

# CITY OF OPA-LOCKA

“The Great City”

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## CLERK’S ACTION SUMMARY MINUTES

### REGULAR COMMISSION MEETING

June 11, 2014

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 7:10 p.m. on Wednesday, June 11, 2014 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 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. Commissioner Luis B. Santiago arrived at 7:13 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):

The following items were pulled from the Consent Agenda to be discussed separately under Action Items: 19-5 (Commissioner Santiago); 19-1, 19-3 and 19-4 (Commissioner Johnson).

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

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

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, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PAYTIN ENGINEERING CORPORATION IN AN AMOUNT NOT TO EXCEED \$83,254.52, FOR TEMPORARY EMERGENCY CONSTRUCTION SERVICES TO REPAIR CAIRO LANE, PAYABLE FROM ACCOUNT NUMBER 35-535630, A NON-BUDGETED ITEM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

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

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

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

16-2: AN ORDINANCE OF THE CITY OF OPA-LOCKA, FLORIDA; RELATING TO CHARTER AMENDMENTS PURSUANT TO SEC 6.1 OF THE CITY CHARTER; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H.*

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

Mayor Taylor said she is hesitant about the legislation because she did not have an opportunity to review it.

Commissioner Holmes said the City Attorney just provided the legislation to him on the dais, therefore he would bring it back at the June 25<sup>th</sup> Regular Commission Meeting.

Commissioner Holmes said his colleagues are welcome to meet with the City Attorney to give their recommendations for the legislation.

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

Vice Mayor Kelley along with the Mayor and City Commission thanked the students of Robert B. Ingram and Nathan B. Young Elementary Schools for participating in the Father's Day Essay Contest. Cindy Morales, Makayla Mendez, Raziyah Wallace, and

Jeremiah Nealy were selected as 1<sup>st</sup> and 2<sup>nd</sup> place winners and were presented with a Trophy and Gift Card. In addition, the Dr. Clay and Mr. Sands were presented with a commendation for their schools participation in the Father's Day Essay Contest.

**8. APPROVAL OF MINUTES:**

**Regular Commission Meeting – 05/28/2014**

It was moved by Commissioner Johnson, seconded by Commissioner Santiago to approve the minutes of the Regular Commission Meeting of May 28, 2014.

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

**9. 24<sup>th</sup> 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 distributed the Miami-Dade County 2014 Hurricane Preparedness Guide.

Commissioner Johnson said she spoke to Andre and she would like a written follow-up on the status of the remaining rehabilitation money that was designated for district 1, particularly the City of Opa-locka. She asked how many houses have been done and how many homes has been completed.

Commissioner Santiago thanked Commissioner Jordan and Mr. Gardner for being available at our Commission Meetings.

Melanie Burke, of Miami-Dade County Commissioner Monestime's Office (District 2) came forward and reported that the City Manager sent a letter to Commissioner Monestime on May 13<sup>th</sup> regarding the maintenance on NW 42<sup>nd</sup> Avenue and NW 37<sup>th</sup> Avenue from Lejeune Road to NW 153<sup>rd</sup> Street. The next scheduled maintenance is scheduled to take place on June 20<sup>th</sup> and the future dates are August 4<sup>th</sup> and August 25<sup>th</sup>. The maintenance on NW 32<sup>nd</sup> Avenue from NW 103<sup>rd</sup> Street to NW 135<sup>th</sup> Street will take place on June 27<sup>th</sup> and the future dates are August 11<sup>th</sup> and September 4<sup>th</sup>.

She further said that Miami-Dade County has identified \$126 Million Dollars for new sewer pipes. Commissioner Monestime sponsored legislation that the surtax for affordable housing fund must now be allocated to projects ready to break ground.

Vice Mayor Kelley said he met with the Commission a few weeks ago regarding Ingram Terrace Apartments and he received a follow up from Mr. Ricketts regarding a meeting with County staff for the drainage issue, but there were other issues in the complex. Vice Mayor Kelley requested that they follow up on the meeting date.

