson said she is in support of the legislation, but she has concerns because of the condition of the building and the air quality.

Vice Mayor Kelley said he is not going to support the item because with Historic City Hall being under renovation no one should be around the building and he think it could become a liability for the city.

He further said it is his personal opinion, but the building needs to be fenced until the renovations are complete.

Mayor Taylor asked, are there any suggestions where the pictures can be displayed?

Vice Mayor Kelley said he don't know how big the pictures are in term of an alternate site. Perhaps they be displayed around Sherbondy Village.

Eileen Allen, Opa-locka Community Development Corporation appeared before the City Commission and said the 8 photos are life size renderings and will be placed in the ground on 2x4 stakes.

Commissioner Santiago asked, how long the pictures will be at Historic City Hall?

Ms. Allen said it is a temporary installation and they will be up for 3 months.

Commissioner Santiago asked, who will cover the cost to have the pictures installed?

Ms. Allen said the Opa-locka Community Development Corporation will cover the cost with a grant.

Commissioner Santiago asked, when will the renovations start at Historic City Hall?

Manager Baker said the construction will start in January or February 2014.

Commissioner Holmes asked for the exact location where they signs is going to be installed.

Ms. Allen said they are requesting to install the pictures in the lawn at Historic City Hall.

Commissioner Johnson said she supports the idea, but the potential for liability is still there. The building needs to be fenced off to prohibit anyone from going to the building.

Commissioner Johnson asked can the gate be fenced?

Manager Baker said yes they can, but the interior of the building is off limits.

Commissioner Johnson asked, have there been any liabilities at Historic City Hall since it's been closed?

Manager Baker said he is not aware of any liabilities.

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

Commissioner Johnson	Yes
Vice Mayor Kelley	No
Commissioner Santiago	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes

(19-11) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE DESIGNATING THE CITY OF OPA-LOCKA AS A FILM FRIENDLY ENVIRONMENT, WITH THE CITY COMMISSION HAVING THE AUTHORITY TO APPROVE FILM PERMIT REQUESTS AND THE FILMING POLICY FOR THE CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by L.S.*

The above resolution was read by title by Attorney Geller.

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

Commissioner Holmes said the City Commission came up with a policy a year ago when a negative movie was filmed in the city.

Commissioner Johnson said she remembers the dialogue but it was failed to be put in a form of legislation.

She further said she would like to support the legislation but at this time she does not have sufficient documentation to give her a comfort level.

Commissioner Santiago said policies have been changed in the city. In the past the City Manager use to contract filming companies and that could have been the problem

because the City Commission did not have the ability to let them know what they would like to see.

Vice Mayor Kelley addressed his concerns regarding several requirements that were included in the agenda.

Mayor Taylor echoed the same concerns of Commissioner Holmes because the last documentary did not show the city in a positive light.

She recommended that the sponsor defer the item to address the Commission concerns to give them a level of comfort.

Commissioner Santiago deferred item 19-11 until the December 11, 2013 Regular Commission Meeting.

16. NEW ITEMS:

(16-1) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING RESOLUTION NO. 13-8613 AND AUTHORIZING THE CITY MANAGER TO SUPPORT THE OPA-LOCKA COMMUNITY DEVELOPMENT CORP (OLCDC) REQUEST TO ADD ADDITIONAL PROPERTY LOCATION TO THE KABOOM PROJECT AND AUTHORIZING THE CITY MANAGER TO EXPEND \$2,500.00, A BUDGETED ITEM, PAYABLE FROM ACCOUNT NO. 32-541340; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

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

Vice Mayor Kelley said he originally sponsored legislation for Kaboom, but since the City Manager is sponsoring the item he will address his question to him.

He said when he sponsored the item it was not budgeted; now he see the item is budgeted.

Vice Mayor Kelley asked when the item was budgeted and why nothing has taken place.

Manager Baker said should the item be approved, the funding will come from the operating budget of Public Works.

