

CITY OF OPA-LOCKA
"The Great City"

CLERK'S ACTION SUMMARY MINUTES
REGULAR COMMISSION MEETING

October 13, 2010

7:00 P.M.

City Commission Chambers

777 Sharazad Boulevard

Opa-locka, FL 33054

1. CALL TO ORDER:

Mayor Joseph L. Kelley called the meeting to order at 7:03 p.m. on Wednesday, October 13, 2010 in the City Commission Chambers, 777 Sharazad Boulevard, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Commissioner Dorothy Johnson, Commissioner Rose Tydus, Commissioner Timothy Holmes and Mayor Joseph L. Kelley. Also in attendance were: City Manager Clarence Patterson and City Clerk Deborah S. Irby. City Attorney Joseph L. Geller arrived at 7:10 p.m. and Vice Mayor Myra L. Taylor was not in attendance.

3. INVOCATION:

The Invocation was delivered by Mayor Joseph L. Kelley.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. APPROVAL OF AGENDA:

Attorney Geller read the following resolution titles for amendment to the official agenda:

13-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAM (OJP) WEED AND SEED COMPETITIVE CONTINUATION GRANT IN THE AMOUNT OF ONE HUNDRED FIFTY-SEVEN THOUSAND DOLLARS (\$157,000.00), WITH A REQUIRED MATCH BY THE CITY OF OPA-LOCKA IN THE AMOUNT OF FIFTY-TWO THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS (\$52,333.00), PAYABLE FROM ACCOUNT NO. 29-529529; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was moved by Commissioner Holmes, seconded by Commissioner Johnson to amend the agenda to include item 13-1.

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

Commissioner Johnson	Yes
Commissioner Tydus	Yes
Vice Mayor Taylor	Not present
Commissioner Holmes	Yes
Mayor Kelley	Yes

13-2: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING AN AGREEMENT WITH LAWRENCE WRIGHT & PARTNERS, LLC. FOR CONSTRUCTION INSPECTION SERVICES FOR SHERBONDY PARK COMMUNITY CENTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED AGREEMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was moved by Commissioner Holmes, seconded by Commissioner Johnson to amend the agenda to include item 13-2.

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

Commissioner Tydus	Yes
Commissioner Holmes	Yes
Commissioner Johnson	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

Attorney Geller advised that item 13-3 replaces 16-6 which was pulled from the consent agenda relating to R & D Electric, and as oppose to just asking for approval, this asks for ratification of the decision of the City Manager.

13-3: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DETERMINING THAT R & D ELECTRIC INC., IS THE MOST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE SHERBONDY PARK LIGHTING RENOVATIONS PROJECT AND RATIFYING THE CITY MANAGER'S DECISION TO ENTER INTO A CONTRACT WITH R&D ELECTRIC, INC., TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED SEVENTY EIGHT THOUSAND ONE HUNDRED THIRTY-FIVE DOLLARS (\$78,135.00), PAYABLE FROM ACCOUNT NUMBER 44-541802; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

This item would go under agenda item 12 (Action Items) in place of item 16-6 which was pulled.

It was moved by Commissioner Holmes, seconded by Commissioner Johnson to amend the agenda to replace agenda item 16-6 as reflected above.

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

Commissioner Holmes	Yes
Commissioner Johnson	Yes
Commissioner Tydus	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

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

Commissioner Johnson pulled agenda items 16-2, 16-5 and 16-6 from the consent agenda to be discussed separately under item 12 – Action Items.

Mayor Kelley stated for the record that once the City Attorney arrived, the Commission would consider the add on items.

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 4-0 vote.

Commissioner Holmes	Yes
Commissioner Johnson	Yes
Commissioner Tydus	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

7. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

8. APPROVAL OF MINUTES:

Second Budget Hearing – 09/15/2010
Regular Commission Meeting – 09/22/2010
Special Commission Meeting – 09/30/2010
Special Commission Meeting – 10/04/2010

It was moved by Commissioner Johnson, seconded by Commissioner Holmes to approve the minutes of the Second Budget Hearing of September 15, 2010, Regular Commission Meeting of September 22, 2010, Special Commission Meeting of September 30, 2010 and the Special Commission Meeting of October 4, 2010.