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

**14. PUBLIC PRESENTATION:**

**1. Karlisa Callwood, Director of Programs and Content Patricia and Phillip Frost Museum of Science (formerly Miami Science Museum)**

Karlisa Callwood, Director of Programs and Content, 3280 South Miami Avenue, Miami, FL came before the City Commission and said this summer they received funding from the Miami-Dade County Department of Cultural Affairs and the Children's Trust Summer Arts and Science Camp Program which supports the development and delivery of a satellite summer science camp in the City of Opa-locka. With additional funding from War on Poverty and support from Portrait of Empowerment they have created a four week summer experience for 40 Opa-locka students and they will focus on anatomy, health, fitness, and nutrition as well as the science of flight and an opportunity to make a short film of their experience over the four weeks. In addition to the funds from War on Poverty the museum is able to build and deliver 4 hydroponic systems that will be used for their curriculum. She thanked Leslie Osborne, Commissioner Johnson, and the team at War on Poverty. In addition to the summer experience, the team has also received funding from the Kellogg foundation.

Commissioner Johnson thanked Frost Museum of Science for reaching out to the City of Opa-locka.

Vincent Williams appeared before the City Commission on behalf of the Katrena, Makayla, Vincent Jr. Foundation and presented them with a plaque for their generosity shown during his time of bereavement.

**14a. CITIZENS' FORUM:**

**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, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT WITH AMERICAN ALUMINUM ACCESSORIES FOR THE CONVERSION OF THE CITY'S 15 SEAT PASSENGER VAN INTO A CARGO/PRISONER VAN; IN AN AMOUNT NOT TO EXCEED \$5,895.00 PAYABLE FROM ACCOUNT NO. 29-529832, A BUDGETED ITEM; PROVIDING FOR INCORPORATION. *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

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

Commissioner Johnson said after having dialogue with the City Manager he has cleared up her concerns.

There being no further 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

2. (19-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RESCIND RESOLUTION NO. 13-8591, AND TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AEXTREME ROAD MAINTENANCE FOR COMPLETION OF ABANDONMENT OF OLD WELLS AT THE OLD WATER PLANT AS PART OF THE WATER PLANT DEMOLITION PROJECT IN AN AMOUNT NOT TO EXCEED SEVEN THOUSAND SEVEN HUNDRED DOLLARS (\$7,700.00), PAYABLE FROM ACCOUNT NUMBER 64-533822, A BUDGETED ITEM; 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 Commissioner Santiago to pass the resolution.

Commissioner Johnson said she does recall hearing that the water plant was not closed down properly so she is concerned about the environment and she wants to make sure that nothing is exposed to the people in the surrounding area.

Manager Baker said several years ago the City Commission approved the project that decommissioned the old water plants and one of the final steps is to cap all of the wells, this effort will assure that that process will be done. Another company was previously approved, but they were not able to reach an agreement with them, therefore they are rescinding the resolution.

Vice Mayor Kelley asked were any funds expended to the previous company because he thought the company started the work. If he recalls the previous company did some of the work and was paid but did not complete the project. He asked if they did not complete the work, did the city get some of the money back?

Manager Baker said Vice Mayor Kelley is correct, the project did start in 2011, however the capping of the wells were not included in the project and the city went out for bids in 2012 and they company that was awarded backed out so they started the process of

putting the project back out on the street to find another company to come in and secure the wells.

Vice Mayor Kelley asked did the city expend any dollars with the company?

Manager Baker said the contract was never closed out because they couldn't reach an agreement.

There being no further 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

3. (19-4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA DIRECTING THE CITY MANAGER TO INVESTIGATE ASSISTING NORTH MIAMI BEACH MEDICAL CENTER IN PROVIDING SERVICE FOR OPA-MEDICAL OUTREACH HEALTH SERVICES (FREE CLINIC) IN THE CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T and L.S.*

The above resolution was read by title by Attorney Geller.

Attorney Geller said a revised copy of the legislation has been provided on the dais to reflect Commissioner Santiago as a co-sponsor.

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

Vice Mayor Kelley asked are they referencing to the request that was given to all of his colleagues?

