

CITY OF OPA-LOCKA
"The Great City"

CLERK'S ACTION SUMMARY MINUTES
REGULAR COMMISSION MEETING

October 14, 2015

7:00 P.M.

Sherbondy Village Auditorium
215 President Barack Obama (Perviz) Avenue
Opa-locka, FL 33054

1. CALL TO ORDER:

Mayor Myra L. Taylor called the meeting to order at 7:05 p.m. on Wednesday, October 14, 2015 in the Auditorium at Sherbondy Village, 215 Perviz Avenue, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Vice Mayor Timothy Holmes, Commissioner Joseph L. Kelley, Commissioner Terence K. Pinder, Commissioner Luis B. Santiago, and Mayor Myra L. Taylor. Also in attendance were: City Manager Roy Stephen Shiver, Jr., City Attorney Vincent T. Brown, and City Clerk Joanna Flores.

3. INVOCATION:

The Invocation was delivered by Commissioner Joseph L. Kelley.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

Vice Mayor Timothy Holmes was presented with an award from the Florida League of Cities for 20 years as a Public Servant.

Vice Mayor Holmes thanked his colleagues and the citizens and he said his door is always open to the people.

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: 13-1, 13-11, 13-12, 13-13, and 13-5 (Commissioner Santiago); 13-2, 13-8, and 13-10 (Commissioner Kelley); and 13-19 (Vice Mayor Holmes).

Commissioner Santiago requested to be a co-sponsor on agenda items 13-16 through 13-25.

Melonie Burke, of Miami-Dade County Chairman Monestime's Office (District 2) came forward and reported that the Chairman will be hosting his annual Thanksgiving Turkey Giveaway for residents in District 2 and anyone interested must call the office to register.

Commissioner Santiago thanked Chairman Monestime for always assisting him with his special events.

Commissioner Kelley echoed the comments made by Commissioner Santiago. He truly thanks Chairman Monestime for his assistance with the Hispanic Heritage Celebration.

10. PUBLIC PRESENTATION:

11. CITIZENS' FORUM:

1. Giovanti Dukes of 13316 Alexandria Drive, Apt. 333, Opa-locka, Florida, appeared before the City Commission and stated that she is currently serving as the Assistant Treasurer for their newly founded Parent Booster Club. 2015 has proven to be a year of many positive changes and additions to the great City of Opa-locka, including the new City Manager who they welcome and thank him for his support. The booster club is striving to maintain the new standards of positively and excellence in any way possible. In addition, they are planning numerous fundraisers in order to provide the children with the highest quality optimistic experience as possible and organizing numerous activities to bring the pride and spirit of the organization back into the community. On behalf of the booster club, she invited the City Officials to be part of their ongoing homecoming festivities. On Friday they will have a Pep Rally followed by a Home coming dance and a parade on Saturday which will be followed by homecoming games.

2. George Howard, President of the United States Association of CDC appeared before the City Commission to address agenda item 13-1. He said the newly appointed City Manager requested certain documentation and he provided those documents. He has the signed change order, therefore he is requesting that the committee re-consider his request for payment.

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

3. Eric Redmon of 2766 NW 131st Street, Opa-locka, Florida, appeared before the City Commission.

Mr. Redmon: Tonight Madam Mayor I want to get a lil personal because I'm very heart broken. During the last election there were several...I'm not going to say promised because none of you made promises, but you suggested that you all would look into the Villa Francine matter in which we been sitting over there 10 years. Madam Mayor you vigorously have done almost everything in your power to try to give us attorneys and do everything you can to try to help us and I'm grateful for that, so have you Commissioner Kelley. I'm grateful to Commissioner Pinder because he's made several calls downtown to see what he can do and even Commissioner Santiago has stopped me numerous times and said if there's anything that he can do to help us just let him know so I'm very grateful to you all. But there was one member of this dais that also said they would do something, but I now realize they said that to get a vote because they have

done nothing, not a phone call, not a drive by, or anything so I just want the citizens to know what we actually got up here.