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

Commissioner Holmes	Yes
---------------------	-----

Commissioner Johnson	Yes
Commissioner Tydus	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

9. DISTRICT ONE - COUNTY COMMISSIONER REPORT:

Larry Gardner, Community Liaison for County Commissioner Barbara Jordan's Office (District 1) came forward and stated that he'd spoke with Mayor Kelley about setting up a meeting reference Ingram Terrace Apartments and that meeting had been scheduled for Tuesday, October 19, 2010 @ 11:00 a.m.

Mayor Kelley stated that everyone should be aware of the challenges at Ingram Terrace Apartments with the flooding and drainage issues, and since the County Commissioner has a vital interest in that property he wanted to get the County Commissioners office involved.

10. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

Commissioner Holmes mentioned that in his neighborhood there were individuals going door to door installing smoke alarms; however, he told them that the Commission had asked the Chief of Police to request a meeting to identify a range of residents in need of the smoke alarms.

Along that note, Mayor Kelley said the Commission received an email regarding the smoke alarms and he'd asked Mrs. Lawson to contact the individual to see if they could come to a designated location to demonstrate and set up the installation particularly for the senior citizens.

11. PUBLIC PRESENTATION:

- 1. Alvin Burke**
re: Welfare of the City

Alvin Burke of 540 Sharar Avenue, Opa-locka, Florida, appeared before the City Commission to express his concerns relating to the foreclosure of Town Center One. With the amount of taxpayer's money the city had put into that building, the Commission should have allowed someone to bid at the auction to purchase it. He was of the opinion that it didn't make sense to continue paying rent on a building the city doesn't own. In order for the city to move forward, the Commission must make better decisions with the taxpayer's money.

- 2. Terence Pinder**
re: Welfare of the City

Terence Pinder of 250 Sabur Lane, Apt. # 130, Opa-locka, Florida, came forward and commended all of the city's boards, committees, and Crime Watch organizations.

11a. CITIZENS' FORUM:

Brian Dennis of 4055 NW 17th Avenue, Miami, Florida, appeared before the City Commission and commended them for the recent article in the Miami Herald relating to what is being done in the Magnolia North area with housing. He publicly apologized to Mayor Kelley for his previous comments as reflected in a newspaper article.

He continued by commending the city for the positive efforts taking place as well as the event that took place with Vice Mayor Taylor and Brisco which made him feel good to know there's someone in the industry that would come out and give support to benefit young children steering them in a different direction.

He further expressed his concerns relating to foreclosure of Town Center One and suggested that the city look into the imminent domain process to acquire the building.

Commissioner Holmes made Mr. Dennis aware of the fact that someone had been thrashing the city's saggy pant signs and political signs (Commissioner Holmes, Mayor Kelley & Commissioner Johnson) with posters of Young Jeezy. He said he was not in support of most rappers because they are not role models for the youth especially when they come into our city with their pants sagging.

He continued by saying that he would be speaking with the City Attorney to see about strengthening the ordinance because it is a disgrace to have those type of individuals being a role model for our youth.

Mr. Dennis agreed with Commissioner Holmes with regards to the posters on the city's saggy pants signs.

Alvin Burke of 540 Sharar Avenue, Opa-locka, Florida, came forward and asked, since the city gave Town Center One a tax break, once the new owner takes over, will they start paying taxes on that building?

Having that same question, Mayor Kelley said he would allow the City Attorney to provide a response under the City Attorney's Report.

Terence Pinder of 250 Sabur Lane, Apt. # 230, Opa-locka, Florida came forward and commended Brisco for coming into the community and giving back. He suggested that there be communication to bridge the gap among the adults and youth.

At the request of Commissioner Holmes, Clerk Irby read a letter into the record submitted by Grace Academy International located on the 2nd Floor of Town Center relating to the disappointment with the City of Opa-locka event hosted by Vice Mayor Taylor under the pretense that was part of a project to bridge the gap between inner city youth and politicians. However, the entire event was a disgrace to who they are and what they stood for and an embarrassment to the city due to its trend setting law of no sagging pants. But yet brought in an artist escorted by Opa-locka Police who pants fell below his buttocks (a copy of the letter is hereby made a part of these minutes).