He further said he would have to yield to the Opa-locka CDC concerning the start up delay.

Vice Mayor Kelley said he know money was not set aside in the budget for outside non-profit entities.

Manager Baker said it is not specifically identified in the budget. There is an operating line item for various items for Parks and other facilities.

Vice Mayor Kelley it is not a budgeted item, but staff is going to find a way to make it happen.

He further said legislation was passed for the project to start; now they are being told that there were funding issues which delayed the start of the project. If that's the case they should still be building based on what was approved oppose to asking for two additional lots.

Manager Baker said it is his understanding the way the project was originally laid out it did not provide for better egress and ingress in terms of coming in and off the location where the park will be located. The additional lots would allow better safety of cars and traffic coming in and out of the facility.

Vice Mayor Kelley he proposed to bring the project in the city and he will not be supporting it at this time because he is tired of thing giving to them at the last minute when it comes to the Opa-locka CDC. If there was a problem with safety that should have been brought to the City Commission at an earlier date.

Commissioner Johnson said she has a problem when she sees an email in the document to staff showing the usage of lots 14 and 15 with no supporting legislation.

Attorney Geller said there is back up documentation from the City Manager that identified the folio number.

He further said if it is the preference of the Commission the legislation can be amended.

Commissioner Johnson said under Florida Statues it is her understanding that any land or property given must be done by an ordinance for citizen input.

Attorney Geller said the property is not being donated; the city will remain the owner. They are requested to have playground equipment installed on city property.

Commissioner Johnson asked, was lots 14 and 15 previously included in the grant process?

Manager Baker said the original project was a part of the Kaboom project, this is new information based on their research and layout of the area.

Attorney Geller said without the legislation, the city will not be able to allow the Kaboom playground to be installed on lots 14 and 15 which are owned by the city.

Commissioner Johnson pointed out section 2 of the legislation.

She further said she is not in support of constantly given to one not-for-organization.

Commissioner Santiago expressed his support of the legislation. He said the kids in that community is in need of recreational activities.

Mayor Taylor said when the City Commission previously approved the legislation for Kaboom; did they already have the land secured for the project?

Manager Baker said the land was included in the previous project.

Vice Mayor Kelley said November 19th has been confirmed for the design which tells him it has already been assumed that the City Commission will pass the legislation.

He said everyone wants to see the kids have a playground; he is the person that sponsored the original legislation so he doesn't buy that argument. If Kaboom does not build on the property, the city's grant department should be able to find funds for a park. He is tired of all the last minute items from the Opa-locka CDC. This has to stop at some point and the City Commission needs to send a message.

Commissioner Holmes asked, if the legislation is passed, can the city get the \$2,500.00 back?

Gisella Gustivas of the Opa-locka Community Development Corporation appeared before the City Commission \$2,500.00 cannot be refunded to the city.

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

Commissioner Santiago	Yes
Commissioner Holmes	No
Vice Mayor Kelley	No
Commissioner Johnson	No
Mayor Taylor	Yes

(16-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING THE FINAL INTERLOCAL AGREEMENT BETWEEN THE MIAMI-DADE COUNTY COMMISSION AND OPA-LOCKA COMMUNITY REDEVELOPMENT AGENCY; 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 Johnson, seconded by Vice Mayor Kelley to pass the above resolution.

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

Commissioner Holmes	Yes
Vice Mayor Kelley	Yes
Commissioner Johnson	Yes
Commissioner Santiago	Yes

Mayor Taylor

Yes

(16-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE EXPENDITURE OF TWO THOUSAND DOLLARS (\$2,000.00) TO SPONSOR THE OPA-LOCKA 12TH ANNUAL "HOLIDAY IN THE VILLAGE TOY GIVE-AWAY", TO BE HELD DECEMBER 21, 2013, PAYABLE FROM ACCOUNT NUMBER 79-579402, PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by D.J.