Number 2, after discovering the way I was treated I went ahead and took the time to look for the term limit complaint because it's very much so warranted. When I discovered that I could not find it in our justice system, I had to actually go down there to actually get a copy and the things that was done to circumvent this situation is appalling, but the Clerk's Office downtown is enlarging their investigation as to why certain numbers were missing and it didn't go in the system like it should have so I asked them if they complete their investigation and if something should happen and these three attorneys, not you Mr. Brown you wasn't here at this time, but Geller, Norman Powell, and the County Attorney that assisted them along with a member of this dais in trying to make this compliant somehow disappear. I will have those three Attorneys before the bar and I will have that member of this dais before the ethics Commission and if the Clerk has her hands in it I will be petitioning for her removal as well. We gave Mr. Powell \$10,000 to represent this member of the dais; I don't think we gave him \$10,000 for him to file two pieces of paper that makes no sense here. I think we are due a reimbursement. At this time I support the people, this term limit needs to move forward. The business owners are seeking to hire an attorney regarding this matter to push this term limit forward.

Note: This concludes the verbatim portion of these minutes.

4. Alvin Burke of 1240 Jann Avenue, Opa-locka, Florida, appeared before the City Commission and said the Villa Francine issue have been coming up for several years and they are a private entity. They bought property and they knew what they were purchasing. Several Commissioners have tried to help the residents over there, but the residents are not trying to help themselves. He further said agenda item 13-1 came up at the last Commission Meeting and the City Manager said there was no proving documentation that the city owes this money. The City Attorney also said he read the contract and the company was paid in full. He said a person is not going to let someone owe them \$270,000 and forget about it until years later.

5. Deborah Sheffield Irby of 14202 NW 17th Avenue, Opa-locka, Florida, appeared before the City Commission and spoke on agenda item 16C4 which is close to her heart. She said the residents have begged that another liquor store is not open at that location. No one has been notified about this and no meetings were held. She further voiced her concerns on agenda item 13-9. Regardless of how many years a person lived in the city, they are tax paying citizens and it's a small favor to the citizens. She stated that she is totally against the Red Light Cameras. Resolution Number 15-8990 was passed to appoint an Attorney as a Traffic Light Safety Hearing Officer and three days after a contract was executed for three years to pay that person \$200.00 per hour and it never came before the Commission. The Red Light Cameras are not bringing revenue to the city, so why should they pay someone \$200.00 per hour who's probably not certified.

6. Brian Dennis of 3135 NW 134th Street, Opa-locka, Florida, appeared before the City Commission and said with all the things going on in the city, things do not look good. The citizens come first and this is his city. Some of the Elected Officials need to get some whistle blower protection because it's coming. The documents, the emails, all this stuff is coming. The

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

1. (13-1) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CONSIDER THE REQUEST OF UNITED STATES ASSOCIATION OF CDC FOR PAYMENT OF A CHANGE ORDER FOR WORK DONE ON PUMP STATION NUMBER #5; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

The above resolution was read by title by Attorney Brown.

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

Mayor Taylor requested to take Chairman's privilege and she relinquished the gavel to Vice Mayor Holmes.

She said she is an Elected Official; she was elected by the people to do a job. She wasn't given this seat and no one gave it to her, she worked for it. She was elected to serve the people and that's what she is here for. She is the only female on the dais and she is not afraid of anyone. She will not be taken down by any article that was written, the only thing right in that article was her name, and everything else was wrong and untrue. This item is not about a person, it's not about a company, it is about principal. Her colleagues have all helped residents, developers, and businesses and this item is no different. They are servants of the people and their offices are open to whoever they can help. It was mentioned in the article that she has a friend; yes she is a friend to the residents, business people, contractors, and developers and all of them deserve her help.

Commissioner Santiago said he would like to be clear with the City Attorney and City Manager if the city owes the money then they have to pay, but if they don't then he would like to hear from staff. He asked, if the legislation passes, will the company get paid?

Attorney Brown said if the majority of the Commission votes on the item then that's a policy decision made by the Commission.

Commissioner Santiago said the legislation said to consider the request.

Attorney Brown said at the previous Commission Meeting the City Manager was directed to go back and continue to review the documentation that was provided and to make a consideration. From his consideration other documentation has been provided to the City Manager's Office.

Manager Shiver said additional information was supplied to him by his staff which is before the Commission for consideration. His opinion hasn't changed, but there is additional information and it becomes a policy decision.

Commissioner Santiago asked, does the city owe the money?