12. ACTION ITEMS:

16-2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO RENEW THE CONTRACT AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS TO PROVIDE FOR THE USE OF INMATE LABOR, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, IN AN AMOUNT NOT TO EXCEED FIFTY SIX THOUSAND FOUR HUNDRED SIXTY-SEVEN DOLLARS (\$56,467.00), PAYABLE FROM ACCOUNT NO. 41-541340; 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 Johnson, seconded by Commissioner Holmes to pass the above resolution.

Commissioner Johnson informed the City Manager that prior to his tenure she'd asked that all contracts of such have posted dates and publicized for public awareness, however, she had not seen that happen. In moving forward with this item, she said it is crucial to make the citizens aware of the maintenance schedule for the Department of Corrections inmate labor services in the city.

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

Commissioner Holmes	Yes
Commissioner Johnson	Yes
Commissioner Tydus	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

16-5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DETERMINING THAT GREEN SOURCE LANDSCAPE 7 SPORTS TURF INC., IS THE MOST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE SHERBONDY PARK FIELD RENOVATIONS PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND SIX HUNDRED FORTY SEVEN DOLLARS AND TEN CENTS (\$110,647.10) FOR THE SHERBONDY PARK FIELD RENOVATION PROJECT, PAYABLE FROM ACCOUNT NUMBER 44-541802; 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 the above resolution.

NOTE: At the request of Commissioner Johnson, this portion of the minutes is transcribed in verbatim format.

Commissioner Johnson: On this one Mr. Manager, who's monitoring the maintenance for this project? Who of your department? Who's responsible?

Manager Patterson: That would be Mr. Starex.

Commissioner Johnson: Because I think so often we spend this type of money but when it comes back to the accountability, nothing is reported back either to the Commission or...I think if we got this type of project, something need to be posted. I know Nelson is here, we're saying we're going transparent and things need to go on the Website. It needs to be easy reading for people to pull but I just think it will allow most, if you do it correctly, the critics won't be able to take advantage of some of the things that we're doing. And I don't think you have enough, with all the technology Nelson, we should be able to put all of our minutes on. We should be able to put all of the maintenance schedules, everything need to be going on the Internet. People are doing IPOD now where they could just pull it down and nothing has to come back where you get seconded information because believe me once it get out it is really transparent and it is paraphrased differently. So please I want it to be verbatim Madam Clerk for follow up, but I'm holding the Manager to make sure that this is a schedule, who's responsible. Just like no different than State Road 9. We fought, both the Mayor and I fought to get the greenery on State Road 9 and look at it, it wasn't a part of the Superbowl but look at it. And then we go out and pour some chemical on it and kill the plants, it's just a mess. Thank you.

NOTE: This concludes the verbatim portion of these minutes.

Mayor Kelley asked, are the meeting minutes posted on the city's Website?

Clerk Irby replied, they should be.

Nelson Rodriguez, IT Director for the City of Opa-locka came forward and stated that the meeting minutes are posted on the Website as soon as they are approved and signed which is normally a couple of days after the commission meeting. The minutes are then archived and remain on the Website forever.

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

Commissioner Johnson	Yes
Commissioner Tydus	Yes
Commissioner Holmes	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

13-3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DETERMINING THAT R & D ELECTRIC INC., IS THE MOST RESPONSIVE AND RESPONSIBLE BIDDER FOR THE SHERBONDY PARK LIGHTING RENOVATIONS PROJECT AND RATIFYING THE CITY MANAGER'S DECISION TO ENTER INTO A CONTRACT WITH R&D ELECTRIC, INC., TO

EXPEND FUNDS IN AN AMOUNT NOT TO EXCEED SEVENTY EIGHT THOUSAND ONE HUNDRED THIRTY-FIVE DOLLARS (\$78,135.00), PAYABLE FROM ACCOUNT NUMBER 44-541802; 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 the above resolution.

Commissioner Johnson asked, what justified the emergency for this amount of money?