The above resolution was read by title by Attorney Geller.

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

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

Vice Mayor Kelley	Yes
Commissioner Johnson	Yes
Commissioner Santiago	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes

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, AMENDING ORDINANCE 10-03, WHICH CREATED A NEW SECTION (ORDINANCE NO. 86-8, ARTICLE 7, SECTION 7.5) TREE PROTECTION PROGRAM; SPECIFYING INTENT; DESIGNATING AUTHORITY TO SUPERVISE; ENFORCE; MODIFY AND SUPPLEMENT; PROVIDING DEFINITIONS; ESTABLISHING TREE PLANTING STANDARDS; PROVIDING TREE REMOVAL STANDARDS; PROHIBITING TREE ABUSE; DESCRIBING PUBLIC PROPERTY PLANTING AND MAINTENANCE STANDARDS; APPLICABILITY TO UTILITY COMPANIES; ESTABLISHING EMERGENCY PROVISIONS; DESIGNATING ENFORCEMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND 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 Kelley to pass the ordinance on first reading.

Commissioner Johnson said there is a need for an arborist to join the city on the program.

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

Commissioner Holmes	Yes
Vice Mayor Kelley	Yes
Commissioner Johnson	Yes
Commissioner Santiago	Yes
Mayor Taylor	Yes

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING SEC. 2-44 – SPECIAL MEETING OF THE CITY OF OPA-LOCKA CODE OF ORDINANCES, CHANGING THE HOURS OF NOTICE OF SPECIAL COMMISSION MEETINGS FROM 24 HOURS NOTICE TO A MINIMUM OF 48 HOURS ADVANCE NOTICE, EXCEPT IN AN ACTUAL EMERGENCY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by L.S.*

The above ordinance was read by title by Attorney Geller.

It was moved by Commissioner Santiago; motion died for lack of second.

3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CREATE AN ORDINANCE PROHIBITING IMPROPER SOLICITATION ON CITY STREETS AND PROPERTY IN ACCORDANCE WITH PROVISIONS, SIMILAR TO FLORIDA STATUTE 337.406; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND 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 Johnson, seconded by Vice Mayor Kelley to pass the ordinance on first reading.

Vice Mayor Kelley said there have been law suits filed and he is unsure of the latest version.

He asked for clarity on improper solicitation.

Commissioner Johnson said it is her understanding if you have a peddler license then that is fine, but she have seen incidents occur in the city boundaries where individuals are harassing people if they don't give them money. This legislation is to prevent improper begging.

Commissioner Holmes said he is in support of the legislation.

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

Commissioner Johnson	Yes
Commissioner Santiago	Yes
Commissioner Holmes	Yes
Vice Mayor Kelley	Yes
Mayor Taylor	Yes

B. SECOND READING/PUBLIC HEARING:

C. RESOLUTIONS/PUBLIC HEARING:

19. ADMINISTRATION:

CONSENT AGENDA:

(19-1) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A ONE-YEAR AGREEMENT WITH EMERGENCY COMMUNICATIONS NETWORK, INC., FOR CODERED HIGH SPEED TELEPHONE COMMUNITY NOTIFICATION SERVICES, IN AN AMOUNT NOT TO EXCEED \$9,750.00 PAYABLE FROM ACCOUNT NO. 14-512528, A BUDGETED ITEM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

(19-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT, EFFECTICE AS OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014, WITH THE OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA FOR THE PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE CITY OF OPA-LOCKA CODE OF ORDINANCES, AND PROVIDING FOR REIMBURSEMENT TO THE STATE OF FLORIDA, AT A COST OF \$16.67 PER CASE, PAYABLE FROM ACCOUNT NUMBER 19-519493; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

(19-4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AND EXECUTE AN OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE CITY OF NORTH MIAMI BEACH, FLORIDA, FOR LAW ENFORCEMENT SERVICES AND RESOURCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

(19-5) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AND EXECUTE AN OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE CITY OF MIAMI SHORES, FLORIDA, FOR LAW ENFORCEMENT SERVICES AND RESOURCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by C.M.