He said he is fully aware of the program, but he is concerned about the scope that says to Investigate Assisting North Miami Beach Medical Center. He is concerned about reaching that far to help a company because he does not want them to set themselves up in the future.

Vice Mayor Kelley asked is the intent of the resolution for staff to go out and see what the cost will be?

Mayor Taylor said she is not committing the city to anything. She said she does not want to use to word assisting, investigating will be good enough.

Vice Mayor Kelley said he still go to the grey area of what will happen when other entities ask for site preparation, water connection, parking pavement, or fencing. When you say investigating then the City Manager has to use staff which takes time to investigate.

He said maybe he needs to meet with the City Attorney to prepare legislation futuristically. It's nothing against the program or the services they are providing.

Commissioner Johnson said she is familiar with the organization, but she is not comfortable with investigate or assisting because a business knows their needs and they should bring that to the City Commission. She does not know if the city has the resource to do this type of work and it does not set a good precedence.

Mayor Taylor said when someone come to them and present a proposal they certainly have to investigate to see what they are talking about and what is going to be the exposure to the city. She is asking the City Manager to look into this with no obligation on the city's part.

Commissioner Johnson said the doctor previously stated that she needed money. She said the city is not in a position at this time to expend unbudgeted funds.

Commissioner Santiago said he made the decision to be a co-sponsor of the legislation because the city is only doing an investigation to city what the company will give the citizens of Opa-locka. She has been working in this community for 11 years and she is doing a great job. He does not see why the City of Opa-locka cannot give a little push towards this project.

Commissioner Johnson said she is familiar with the doctor and the services they provide.

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

Commissioner Johnson: *If you are saying that some sort of investigation is going to go for a cost analysis, is that what the intent is Madam Mayor?*

Mayor Taylor: *Yes ma'am he's investigating the entire proposal, the entire project to see what she actually want our entity to be with no obligation to us.*

Commissioner Johnson: *So these four bullets that she has, what she wants. The Manager is going to do a cost analysis to say what it will cost for that and that's it.*

Mayor Taylor: *This is not etched; this resolution is not etched in stone. It's just giving the Manager permission to actually see what she wants and how much exposure will be for the city.*

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

Vice Mayor Kelley said they need to be very cautious. He can support the legislation if the City Manager does not go over his cap.

Mayor Taylor said she does not want to put a money cap because she wants the City Manager to bring it back to the City Commission.

Vice Mayor Kelley said that is clear, but in order for the City Manager to do that it will cost resources of someone's time.

For the record, Vice Mayor Kelley said he would like to work with the City Attorney on legislation because he does believe if they do this they need to set a policy going forward.

Commissioner Holmes said he knows the person that wants to put the project on 135<sup>th</sup> Street and by speaking to her he know it will be a cost for the project and from his understanding the city will have to pay for the work because the business owner is not able to support the cost. With that being said Commissioner Holmes said he cannot support this legislation.

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

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

4. (19-5) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE THE TERMINATION OF JOSEPH S. GELLER AS CITY ATTORNEY FOR THE CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.  
*Sponsored by T.H.*

The above resolution was read by title by Attorney Geller.

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

Commissioner Santiago said tonight is not the first time his colleague sponsored legislation to remove the City Attorney. He asked what is the real reason, he asked is it personal or did he do something wrong. He knows the City Attorney has improved and he has been working hard to serve the entire City of Opa-locka. He does not think it's fair to terminate the City Manager, City Clerk, or City Attorney for no reason.

Commissioner Holmes said over the past months he have sat on the dais and listened to some of his colleagues get on the City Attorney about doing double takes. Yes this is the second time bringing the resolution this year. He said he told the City Attorney that he was told that he was taking sides with outside people and playing both sides with the city. Anytime a man sits in his office using profane language and tells him he's lying, he cannot support him anymore. He said he has lost confidence in the City Attorney.

Commissioner Johnson said she does not support anyone being rude or disrespectful but if she has to make a corrective action she thinks Commissioner Holmes and the City Attorney need to have a one-on-one conversation. She received correspondence from staff saying they have 20 years of experience and he does not need expertise she may have. She was a little shaken but she's bigger than that.