Manager Patterson explained that the contractor was unable to do the lighting and the field so the lighting was subcontracted. When the poles came in, the city would have had to pay \$195.00 per day until they were installed. As such, he needed to bring the contractor in for the installation to avoid the additional fee.

Commissioner Holmes stated that Mr. Patterson did bring this matter to his attention and he in turn told Mr. Patterson that he would support his decision on moving forward with this project based on the fact that a decision needed to be made immediately.

Commissioner Johnson said that the City Manager also spoke with her and she was not in support of paying that kind of money and not having the contract. Therefore, she supported the decision and at that time she suggested that the City Manager speak with the commissioners to make sure they were in support of his decision because it was an emergency.

In dealing with anything over the amount the City Manager is authorized to spend, she said it is very crucial in this environment to document it.

Mayor Kelley stated that these are additional items for the Sherbondy Park Improvements in terms of the field, lighting upgrades and baseball upgrades and these are time sensitive funds which must be spent by a certain date.

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

Commissioner Tydus	Yes
Commissioner Holmes	Yes
Commissioner Johnson	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

13. NEW ITEMS:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAM (OJP) WEED AND SEED COMPETITIVE CONTINUATION GRANT IN THE AMOUNT OF ONE

HUNDRED FIFTY-SEVEN THOUSAND DOLLARS (\$157,000.00), WITH A REQUIRED MATCH BY THE CITY OF OPA-LOCKA IN THE AMOUNT OF FIFTY-TWO THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS (\$52,333.00), PAYABLE FROM ACCOUNT NO. 29-529529; 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.

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

Commissioner Holmes	Yes
Commissioner Johnson	Yes
Commissioner Tydus	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

13-2: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING AN AGREEMENT WITH LAWRENCE WRIGHT & PARTNERS, LLC. FOR CONSTRUCTION INSPECTION SERVICES FOR SHERBONDY PARK COMMUNITY CENTER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED AGREEMENT; 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.

Commissioner Johnson stated for the record that she and Mr. Wright are members of the same church because she didn't want anyone coming back saying that she personally knew him. She expressed her concern regarding the amount in the contract being different and proceeded to request that the City Manager allow Mr. Abia to come forward.

Daniel Abia, Director of Public Works and Building & License came forward, however, because this was an amendment to the agenda, he was not aware of the information Commissioner Johnson was referencing.

Attorney Geller said that he understood the amount to be \$150,000.00.

Commissioner Johnson referred to addendum 1 to the agreement which reflects "discount work for \$150,000.00". Further down that same document reflects an amount of \$83,000.00 for senior project manager Phase I and then \$66,663.00, however, in the correspondence the numbers are not the same.

Clerk Irby stated that the agreement before the Commission and the previous resolution adopted is for \$150,000.00.

Attorney Geller stated that there may have been a mistake previously which was corrected and what's before the Commission is corrected. The previous resolution was for \$150,000.00. There was confusion at one point and after speaking with the City Clerk pursuant to the Commission's request that they confer they were able to catch the mistake.

Commissioner Johnson stated that when those mistakes are found, it must be transparent and put on the record to have it documented.

She continued by saying that this project along with many others are being dragged along and she spoke to Mr. Abia about his qualifications in being a project manager because she knew the Commission wanted this project to move forward. But in moving forward, if the city is going to hold someone accountable then they need to be a part of it and be engaged. In the past the Commission has passed many projects that are just sitting and she wants the City Manager to be able to justify why the city needs two engineers. She recalled in the 8 years as commissioner that she hasn't seen any new construction in the city other than the Sherbondy Park project.

Mayor Kelley asked, is this resolution for the construction management previously approved for Sherbondy Park with the agreement worked out by the City Attorney?

Attorney Geller replied, yes.