Manager Shiver said his opinion does not change from the last Commission Meeting.

Mayor Taylor said she has a document from the Building Official and she is requesting that he approach the podium. She asked for an explanation regarding the document she has concerning pump station 5.

Danial Abia, Building Official appeared before the City Commission and said he is very familiar with Pump Station #5. It was on moratorium since the days of Brian Finnie and CDC was doing renovations on the apartment next to the pump station and they could not get a permit from DERM because the pump station was on moratorium. At that point, he entered into an agreement with Mr. Finnie to renovate the pump station for the city and in exchange he was supposed to be paid on an amount they agreed on. During that period of time there were a lot changes. The pump station was hit due to an accident as well as government changes. After Mr. Baker was hired, he reinstated the contract and at that time is no longer CDC alone doing the work, the work was being done in conjunction with the city. Mr. Muhammad was the designer as well as the Project Director; Erskin Howard was the Project Manager. He visited the project as the Building Official when some of his guys reported there was a conflict underground because a water main was running in conflict with the pump station. At that point he knew there were some unforeseen circumstances and he asked for a set of plans so he can see what was taking place. He also saw that the contractor was struggling with setting the man hole so he called Muhammad's attention to the fact that they were endangering people life. They knew the circumstances were far beyond what anyone could have decided. The CDC has provided what he considers as his change order and he forwarded to the city's Utility Engineer to review it and he looked at, it is consistent with what they are requesting.

Commissioner Kelley asked, it is correct as the Building Official, no one can supersede his decision or determination?

Mr. Abia replied, yes.

Commissioner Kelley asked, does that mean you can say, report, or whatever you determine as the Building Official?

Mr. Abia replied, yes.

Commissioner Kelley said he is challenged because the Building Official said he got involved in the issue as the Building Official and if that is correct he should have been able to bypass any Manager, Department Head, and Contractor and come straight to the City Commission with the same memorandum. He thinks Mr. Abia is a fine man and he's in a tough position right now. As the Building Official, he should have immediately notified the Commission what he observed.

He further said the City Manager said his position does not change, he asked what his position is. In addition, he wants to know what is the City Attorney's position?

He went on to say that the city owes a lot of people and if they want to start repaying debt, they should start repaying the employees that took a pay cut.

Manager Shiver said he reviewed the documents that were presented and he received a memorandum from the Building Official today around 3:00 p.m. unexpectedly and his position is that the city does not owe the gentleman.

Attorney Brown said at the September 29th meeting, he put his opinion on the record and there is nothing that he have seen today to make him change his opinion.

Mayor Taylor asked, is the change order consistent with the work that was done?

Mr. Abia said it was reviewed by an engineer who has practiced since 1987 and he agrees with his determination.

Mayor Taylor asked, does the change order that was requested consistent with the work that was done?

Mr. Abia replied, yes.

Commissioner Pinder asked, were Mr. Arial or Mr. Carlos working on the project?

Manager Shiver said no. He knows Mr. Chiverton was there briefly and he had an opportunity to speak to Mr. Muhammad Nasir who was referenced.

Commissioner Pinder asked, what was Mr. Muhammad's comments regarding this issue?

Manager Shiver said Mr. Muhammad agreed that the change order was inappropriate, but he does not want to speak for him.

Commissioner Pinder asked, Mr. Chiverton is this consistent?

Mr. Chiverton said he visited the site when they had a water leak and he does not possess the engineering expertise to know the cause.

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

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

Vice Mayor Holmes passed the gavel back to Mayor Taylor.

2. (13-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, REQUIRING THAT ALL PROPOSED ORDINANCES AND RESOLUTIONS BE ACCOMPANIED BY A FISCAL IMPACT STATEMENT FROM THE CITY MANAGER, AND DIRECTING THE CITY MANAGER TO DEVELOP A POLICY

FOR THE IMPLEMENTATION OF THIS RESOLUTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Brown.

It was moved by Commissioner Pinder, seconded by Commissioner Kelley to pass the resolution.

Commissioner Kelley said he is concern that they are not going to know how the policy will work. He asked, how will it work.

Commissioner Kelley requested an amendment to the resolution.

Manager Shiver said he would be happy to defer the item until the next meeting to come back with a fully documented procedure.