(19-6) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AND EXECUTE AN OPERATIONAL ASSISTANCE MUTUAL AID AGREEMENT WITH THE CITY OF SOUTH MIAMI, FLORIDA, FOR LAW ENFORCEMENT SERVICES AND RESOURCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by C.M.

(19-7) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO RENEW THE AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS FOR INMATE WORK SQUAD(S), IN AN AMOUNT NOT TO EXCEED FIFTY SEVEN THOUSAND FOUR HUNDRED NINETY-SEVEN DOLLARS (\$57,497.00), A BUDGETED ITEM, PAYABLE FROM ACCOUNT NUMBER 41-541340, FOR A PERIOD OF ONE (1) YEAR PERIOD, COMMENCING DECEMBER 15, 2013, AND ENDING DECEMBER 14, 2014, WITH THE OPTION TO RENEW FOR AN ADDITIONAL ONE YEAR PERIOD; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

(19-9) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AMEND RESOLUTION NO. 05-6744 EMPLOYEE PERFORMANCE EVALUATION FORM, UTILIZED TO EVALUATE THE EMPLOYEES IN THE POSITIONS OF CITY MANAGER, CITY ATTORNEY AND CITY CLERK, ON OCTOBER 1ST OF EACH CALENDAR YEAR; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

(19-10) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO EXPLORE THE COST OF PROVIDING AND INSTALLING WI-FI SERVICES AT SHERBONDY PARK; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolutions were read by title by Attorney Geller.

It was moved by Commissioner Johnson, seconded by Commissioner Holmes to pass items 1, 3, 4, 5, 6, 7, 9, and 10 of the consent agenda.

The motion passed by a 5-0 vote.

Commissioner Santiago	Yes
Commissioner Holmes	Yes
Vice Mayor Kelley	Yes
Commissioner Johnson	Yes
Mayor Taylor	Yes

A. CITY MANAGER’S REPORT:

Manager Baker reported that November 1st the court withheld the city’s recommendation to go with the current waste management company. The fact that a ruling came down relatively late, it created some challenges in the implementation of the residential containers as well as the commercial containers. Staff has been in contact with the current waste management company to address some of the locations that have not received commercial containers. As of today he was informed that 19 businesses were left with the expectation and commitment from Ecological Waste Services that it will be complete by the end of the week. The Public Works Department Management has been challenged to continue to police the city to ensure all locations have commercial and residential containers.

He further mentioned that staff met with the previous companies prior to November 1st and all parties agreed on a implementation schedule, but when November 1st came the city was left to deal with the problem alone and they are still working on issues with one of the companies in terms of picking up some of their equipment and materials.

Manager Baker further reported that the City Hall agreement has been finalized and he hope to have it signed off by the end of the week. He will provide the City Commission with a tentative schedule that outlines the Funding and RFP Process timeline.

He further said staff have been working closely with Charles Citrin and he is pleased to report that they have been able to get the amount reduced for employee contribution, however the challenge still remains in terms of co-payments and out of pocket expenses.

Manager Baker mentioned that the Helen Miller Center is wrapping up. There are some major components that he expects to arrive within the next few weeks. It is his desire to schedule a grand opening in December.

He further said the automation of Code Enforcement and Building & License has begun. The Code Enforcement Officers have computers and staff is working on a software package that will allow them to do their citations electronically. Building & License has the software, but it was never implemented so they are scheduled for training to bring them up to speed.

Code Enforcement has been instructed to have two hearings per month to bring forth faster compliance.

Manager Baker said Historic City Hall has been approved and the architects are working to fine tune the bid specifications.

He also reported that the city has received correspondence from the state and they have been given a favorable approval to move forth with the infrastructure projects.