She further said she cannot support the legislation tonight unless they have taken some corrective action to correct it. Although she does not agree with everything the City Attorney has done, she can say she has never heard him in that fashion.

Commissioner Johnson suggested that the sponsor defer the legislation and talk to the City Attorney.

Commissioner Holmes said when the City Attorney said that to him that took him back over 60 years ago when he was a child.

Commissioner Santiago said this is only one city and they don't have problems that people had 60 years ago.

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

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

**16. NEW ITEMS:**

16-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MAYTIN ENGINEERING CORPORATION IN AN AMOUNT NOT TO EXCEED \$83,254.52, FOR TEMPORARY EMERGENCY CONSTRUCTION SERVICES TO REPAIR CAIRO LANE, PAYABLE FROM ACCOUNT NUMBER 35-535630, A NON-BUDGETED ITEM; 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 Commissioner Santiago to pass the resolution.

Commissioner Johnson said she is totally in support of Cairo Lane but she would like to know where the money will come from. They started off with \$50,000 now the amount has increased?

Manager Baker said the funding will have to come from a combination of the general fund and the utility.

Commissioner Johnson said the general fund already owes the reserved account.

Manager Baker said if the City Commission directs him to proceed with it then the funds will be split between the two different funds.

He said this is a temporary fix and none of it will be needed in the future. Once the infrastructure starts they will dig up all of this.

Commissioner Johnson asked are you telling me they are going to dig up the \$83,000.

Manager Baker replied, yes. This is a band aid approach to provide temporary relief until the project starts.

Commissioner Johnson asked when will the project start?

Manager Baker said it should start around October/November.

Commissioner Johnson said this is July, when do they plan to get started?

Manager Baker said the project will take about a year to complete.

Commissioner Johnson said if she understands this correctly, the City Manager want to do a temporary repair in that area for \$83,000 and in October they will be in the area to do some repairing and there's a strong possibility that they may have to tear up what they already put down. She asked is that correct?

Manager Baker said it's not a strong possibility, it will 100% be destroyed.

Commissioner Johnson said this is not making sense.

Vice Mayor Kelley asked his colleagues to refresh their memories. He was not in favor of the legislation when it first came to the City Commission, then he was able to get his colleagues to agree with putting a \$50,000 cap in place. At that time the question was they know the dollars are temporary because you can't get this from the infrastructure funding. He asked is that correct?

Manager Baker replied, yes.

Vice Mayor Kelley said it comes down to the City Commission if they want to use those funds because they heard the cries of those business owners or do they let it sit until the big picture starts in October.

He said he was uncomfortable when the item came before the City Commission and he is still uncomfortable now however, have they told the business owners that they will do something in the interim.

Vice Mayor Kelley said seeing what they are proposing, is there any way to get the number down.

Manager Baker said they were able to get some quotes before putting it out and the cost averaged around \$100,000 and that's as tight as you can get it.

Commissioner Santiago said he agreed on the previously legislation not to exceed more than \$50,000 because he supports the project, but if they are going to spend \$83,000 what

is the possibility that the company may come back with change orders. He knows that Cairo Lane is in bad condition, but he asked why they can't wait in an attempt to save the money.

He asked are any of the businesses on Cairo Lane willing to help the city financially with the temporary fix?

Manager Baker said no one has come forward to assist with the temporary fix.

Commissioner Santiago said he cannot support this legislation to spend \$83,000 for a temporary fix.

Commissioner Holmes said this is election year and he made a comment at a previous meeting that whatever is done on a temporary fix is a waste of time and money.

Commissioner Johnson said she doesn't know what the previous comment meant, but she never knew of business people voting.

She said the area needs to be fixed and she thinks it would be good for the Public Works Department to do the work in an effort to save the city some money.

Manager Baker said he is okay with waiting, in the interim staff will continue to do everything in their power to expedite getting funds. He is not interested in further tapping into the budget.

Manager Baker deferred item 16-1.