It was moved by Commissioner Kelley, seconded by Commissioner Pinder to amend the above legislation to include the fiscal impact into the policy.

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

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

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

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

3. (13-8) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO ESTABLISH A COMMITTEE OF PROFESSIONALS WITH THE ASSISTANCE OF THE CITY ATTORNEY'S OFFICE TO UPDATE THE CITY'S CODE OF ORDINANCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

The above resolution was read by title by Attorney Brown.

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

Commissioner Kelley asked, who will determine the team of professionals? In addition he said Commissioner Pinder sponsored legislation asking the County to come in and assist the city with various departments and he was under the impression that this was included.

With regards to the legislation Commissioner Pinder sponsored, Mayor Taylor said she does not recall it being specific to the code. In addition, Mayor Taylor said she was leaning to the City Attorney to select the team of professionals.

Commissioner Santiago asked, is a cost associated with this legislation?

Manager Shiver said at this time with the structural changes they are working internally to review the code. They have professional staff that is currently working on updating the code. Commissioner Pinder sponsored legislation that gave them the authority to reach out to the County in areas that are needed. In addition, this will not be a cost to the city.

Mayor Taylor said she mentioned this several times and she have not seen any movement on updating the code.

Mayor Taylor said she will defer the item until she is satisfied that staff is going through the code starting at page 1.

Attorney Brown said staff has gone through the code book but not page by page. Not necessarily every page in the code has to be re-written, but there are certain key areas that must be re-written to caption what is relative from state statutes.

Mayor Taylor deferred agenda item 13-10 until December 14, 2015.

4. (13-10) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, REQUIRING ALL ADVERTISED EVENTS SPONSORED OR HOSTED BY THE CITY, A COMMISSIONER OR COMMISSIONERS, OR THE MAYOR INCLUDE THE WRITTEN CAPTION OR VERBAL NOTATION "THE MAYOR AND CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

The above resolution was read by title by Attorney Brown.

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

Commissioner Kelley said he is not in favor of any item that includes his name on something as a general rule especially when he may not be supportive of it. There are activities that have been held and he was not in support of and yet his name was attached to it.

Commissioner Santiago said he does not have a problem with the legislation because if city funds are being used, it should include everyone, but this has to start from the head.

Mayor Taylor said they are either one body or nobody and when you operate as one body it makes them united in what they do. She feels all flyers should include “Mayor and Commission”.

Vice Mayor Holmes said he does not have a problem including “Mayor and Commission” on his flyers, but if they want their picture included they need to help sponsor the event.

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

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

5. (13-11) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO TERMINATE THE AGREEMENT WITH AMERICAN TRAFFIC SOLUTIONS AND DISCONTINUE THE RED LIGHT CAMERA ENFORCEMENT PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H.*

The above resolution was read by title by Attorney Brown.

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

Commissioner Santiago requested to co-sponsor the above legislation. In the past he directed the former City Manager to discontinue the red light cameras when the contract expires.

He asked, if the contract is terminated tonight, will the city be responsible for paying any fines?

Attorney Brown said there is a liquidated damage provision in the contract.

Commissioner Santiago requested that the sponsor defer the resolution because he wants to know when the contract expires.

Vice Mayor Holmes said either way it’s done the city will have to pay. The majority of the people he spoke to are not in favor of Red Light Cameras.

Commissioner Kelley requested that they provide the fiscal impact of this resolution.

Vice Mayor Holmes deferred agenda item 13-11 until October 28, 2015.

6. (13-12) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO ESTABLISH AN EMPLOYEE REVIEW COMMITTEE TO HEAR THE CONCERNS OF EMPLOYEES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by J.K.*

The above resolution was read by title by Attorney Brown.

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

Commissioner Santiago asked, does this interfere with day-to-day operations?

Manager Shiver said there are collective bargaining agreements in place that would provide for hearings. Anything that is outside of that they can do an employee review. His door is always open and he understands there is a lot more communication since he's been with the city.

Commissioner Kelley said the Civil Service Board is inactive. The City Manager is correct, there are unions that address certain things, but one of the things he hear from employees is they have concerns that may not rise to that level; however, they need a venue to discuss their concerns.

Mayor Taylor asked can they fill the vacant positions on the Civil Service Board then they will not have to reinvent the wheel?