Commissioner Holmes said during the budget the process he made a comment that he will not support employees having to take furlough days, however he was informed as of November 1st all employees must take 1 furlough day per month.

Manager Baker said that is correct and he apologize if it was not explained. During the budget process he have committed to a list of priorities and the first was to work on eliminating furloughs and the second was to bring forth the cost of living to the general employees.

Commissioner Holmes asked what is the status of the new meter reader system.

Manager Baker said the system is working well and 90% of the time everything is working as intended.

Commissioner Holmes asked what is the employment status for the employees that installed the new meters?

Manager Baker said 4 or 5 employees were dismissed.

Commissioner Holmes said he have received complaints that North Park Charter School 6th and 7th grade classes only have one teacher.

He further said he have received numerous complaints that the residents on the east side of Seaman Avenue to Oriental Boulevard are blocking the sidewalk with their cars.

Commissioner Holmes said he would like the City Manager to stay on the development of City Hall.

He asked what is the status of the infrastructure design?

Manager Baker said the project is coming together.

Commissioner Holmes said he has been supporting the City Attorney but he has received a lot of complaints that he is not getting the job done in a timely manner. He is giving him until December 3rd to get the job done on a daily basis. If he provides the City Clerk with the agenda items late he would like a resolution on the agenda to remove him as the City Attorney.

He further said if Mr. Citrin cannot do something to better the employees health insurance he want another resolution on the agenda to get another Agent of Record.

Commissioner Santiago asked, what is the status of the purchase of land to build a city hall.

Manager Baker said they are going thru the process now. They were able to get a sample of the building to determine of its condition. When they get the lab results they will be able to better speak about it.

Commissioner Santiago said he received complaints from several business owners regarding the water meters. He asked, does the entire city have new water meters?

Manager Baker replied, yes.

Commissioner Santiago said he observed several locations that still have old water meters.

He directed the City Manager to address his concerns, because some people still have old waters.

Manager Baker said they have been faced with some problems and that is vandalism. He is not saying that is the case at the locations Commissioner Holmes made reference to, but he will have staff look into the problem.

Commissioner Santiago said the city spend a lot of money and now the employees have to take 1 furlough day per month which will affect a lot of households.

Commissioner Johnson recognized the Public Works Department for much improvement.

She said the city's telephone system has changed and she has great concerns. She called last week and the telephone wrong 25 times then the person answered saying hello. There is a great need for training.

Note: This portion of the minutes is transcribed in verbatim form.

Commissioner Johnson: *Although I did not it in legislation for the employees \$500.00 Christmas bonus. The employees will get their bonus check at the first pay period in December.*

Note: This concludes the verbatim portion of these minutes.

Commissioner Johnson said the city is an environment city and she would like to see every office with a recycle container.

She said she appreciates the air control report, but she cannot be exposed to it.

Commissioner Johnson said she would like to see Public Works collect the old garbage containers and store them at Public Works.

She said the community policing needs to increase.

Commissioner Johnson directed the City Manager to meet with Mr. Burke to address his concerns made during Citizens Forum.

She further said when mold build up it will impact people. Historic City Hall may not need to be fenced, but she doesn't want anyone to be affected by the mold.

Commissioner Johnson echoed the same concerns of Commissioner Holmes regarding furlough days.

Vice Mayor Kelley said the City Commission did not want any of the employees to take furlough days that why he sponsored legislation to suspend furlough days by midyear. If it is possible later that the city come into other revenue they will reimburse the employees for their furlough days. He asked the City Attorney to start working on that legislation to have it documented.

He said he if there is a need to have special meetings to discuss City Hall then he is fine with it because when he sponsored the legislation to move to 3400 NW 135th Street he was under the impression that it will only be one year.

Vice Mayor Kelley said a cost is associated with staff having to monitor the garbage containers. He would like the City Manager and City Attorney to look at being reimbursed for their man power.