Commissioner Johnson said this issue needs to be a priority. She directed the City Manager to come up with multiple ways of temporary fixing Cairo Lane.

Vice Mayor Kelley said \$50,000 was already approved, therefore he suggested that the City Manager utilize those funds in the least way he can to get the most he can in the time frame. That will show the business owners that the city is trying to temporarily correct the issue.

**17. PLANNING & ZONING:**

A. HEARINGS:

B. APPEALS:

**18. ORDINANCES/RESOLUTIONS/PUBLIC HEARING:**

A. FIRST READING:

B. SECOND READING ORDINANCES/PUBLIC HEARING:

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CREATE A TREE BOARD TO SERVE AS AN ADVISORY

GROUP TO THE CITY COMMISSION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on May 14, 2014). *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

It was moved by Commissioner Johnson, seconded by Commissioner Santiago to pass the above ordinance.

Commissioner Johnson said as a USA Tree City she think that an arborist needs to be included on this board.

It was moved by Commissioner Johnson, seconded by Vice Mayor Kelley to amend the end of section 2b to read as follows TREE BOARD SHALL CONSIST OF CERTIFIED ARBORIST RETAINED BY THE CITY SHALL ACT AS AN ADVISOR TO THE BOARD.

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

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

Mayor Taylor said she would like to meet with the City Attorney and City Clerk because the city is currently having problems with boards they are not having a quorum.

She asked is there any way the tree board can be incorporated into one of the existing boards?

Attorney Geller said he can look into it, but it is a requirement to have the tree board.

There being no further 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

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE/DENY ALL JAPANESE ENGINES CORP'S REQUEST TO REZONE THE PROPERTY IDENTIFIED AS FOLIO 08-2122-025-0110 FROM I-2 TO 1-2A TO ALLOW APPROPRIATE USES AS LISTED IN

SECTION 6.11A (B) OF THE LAND DEVELOPMENT CODE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE (first reading held on May 14, 2014).  
*Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

It was moved by Commissioner Johnson for approval, seconded by Commissioner Holmes to pass the above ordinance.

Commissioner Johnson said if the area is re-zoned, what position will this put the city in if other businesses in the area come before the City Commission for re-zoning?

She asked what this item posted?

Clerk Flores replied, yes.

Gregory Gay, Director of Community Development came before the City Commission and said as it stands right now, this applicant is the only person that is looking to have this particular zoning change. Staff has looked at the operations of some of the adjacent businesses and their operations are similar but not exactly to the same scale as what this person is looking to do which doesn't mean if the zoning change does occur that other businesses would not try to do the same operation.

Commissioner Johnson said to the City Attorney if she understands correctly, when you are re-zoning, you are re-zoning the area so it's not designated to a company, it's zoned for the area. She asked is that correct?

Attorney Geller replied, yes. He said once the property is re-zoned it stays in the new zone regardless of whether the business continues or not. Only the property that is re-zoned will change, it does not apply to adjoining properties.

Commissioner Johnson asked what will be the impact of anyone else that's there?

Attorney Geller said it means from now going forward once you re-zone a property it is in the new classification.

Commissioner Johnson directed the City Manager and his staff to inform the businesses in that area because she does not want them to think they are excluded.

For the record Vice Mayor Kelley said at some point the City Commission is going to need a real discussion on what they want to see and where they want to see it, not really an issue with the applicant but because they have things all over the place in some cases, there needs to be a real discussion of what the city want to see in certain areas.

There being no further 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

**C. RESOLUTIONS/PUBLIC HEARING:**

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO GRANT CONDITIONAL USE FOR ALUMINUM SMELTING OR REFINING OF METALS USE BY PROPERTY OWNER, ALL JAPANESE ENGINES HOLDINGS, TO OPERATE AN ALUMINUM SMELTING OVEN, SUBJECT TO CONDITIONS STATED IN ORDINANCE NO. 11-06; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was moved by Commissioner Johnson, seconded by Commissioner Santiago to amend the legislation to insert the word SPECIAL prior to conditional use.