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

Commissioner Holmes	Yes
Commissioner Johnson	Yes
Commissioner Tydus	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

14. PLANNING & ZONING:

A. HEARINGS:

B. APPEALS:

15. ORDINANCES/RESOLUTIONS/PUBLIC HEARING:

A. FIRST READING:

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING AN AGREEMENT WITH FLORIDA INTERNATIONAL UNIVERSITY (FIU) BOARD OF TRUSTEES AND THE CITY

OF OPA-LOCKA TO BECOME PARTIES IN CONDUCTING A WORK RELATED STUDY OF THE "PEAK FLOW MANAGEMENT STUDY" PROJECT, IN AN AMOUNT NOT TO EXCEED TWENTY THOUSAND DOLLARS (\$20,000.00) PAYABLE FROM ACCOUNT NUMBER 64-533312; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

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

Commissioner Johnson	Yes
Commissioner Tydus	Yes
Commissioner Holmes	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

B. SECOND READING/PUBLIC HEARING:

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CITRIN FINANCIAL AND INSURANCE, INC. TO CONTINUE AS THE CITY'S AGENT OF RECORD; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on September 22, 2010). *Sponsored by C.M.*

The above resolution was read by title by Attorney Geller.

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

It was moved by Commissioner Holmes, seconded by Commissioner Johnson to adopt the above ordinance.

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

Commissioner Tydus	Yes
Commissioner Holmes	Yes
Commissioner Johnson	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

C. RESOLUTION/PUBLIC HEARING:

16. ADMINISTRATION:

CONSENT AGENDA:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO SUPPORT THE PEOPLE'S TRANSPORTATION PLAN (PTP) FUNDING AND URGES THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONER TO PROVIDE FUNDING FOR THE NEW CITIES OUT OF THE COUNTY'S EIGHTY (80%) SHARE OF THE SURTAX; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by J.K.

3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE DEPARTMENT OF JUSTICE FY10 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG), LOCAL SOLICITATION IN THE AMOUNT OF FORTY-FIVE THOUSAND ONE HUNDRED AND TWELVE DOLLARS (\$45,112.00), WITH THE CITY OF OPA-LOCKA'S MATCHING FUNDS OF TWO THOUSAND FIFTY-EIGHT DOLLARS AND FORTY-FIVE CENTS (\$2,058.48), PAYABLE FROM ACCOUNT NUMBER 36-521644; PROVIDING FOR INCORPORATIONS OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by C.M.

4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AUTHORIZE THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE CHOICE NEIGHBORHOODS INITIATIVE, REQUESTING FUNDS IN THE AMOUNT OF FIVE MILLION DOLLARS (\$5,000,000.00); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above Consent Agenda resolutions (16-1, 16-3, 16-4) were read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Commissioner Johnson to pass the consent agenda resolutions.

The motion passed by a 4-0 vote.

Commissioner Holmes	Yes
Commissioner Tydus	Yes
Commissioner Johnson	Yes
Vice Mayor Taylor	Not present
Mayor Kelley	Yes

A. CITY MANAGER'S REPORT:

Commissioner Holmes requested that the Chief of Police come forward and read the letter received reference Weed & Seed.

Chief Cheryl Cason read into the record a letter from the U.S. Department of Justice dated September 9, 2010 addressed to the City Manager Clarence Patterson regarding the Weed & Seed site visit. This letter highlighted the exceptional job being done with the Weed & Seed from the reporting to the implementation.

Although there were challenges with the Weed & Seed, Mayor Kelley said he was grateful to see it moving forward in a positive way to make a difference in the community.

As a part of the City Manager's Report, Starex Smith, Director of the City of Opa-locka Parks & Recreation Department came forward and gave a brief presentation on the grant availability from the U.S. Soccer Foundation to implement a soccer program in the city which would aide in childhood obesity while increasing strength, agility and endurance. The request is for \$100,000.00 in equipment and services to maintain a certified soccer field in the City of Opa-locka.

Manager Patterson informed the Commission that the handout provided is the response to Commissioner Johnson's concern relating to crime prevention in the 22nd Avenue area. The document provided outlined strategies being taken and as a result crime has reduced in spite of some of the activities going on.

He updated the Commission on the concern from Monte Gibbs at the last commission meeting regarding a alleged illegal 7 ft fence. The alleged violator was cited and instructed to reduce the height of the fence to 6 ft or move it all together of which he has a period of time to comply. However, if the violator fails to comply then the city will proceed to the next step. He said he would keep the Commission informed on this matter as the process unfolds.