He asked for clarity on the letters that are being mailed out to the resident's reference to their utility bill.

Manager Baker said when the city went thru the relocation process there were system failure that delayed the billing cycle so when the notices finally arrived to the customers they were late so they were notified that there will be no late penalties assessed during that period of time.

Vice Mayor Kelley there are employees that would like to become homeowners in the city so he would like the City Manager and City Attorney to look into legislation to make that occur.

He asked when is the anticipated hire date for employees to work on the fire hydrant positions?

Manager Baker said they will start employment at the beginning of January.

Vice Mayor Kelley asked, have there been any progress on the city health insurance?

Manager Baker said there has been some progress; however the biggest part is the out of pocket deductibles.

Mayor Taylor said for 2014 she do not want a budget gap so she would like everyone to be mindful of the spending.

She further said the city has a storage bin on NW 27th Avenue and it is not organized. She directed the City Manager to have the storage unit cleaned out and store records on a disk.

Mayor Taylor thanked the staff for the expeditious move to 3400 NW 135th Street.

She has observed residents with two garbage containers. The previous company needs to collect their containers.

Mayor Taylor asked, were the citizens informed of the change of garbage company's?

Manager Baker replied, yes.

B. ACCOUNTS PAYABLE:

Susan Gooding-Libur, Finance Director came forward and stated that all documents required for her report are part of the package provided to the Commission. The report includes the cash requirement report for payment due on October 31, 2013, revenue audit trail and expenditure audit trail.

Note: This portion of the minutes is transcribed in verbatim form.

Commissioner Johnson: *How often are the bank statements reconciled?*

Mrs. Liburd: *The bank statements are supposed to be reconciled on a monthly basis.*

Commissioner Johnson: *I know that as a business person, but in the great City of Opa-locka, what is your finding?*

Mrs. Liburd: *For the month in a half that I have been here we have gone back to reconcile the 2012 bank reconciliation to make sure the audit is complete. So therefore the 2013 going forward have to be on hold until we completed the 2012 to get ready for the audit.*

Commissioner Johnson: *Madam Mayor I think in one of the workshops we did finance is all our responsibility, but what I recall at that time they will be that champion. It is crucial that monthly reconciliation be done and reported. It is our judicial responsibility that is done.*

I appreciate what you have put in place, but so often we sort of not keep in line with that because we know everything is on track.

Commissioner Johnson: *What is the exact amount of money in the reserve account?*

Mrs. Liburd: *As October 31, 2013 the ending balance is \$225,697.86.*

Commissioner Johnson: *Thank you so much. How much interest are we earning or do you group it all together?*

Mrs. Liburd: *On this particular statement I am looking at I don't see any interest on that but you did make a request at the last Commission Meeting to provide you with the interest that the bank accounts are earning on a quarterly basis and that will be provided to the Commission in December.*

Commissioner Johnson: *Thank you so much.*

Note: *This concludes the verbatim portion of these minutes.*

Vice Mayor Kelley asked what is the status of the audit?

Mrs. Liburd said the auditors are still in the city and they are expected to be gone this week. She expect to provide the City Commission with the audit at the December 11, 2013 Commission Meeting.

20. OFFICIAL BOARD REPORTS:

21. CITY ATTORNEY'S REPORT:

Attorney Geller said he have been working closely with the City Manager to expedite matters for the City Hall. A contract was prepared and given to the City Manager with an attempt to have it signed this week.

He further reported that they were successful in opposing the injunction that was sought by Progressive Waste.

Attorney Geller said staff met with both of the previous waste company's and they agreed to certain transition arrangements and they failed to honor those arrangements. The City Manager has indicated that a corrective action was taken and he spoke to a representative for one of the companies and informed them that they need to empty their bins or remove them.

Commissioner Johnson asked the City Attorney to consult with her and prepare legislation for the December 11, 2013 Commission Meeting regarding the city's bid committee. She has concerns regarding the committee that review and make recommendations to the City Commission.