Commissioner Kelley said he does not have a problem with that, but the reality is the Civil Service Board has not met since it has been reformed.

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

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

7. (13-13) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, SUPPORTING THE CREATION OF A "COMMUNITY GARDEN OF REMEMBRANCE" AT INGRAM PARK FOR RESIDENTS OF OPA-LOCKA WHO HAVE LOST THEIR LOVES TO VIOLENCE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by J.K.*

The above resolution was read by title by Attorney Brown.

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

Commissioner Santiago reminded his colleagues that he revived that area three years ago. He sponsored legislation a few years ago that authorized the City Manager to locate funds to rebuild the park. They need a garden to create peace in Opa-locka. He said if they want to remember everyone who lost their lives in Opa-locka due to violence they should remember those who lost their lives at the stores and banks.

Commissioner Kelley said they all have their opinion of how they want to do things. He is supporting the legislation his colleague sponsored to locate funds to fix the parks and he is currently trying to get funds for the tennis court as well as getting funds to have the basketball court resurfaced. This initiative is a community garden of remembrance and it's not for one individual, it's for all of those who have lost their lives to violence. He had a meeting with some of the families who have lost their love ones. He stated that this is no cost to the city, the families are only asking for a location on the lake front to create a garden to remember their love ones. If the Commission does not want to support it then that's fine because he can find a location at his church. They will have a community fun day to celebrate the lives of those individuals who lost their lives and to bring the community together to understand that violence is a major issue in this community.

Commissioner Santiago said he want it to be clear that he supports the community. He suggested if they do something that it's done for the entire community.

Mayor Taylor asked, what will the garden be made of? In addition, she said someone has to do the work and maintain it which means a cost is associated. She saw a flyer for a Community Fun Day, but she does not see a fun day in remembrance of those who expired due to violence.

Commissioner Kelley said when he met with the families they expressed their desire for a Community Garden because they want to remember those who lost their lives, but they also want to celebrate their life because they don't want it to be a sad celebration. It will be no cost to the city because an organization is going to donate their time and materials to build and construct the garden.

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

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

8. (13-15) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO MEET WITH THE CITY'S LOBBYIST TO EXPLORE SEEKING A WAIVER OF THE STATE'S PROHIBITION ON LOCAL PREFERENCE IN CONTRACTS THAT RECEIVE 50% OR MORE OF ITS DOLLARS FROM THE STATE OF FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by J.K.*

The above resolution was read by title by Attorney Brown.

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

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

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

13. CONSENT AGENDA:

(13-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HCT CERTIFIED PUBLIC ACCOUNTS AND CONSULTANTS (HCT) FOR AUDIT SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

(13-4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING THE CITY OF OPA-LOCKA'S AMUSEMENT MACHINE APPLICATION FOR THE CERTIFICATE OF AUTHORIZATION (BUSINESS TAX RECEIPTS AND CERTIFICATES OF USE) FOR MACHINE OWNERS/OPERATORS/BROKERS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

(13-5) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY AND APPROPRIATE TO ACCEPT THE BIDS DEOM ACCURATE REAL ESTATE INVESTMENTS, LLC & RIGHT TRACK INVESTMENT GROUP, LLC, FOR CITY OWNED PROPERTY IDENTIFIED BY FOLIOS: 08-2122-007-1041, LOCATED ON WEST SUPERIOR STREET FOR A BID OF \$11,000.00; 08-2122-003-1420, 08-2122-003-1430, LOCATED ON THE NORTH SIDE OF ALI-BABA AVENUE AND EST OF DUVAL STREET FOR A BID OF \$5,374.80 AND \$3,500.30, RESPECTIVELY; 08-2122-003-2330, 08-2122-003-2340, 08-2122-003-2350 AND 08-2122-003-2360 FOR A BID OF \$72,187.50, \$29,062.00, \$29,062.00 AND \$48,125.00, LOCATED ON THE SOUTH SIDE OF ALI-BABA AND EAST OF JOHNSON STREET, RESPECTIVELY; TO EXECUTE ALL DOCUMENTS NECESSARY AND APPROPRIATE TO EFFECTUATE THE SALE OF THE PROPERTY IDENTIFIED HEREIN; AND TO AUTHORIZE THE CITY ATTORNEY TO PREPARE THE NECESSARY TITLE AND SELLER DOCUMENTS IN FURTHERANCE OF THE SALE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