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

Vice Mayor Kelley	Yes
Commissioner Johnson	Yes
Commissioner Santiago	Yes
Commissioner Holmes	Out of Room
Mayor Taylor	Yes

Mayor Taylor asked is there a need for the word special before conditional?

Attorney Geller said it is not required but the word does not do any harm.

Mayor Taylor opened the floor for a public hearing.

Charles Nunez of 14310 Lake Chiles Court, Miami Lakes, FL appeared before the City Commission and said once he starts smelting aluminum he will have the opportunity to make pans, bats, and other items which will also open doors for manufacturing job opportunities.

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

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

Commissioner Johnson asked should the legislation pass; in the future will it open the doors for an increase in employment consideration for city residents?

Mr. Nunez said he currently own 15 rental properties in the city and he has always helped the City of Opa-locka.

He said yes he will try to hire Opa-locka residents and he has always been pro Opa-locka.

Commissioner Johnson asked what will be put in place for the environment?

Mr. Nunez said he has been DEP certified since 2009.

Commissioner Santiago asked Mr. Nunez what kind of danger can occur as a result of smelting metal?

Mr. Nunez said his facility is the ideal facility because his building is alone. If something catastrophic occurs it will only happen to his building because he is not adjoined with any other buildings.

Commissioner Santiago said he wants to make sure the area is safe from explosions.

Mr. Nunez said there's no way an explosion can happen because the ovens are designed for that type of work. The company has also given him guarantee that the ovens are 100% safe.

For the record, Commissioner Santiago said if it's 100% safe then he does not see a problem with passing the resolution.

There being no further 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

## **19. ADMINISTRATION:**

### **CONSENT AGENDA:**

(19-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A FOUR (4) YEAR AGREEMENT WITH XEROX CORPORATION, PIGGYBACKING THE STATE OF FLORIDA CONTRACT NUMBER 600-000-00-1, FOR ONE (1) XEROX XC560, AND ONE (1) XEROX W7855PT, FOR THE OPA-LOCKA POLICE DEPARTMENT, AT A COST OF NINE HUNDRED SIX DOLLARS AND NINETY-NINE CENTS (\$906.99) PER MONTH, PAYABLE FROM ACCOUNT NUMBER 19-524440, A BUDGETED ITEM; 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 Commissioner Holmes to pass item 2 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 staff has had their Hurricane Preparedness Meeting to make sure everything is in place in the event of a hurricane. In addition, he will be polling the City Commission for their availability to schedule a Hurricane Preparedness Town Hall Meeting.

He said he has provided a tentative schedule for the budget workshops and necessary meetings that are required by the County. As highlighted earlier they are moving forward with Historic City Hall and the plan is to go into phase 2 relatively quick. Staff is fine tuning the specifications for the New City Hall project and legislation was previously adopted to give him authority to plan on putting the New City Hall on the east side of the existing historical structure. They closed on the loan for the New City Hall on last week and based on that they are going to move full speed ahead to get the project moving forward.

Manager Baker said the city had a meeting with the County last week for annexation and they did not get a favorable approval from the Planning & Advisory Board, however the County’s process does allow for the application to move forward to the next level.

They just completed the Rutland Street project and have had several meetings regarding Capital Projects gearing up for major construction to begin the later part of this year.

Commissioner Santiago said in the last six months he has seen a lot of new faces in the city but he is requesting a report for the last six months of how much overtime hours has been paid out.

Vice Mayor Kelley requested an update on what grants has been completed because he is trying to find funds for the Cultural/Gym for Segal Park.

Manager Baker said he will provide a written report.

Commissioner Johnson requested the status of the monthly Community Newspaper.

Manager Baker said he should have a final draft this Friday.

Commissioner Johnson asked for the status of Customer Service Training because some of the top tier staff has had dialogue with citizens and they have been rude.

Manager Baker said the training is scheduled to take place the last week of this month.