She said the City Attorney need to take notes during the Commission Meetings or review the DVD.

Commissioner Johnson further mentioned that she spoke to a representative for Ecological Waste Services because of concerns she have received from business owners. She said she have a great concern regarding contract and the length of years for the contract. She should not see a contract for ten years when it should be three years.

She directed the City Attorney to meet with the company to assure they have a legal contract for our business owners.

Commissioner Johnson said if the City Attorney does not meet Commissioner Holmes mandates by December 3rd she would like to be a co-sponsor of the resolution to hire a new City Attorney.

Vice Mayor Kelley asked, did the corrective action of the waste service include compensation to the city?

Attorney Geller said staff first focused on trying to remedy the situation. When the City Manager tells him the additional cost he will address that situation.

Manager Baker said he will give them until Friday then the city will use its manpower to collect all the old containers and store them then take the matter to court until the city is reimbursed.

22. CITY CLERK'S REPORT:

City Clerk Flores briefly mentioned that the City Commission has two vacant at-large appointments for the Community Relations, Recreation & Activities Advisory Board.

In addition, the city has to re hold its 2nd budget hearing because it was an error in the advertisement and the state is requiring the city to re hold the meeting. The meeting is confirmed for November 19, 2013 @ 5:01 p.m.

23. MAYOR/COMMISSION REPORT:

Commissioner Holmes urged the citizens to come to the Annual Turkey Give-away on November 25, 2013 @ 12:00 noon at 777 Sharazad Boulevard.

Commissioner Santiago thanked his colleagues for their guidance.

Commissioner Johnson thanked her colleagues for their participation at Dr. Robert B. Ingram School groundbreaking ceremony.

He further reported that she attended the Alliance Healthy Generation meeting along with the Parks & Recreation Department. They made a commitment that the city will serve healthy food at all of its functions.

Commissioner Johnson urged everyone to participate in the city's Annual Holiday in the Village Toy Give-Away on December 21, 2013 @ 2:00 p.m. at Sherbondy Village, 215 Perviz Avenue.

Vice Mayor Kelley thanked his colleagues for selecting board members.

He the ground breaking Ceremony at Dr. Robert B. Ingram Elementary was very well attended.

Vice Mayor Kelley urged everyone to participate in the Council of Clergy Fellowship and Community Feeding on November 16, 2013 @ 4:00 p.m. at Sherbondy Park Pavilion, 777 Sharazad Boulevard.

He said he is in the process of preparing for the annual basketball classic and additional information is forth coming.

Vice Mayor Kelley thanked everyone for the Prayers for his son.

He said the City Commission has busy schedules so he working to get interns at no cost.

Mayor Taylor thanked Mr. Days because she sees a lot of progress since he has been employed with the city.

Mayor Taylor further announced that she will be partnering with Commissioner Barbara Jordan on November 15, 2013 for a Movie in the Park and she urged everyone to be in attendance.

The City Commission canceled that November 27, 2013 and December 25, 2013 Regular Commission Meetings in observance of the holidays.

24. OFFICIAL BOARD APPOINTMENTS:

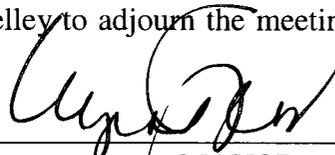
A motion was made by Commissioner Johnson, seconded by Vice Mayor Kelley to appoint Gloria Hernandez and Jacqueline Fogarty to the Community Relations, Recreation & Activities Advisory Board.

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

Commissioner Johnson	Yes
Commissioner Holmes	Yes
Vice Mayor Kelley	Yes
Commissioner Santiago	Yes
Mayor Taylor	Yes

25. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by Commissioner Johnson, seconded by Vice Mayor Kelley to adjourn the meeting at 9:49 p.m.



MAYOR

ATTEST:



CITY CLERK