(13-6) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO REIMBURSE THE BROWN LAW GROUP, LLC, \$1,958.27 (EXHIBIT "A") FOR COST ADVANCE FOR THE LIEN FORECLOSURE LAWSUIT OF 1700 SERVICE ROAD (MILLER LEEG CAPITAL A/K/A/ CUYAHOGA PROPERTY); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.A.*

(13-7) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO PAY THE BROWN LAW GROUP, LLC FOR LITIGATION SERVICES IN THE AMOUNT OF \$9,043.33 (EXHIBIT "A"); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.A.*

(13-9) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING RESOLUTION NO. 07-7036 BY CHANGING THE LENGTH OF CITY RESIDENCY FROM AND THE GIFT OF A FLORAL ARRANGEMENT TO THE FAMILY AT NO COST; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by M.T.*

(13-14) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO EXPEDITE THE CITY'S ROADWAY AND SIDE WALK IMPROVEMENT PROGRAM IN RESIDENTIAL AREAS NOT COVERED BY THE STATE OF FLORIDA'S REVOLVING LOAN PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by J.K.*

(13-16) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RECOGNIZING THE MONTH OF OCTOBER AS "BREAST CANCER AWARENESS MONTH"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.P.*

(13-17) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RECOGNIZING THE MONTH OF MARCH AS "KIDNEY AWARENESS MONTH"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.P.*

(13-18) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RECOGNIZING THE MONTH OF MAY AS "LUPUS AWARENESS MONTH"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.P.*

(13-19) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO STUDY THE FEASIBILITY OF DEVELOPING A PUBLIC PRIVATE PARTNERSHIP (3-P) TO ESTABLISH AN OPTIMIST PROGRAM WITH A CLUBHOUSE UTILIZING THE BUILDING (FORMER HUMAN RESOURCES BUILDING) LOCATED IN THE REAR OF HISTORIC CITY HALL;

PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.P.*

Commissioner Pinder deferred item 13-19

(13-20) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO STUDY THE FEASIBILITY OF DEVELOPING A PARTNERSHIP WITH MIAMI-DADE FIRST RESCUE (MDFR) AND MIAMI-DADE POLICE DEPARTMENT (MDPD) FOR THE USE OF THE SWIMMING POOL AT SHERBONDY VILLAGE FOR THEIR TRAINING IN EXCHANGE FOR MIAMI-DADE FIRE RESCUE PROVIDING FREE SWIMMING LESSONS TO THE RESIDENTS OF THE CITY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.P.*

(13-21) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO STUDY THE FEASIBILITY OF A CITYWIDE OFF-STREET PARKING PROGRAM WITH THE CREATION OF A PARKING AUTHORIZING; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.P.*

(13-22) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO STUDY THE FEASIBILITY OF USING BUILDINGS OR VACANT LAND IN A I-2 OR I-3 ZONE FOR A WASTE RECYCLING PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.P.*

(13-23) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO STUDY THE FEASIBILITY OF DEVELOPING AN AQUATIC THEME PARK AT ONE OF THE CITY EXISTING PARKS OR ON CITY OWNED LAND; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.P.*

(13-24) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO STUDY THE FEASIBILITY OF A PET FRIENDLY PARK AT ONE OF THE CITY EXISTING PARKS OR ON CITY OWNED LAND; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.P.*

(13-25) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA; ASSIGNING THE CITY MANAGER OF THE CITY OF OPA-LOCKA TO SERVE AS THE EXECUTIVE DIRECTOR OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF OPA-LOCKA, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.P.*

(13-26) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA; REQUIRING CITY COMMISSIONER REPORTS BE GIVEN BEFORE A COMMISSION MEETING BE ADJOURNED; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by L.S.*

The above resolutions were read by title by Attorney Brown.

It was moved by Commissioner Santiago, seconded by Commissioner Kelley to pass items 3, 4, 5, 6, 7, 9, 14, 16, 17, 18, 20, 21, 22, 23, 24, 25, and 26 of the consent agenda.

The motion passed by a 4-0 vote.