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

Commissioner Johnson: *I got a couple of business people on yesterday gave me a copy of an invoice and on that invoice it said government fee and it appears that ecological is charging \$100.00 for something, what is government fee?*

Manager Baker: *If you look at their contract in their contract there's some start up miscellaneous items that they are required to collect. Again that's not something we control because we don't have any control of how they bill but apparently they did not collect those items when they rolled their service out and they are in the process of doing that. In their contract it's clearly stated in there.*

Commissioner Johnson: *In the contract, in the RFA it says a one-time fee of \$100, is that correct?*

Manager Baker: *Yes, there's language in there. I don't know if it actually says one-time fee.*

Commissioner Johnson: *No it's in your RFA, page 3 of 9 which were signed off by you, the Attorney, the Clerk to attest it. My question becomes now I don't recall in my 12 years of being here ever voting on government fee so how did we come up to that term and what other business is paying government fee and for finance how is it being reported. I don't want you to answer now because I don't want to put on the record what I know but I do want you to get back with me before close of business on Friday with a written report to all of my colleagues. I've had the Clerk's Office to do research on government fees, I have the RFA and that's one reason I say I'm not in support and I will not if I'm the only one saying no. I'm not for having an agreement then come back and we don't know what's in it. Now everyone has a copy of it, it's on page 3 or 9 but once it was brought to my attention I called the vendor and he's now making it corrections, but I want to know what line item, what is the account number, and who else is doing this and who else is doing this and where is the money going and what it's being used for. I am asking for a written report from you and the Attorney by the close of business, I will specify close of business for my purposes to be 5:00 p.m. on Friday, June 13, 2014. Are we in agreement?*

Manager Baker: *Yes ma'am.*

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

Commissioner Holmes to his colleague Commissioner Johnson he was a little wrong when they spoke about the loan program he said the interest rate was between 22-24 percent but he found out it is close to 28 percent. As of today the loan program has been able to help 75 city employees.

He said he wish the city could come up with some money to purchase a truck for the IT Department.

Mayor Taylor thanked the City Manager for what he is doing and for being able to secure funding through the State and Federal Government. She is concerned about 22<sup>nd</sup> Avenue that is the living room for the city. She wants to make sure property maintenance is kept up to par; the fence leading into Ingram Park needs to be repaired. She is not pleased with the color of the apartments on 22<sup>nd</sup> Avenue. There's a vacant lot on 22<sup>nd</sup> Avenue that needs to be cut and the container on the vacant lot needs to be dumped on a regular basis, therefore she directed the City Manager to meet with Ecological in efforts to make sure that container is dumped.

She asked is someone assigned to make sure developers are hiring city residents.

Manager Baker said there was a mix up with the zip code and they are in the process of verifying the addresses.

Mayor Taylor asked why are the cars at Coats Auto not allowed to be below the fence?

Commissioner Holmes directed the City Manager to find a way to come up with \$25,000-\$50,000 to help the citizens in Opa-locka pay their water bills.

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

Susan Gooding-Liburd, Finance Director came forward and stated that all documents required for her report are part of the package provided to the Commission. The reserve account balance remains at \$238,197.86 and the next update will be at the end of June 2014.

The City Manager mentioned that they closed the loan on June 3<sup>rd</sup> and they are scheduled to meet with the Financial Institution to make sure they have a smooth transition and to assure the employees are able to cash their checks.

Mrs. Liburd said the second quarter of the financial report did reflect that the city is in the black, however the third quarter report will be due at the end of June 2014 and she will schedule a meeting with the City Commission around July 2015. She will be remised as a Finance Director is doesn't inform the City Commission that any unbudgeted items will affect the bottom line they are trying to get in the black. When the City Commission is making decisions please think about it will affect the black they want at the end of 2014. They have two more quarters to go and if it's not budgeted it will take away from the positive bottom line.

Commissioner Johnson requested a written report to explain the savings as a result of the employees taking furlough days. She said she has concerns with the amount of temporary employees that has been hired, they almost have the same amount of temporary employees and career employees. She requested the amount of money being spent on temporary employees versus career employees. After looking at the insurance reports she noticed the documents reflected the city paying insurance for deceased employees.

Vice Mayor Kelley thanked Mrs. Liburd for the report she provided but Mrs. Liburd used a term in terms of their spending. He asked her what that term meant.

Mrs. Liburd said she doesn't remember, but she will get that from the City Clerk so she can clarify it.

Commissioner Santiago asked is there any savings this year as a result of the city offices relocating?

Mrs. Liburd said the rent they pay at 3400 is included in the budget so there would not be a savings from what they were paying before.

Commissioner Santiago said the city is saving \$400,000 per year in rent.

Mrs. Liburd said she can provide a written report as to what the city paid at 780 last year compared to what is being paid at 3400.

Commissioner Holmes said he was traveling down Veterans Way and 22<sup>nd</sup> Avenue on Saturday and noticed our police trying to assist an intoxicated citizen. He said it was good for our police to get the man off the street and take him home.

Mayor Taylor said she was informed that one of Police Officers was in an accident and they will keep him in Prayer.

## **20. OFFICIAL BOARD REPORTS:**

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

Attorney Geller said he submitted his report in writing; however he will answer any concerns the City Commission has.

He publicly apologized to Commissioner Holmes, they had a conversation and if there was any offense taken by him then he apologize because that was not his intent. He did use a strong word when the Commission told him someone said something about him that he felt was not true and he said they were liars, not Commissioner Holmes. He never intended for that remark to be directed to Commissioner Holmes and he will never disrespect any member of the City Commission.

Commissioner Holmes said he cannot accept the apology.

Commissioner Johnson directed the City Attorney to meet with the City Manager to bring the building code up to compliance.

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

For the record Clerk Flores read a letter addressed to Vice Mayor Joseph L. Kelley dated May 30, 2014 announcing that Vice Mayor Kelley has been selected into the Good Government Initiative Class IV.

Vice Mayor Kelley said he looks forward to representing the City with this initiative.

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

Commissioner Santiago said he is working very hard for the 4<sup>th</sup> of July event and he thanked the City Manager for his assistance.

Commissioner Holmes said he attended Room 2 Bloom graduation and it was a pleasure seeing the kids move to another level.

Commissioner Johnson thanked the City Manager for the bleachers in the Gladys Coachman Community Garden.

She thanked Commissioner Santiago and Vice Mayor Kelley for their support with the monthly community bingo. She had an opportunity to attend the City of Miami Gardens Grand Opening and it was superb. She has been selected to serve on the Miami Dade County Youth Action Committee. She will be attending the retirement of Valerie Thomas on Friday.

Vice Mayor Kelley thanked the City Manager and Human Resources Department for their assistance with the Summer Youth Job Fair. He thanked his colleagues for supporting the vision.

He has student interns that are working in his office and they will be instructing a Senior Citizen's Computer Class that is scheduled to take place on Monday and another initiative is a Green Thumb Initiative.

Vice Mayor Kelley invited all Father's and kids to join him for the Father's Day Fishing Tournament on June 14<sup>th</sup> at Ingram Park.

He said he recognizes the importance of the Downtown concept and it is his hope in working with the CRA Director to bring something to the City Commission for feedback. He commended the City Manager and his staff for their presentation before the Miami-Dade County Planning & Advisory Board.

Mayor Taylor thanked the City Manager for representing the city before the Miami-Dade County Planning & Advisory Board.

She invited everyone to attend the Father's Day Fish Fry on June 13<sup>th</sup> and she will not be in attendance because she will be taking a flight to Washington, DC to represent the City of Opa-locka at the National Conference of Black Mayors.

Mayor Taylor said she had a meeting with the chairman of the urgent care board and he told her that the City of Opa-locka is doing a lot of stuff and no one knows about it, therefore she will be working with the City Manager to get a marketing person to get the city's story out.

**24. OFFICIAL BOARD APPOINTMENTS:**

**25. ADJOURNMENT:**

There being no further business to come before the Commission, it was moved by Commissioner Santiago, seconded by Commissioner Johnson to adjourn the meeting at 10:00 p.m.

  
\_\_\_\_\_  
MAYOR

ATTEST:

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