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

14. NEW ITEMS:

15. PLANNING & ZONING:

A. HEARINGS:

B. APPEALS:

16. ORDINANCES/RESOLUTIONS/PUBLIC HEARING:

A. FIRST READING:

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING CHAPTER XIII, ARTICLE V OF THE CITY OF OPA-LOCKA CODE OF ORDINANCES REGULATING COIN OPERATED DEVICES TO ALSO REQUIRE A CERTIFICATE OF AUTHORIZATION FOR MACHINE OWNERS, OPERATORS, AND BROKERS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Brown.

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

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

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

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE NO. 13-22, SIGNALIZED INTERSECTION SAFETY PROGRAM; ARTICLE X, CREATING SECTION 15-137 CLARIFYING THE PENALTY AND PROVIDING FOR AN ADMINISTRATIVE FEE FOR HEARINGS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Brown.

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

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

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

B. SECOND READING ORDINANCES/PUBLIC HEARING:

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO REPEAL THE CURRENT LAND DEVELOPMENT REGULATION, THE ZONING GUIDE, ORDINANCE 86-8 IN ITS ENTIRETY, REPLACING IT WITH THE ADOPTION OF THE CITY'S PROPOSED LAND DEVELOPMENT REGULATION (LDR)/ZONING CODE AND THE PROPOSED ZONING MAP; PROVIDING FOR REPEAL OF ALL OTHER CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

Clerk Flores said agenda item 16B1 is being deferred until the October 28, 2015 Regular Commission Meeting.

C. RESOLUTIONS/PUBLIC HEARING:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CONSIDER THE REQUEST OF SUNSHINE RECYCLING, FOR SIRE PLAN APPROVAL TO CONSTRUCT A TRUCKING OPERATION, WHICH INCLUDES OFFICE, VEHICLE MAINTENANCE, VEHICLE PARKING AND EQUIPMENT STORAGE, AS

SHOWN IN THE SITE PLAN, AT 12980 NW 30TH AVENUE, OPA-LOCKA, FLORIDA, 33054; ALSO IDENTIFIED AS FOLIO NO. 08-2128-002-0100; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Brown.

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 Vice Mayor Holmes, seconded by Commissioner Pinder to pass the above ordinance.

Commissioner Pinder asked the City Manager and City Attorney do they agree with the above legislation?

Manager Shiver replied, yes and Attorney Brown said this is a police matter.

Commissioner Santiago said he does not agree with the legislation because the people in that area deserve to live in a neighborhood that is not contaminated.

Manager Shiver said he did travel in that area with Commissioner Santiago and he pointed out several things the applicant has to do and they agreed to it. Signage will be on the property to dictate which route the trucks are to travel in, also there is a covenant on the land that requires them to exit through the commercial corridor areas. He believes the applicant is a good fit for the area and it is properly zoned.

Commissioner Santiago said they have to do something to better the quality of living for the residents in that area. He said he wants to see the road closed in two weeks.

Manager Shiver said it is legally impossible to close a road in two weeks.

Mayor Taylor said it is not impossible because it has been done in the industrial area.

It was moved by Commissioner Santiago, seconded by Commissioner Kelley to amend the resolution to add that the roads should be closed in two weeks.

Mayor Taylor said the resolution will include everything the Manager said will happen, including closing the road in two weeks.

Manager Shiver said he does support closing the roads to truck traffic; however, he does not think it's realistic to be handle in two weeks. He will do his best to look at road closures and speak to the property owners to see where they can appropriately do that and bring it back to the Commission for approval.

Mayor Taylor said the City Manager hasn't been with the city long. They can close a road in an hour. There are several roads that have been closed by the people with their own barricades.

Commissioner Kelley asked, is it the Manager's intent to close the road in the long term, can the road be closed?

Manager Shiver said yes the road can be closed, but there is a road closure procedure to do it legally.

Commissioner Kelley said he does not know if it can be done in two weeks, but he will support the amendment with the intent to close the road.

Commissioner Santiago asked, how long will it take to close the road?

Manager Shiver said he will provide a complete report tomorrow.

Commissioner Santiago requested to defer the legislation until he receives the report from the City Manager.

Vice Mayor Holmes said whatever they plan on doing keep in mind that the people in the area have to properly be notified.

It was moved by Commissioner Santiago, seconded by Commissioner Kelley to defer agenda item 16C1 until the October 28, 2015 Regular Commission Meeting.

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

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

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CONSIDER THE REQUEST OF TOWERCOM LLC, FOR SITE PLAN APPROVAL TO CONSTRUCT A 100 FEET STEALTH CELLULAR TOWER INSTALLATION DISGUISED AS A FLAGPOLE AS SHOWN IN THE SITE PLAN, AT 490 ALI-BABA AVENUE, OPA-LOCKA, FLORIDA 33054, ALSO IDENTIFIED BY FOLIO NO. 08-2121-005-0440; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Brown.

Mayor Taylor opened the floor for a public hearing.

Deborah Mardahue of 579 101st Avenue North, Naples, Florida, appeared before the City Commission to represent Towercom LLC. She thanked the staff for working with them and she had an opportunity to speak to the City Manager and City Attorney to go over some of the applicable statutes and laws. Going forth if there are any opportunities for city land, municipal land to be leased she have assured the City Manager and City Attorney that they are more than happy to look at any available sites the city may have. This is an application for a 100 feet stealth flagpole which means all of the antennas will be concealed and no one will see them. They concur and accept the staff report and they have satisfied the city's code criteria. She gave the federal law to the City Attorney who advised at the previous meeting that health concerns are prohibited as a basis for denial under the federal law. They have had no objections at the hearings and all of the evidence has been in support of the application.

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

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

Commissioner Kelley said he wants to make sure the City Manager and City Attorney are working on the legislation that he previously requested for individuals wanting to come in the future.

Commissioner Pinder said to the City Manager and City Attorney, he is not satisfied with the flow of what's going on. Don't put him or his colleagues in a position that they have to do something because of a timeline or because someone dropped the ball. He expects the best from the staff he supervise and he does not expect excuses. It's their job to give them information in a timely manner so they can make decisions that are best for the community.

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

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

3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CONSIDER THE REQUEST OF TOWERCOM LLC, FOR APPROVAL OF A DEVELOPMENT AGREEMENT TO CONSTRUCT A 100 FEET STEALTH CELLULAR TOWER INSTALLATION DISGUISED AS A FLAGPOLE AS SHOWN IN THE SITE PLAN, AT 490 ALI-BABA AVENUE, OPA-LOCKA, FLORIDA 33054, ALSO IDENTIFIED BY FOLIO NO. 08-2121-005-0440; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Brown.

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 Vice Mayor Holmes, seconded by Commissioner Pinder to pass the above resolution.

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

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

4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CONSIDER THE REQUEST OF JOSEPH AND CINDY BARTON, FOR SITE PLAN APPROVAL OF AN EXISTING STRUCTURE'S PARKING LOT, AND LANDSCAPE AT 14495 NW 22 AVENUE, OPA-LOCKA, FLORIDA 33054, ALSO IDENTIFIED BY FOLIO NO. 08-2122-005-1120; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above resolution was read by title by Attorney Brown.

Mayor Taylor opened the floor for a public hearing.

James Greason of 801 Brickell Avenue, Miami, Florida, appeared before the City Commission on behalf of the property owners. They went before the Planning Council on July 7th and they approved their site plan, now it is before the City Commission for approval. They are simply requesting to do landscaping on the property and it does not affect the use of the building.

Ismael Rodriguez of 14359 Miramar Parkway, Suite 327, Miramar, Florida, appeared before the City Commission and he is the architectural engineers. They are basically putting landscaping in the parking lot and it doesn't entail anything with the existing building.

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

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

Commissioner Santiago asked, is this to beautify the area?

Manager Shiver said yes, this will definitely improve the value of the property and surrounding area.

Commissioner Kelley asked, where will the trees be located and he is concerned because he doesn't want trees that will grow high due to visibility.

Mr. Rodriguez said they are planting hedges and they are 4 feet high.

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

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

17. CITY MANAGER'S REPORT:

18. OFFICIAL BOARD REPORTS:

19. MAYOR/COMMISSION REPORT:

20. OFFICIAL BOARD APPOINTMENTS:

21. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by Commissioner Holmes, seconded by Commissioner Pinder to adjourn the meeting at 9:51 p.m.


MAYOR

ATTEST:


CITY CLERK