He further reported that the binder includes responses to the Commission concerns although there are some they are still looking at. As it relates to the Welcome Kit, he said it is ready and he is waiting to sit down with Commissioner Johnson to review it.

Mayor Kelley requested that the City Clerk read into the record a letter from the property managers from the apartment buildings on NW 22nd Avenue which is in addition to what the city is doing to reduce crime in that area.

Clerk Irby read the letter into the record addressed to Mayor Kelley from Capital Rental Agency, Inc. re: 14350 NW 22nd Avenue, 14370 NW 22nd Avenue, and 14460 NW 22nd Avenue bringing them current on what they are doing to resolve the concerns at the above mentioned properties (a copy is hereby made a part of these minutes).

Mayor Kelley suggested that the Commission, Chief of Police, City Manager and Deputy Chief receive a copy of the letter so that the property manager is held accountable regarding the issues regarding those apartment buildings.

Commissioner Johnson suggested that the information is also provided to the IT Department for posting on the city's Website and a copy be provided to all the Crime Watch Organizations in the city.

Mayor Kelley directed the City Clerk to also provide a copy of the letter to the Housing Authority during their meeting on Thursday, October 14, 2010.

Commissioner Johnson expressed her concern relating to citizens being reluctant to speak to uniformed officers due to the perception and encouraged community gatherings so that the citizens can come out and indirectly speak to staff. Also her concern was the unauthorized signage throughout the city's thoroughfares which should automatically be picked up by city staff.

With regards to the ongoing flooding in some of the same areas previously mentioned, she directed the City Manager to make sure the drains are cleaned on a more consistent basis throughout hurricane season.

Although she was glad to hear about the progress of the apartment buildings on NW 22nd Avenue, she said there are others that still have to come into compliance. She directed the City Manager to obtain a copy of the adopted ordinance relating to rental apartments.

She further commended the City Manager for having agreements coming before the Commission prior to the expiration.

Commissioner Tydus addressed the two gateways into the city of which she felt should be safe and beautiful at all times. She commended the Public Works Department for keeping the Community Garden on Sharazad Boulevard maintained as well as it is which makes for a beautiful gateway. As far as safety, she said she was concerned about the other gateway Perviz Avenue because the speed bumps were removed and she thought it was temporary. However, several months have gone by and still no speed bumps.

She asked if there was a particular reason why the speed bumps were removed.

Daniel Abia, Director of the City of Opa-locka Public Works Department came forward and stated that the speed bumps were deteriorating so they were removed. The city has placed an order for new speed humps which would be installed upon delivery.

With regards to the high demand of street calming devices from residents to address the speeding and with the new technology available that wouldn't impede as much on emergency vehicles, Mayor Kelley directed the City Manager to bring back a cost analysis for the Commission to review and decide how they want to move forward with this issue. This report should include those areas particularly near schools and other areas that the police would identify as high traffic areas in need of the street calming devices.

Commissioner Holmes asked for an update on the resolution passed at the last meeting for Officer Kelly.

Chief Cason said that the check request was done and submitted for the necessary signatures.

Manager Patterson advised that the check request was signed.

Commissioner Holmes asked whether someone had purchased Town Center during the auction on October 5, 2010 and if so, who and for how much?

Attorney Geller said that the judgment holder was the successful bidder; however, he didn't know the figure.

Commissioner Holmes stated that if the Commission would have authorized the City Manager to bid on the building, there is a possibility that the city would have owned it.

Attorney Geller agreed.

Commissioner Holmes reiterated that Miami-Dade Fire Department was out in the Opa-locka community providing and installing smoke alarms to residents at no cost.

He stated that he would get with the City Attorney on the Saggy Pants Ordinance to strengthen by prohibiting anyone from coming into the city with saggy pants.

Mayor Kelley asked whether the police department was aware of the fact that Miami-Dade Fire Department was going door to door installing new smoke alarms.

Chief Cason replied, no.

Mayor Kelley requested that the police department be involved because there are individuals that won't open their doors and they may still need the alarms. The Miami Dade Fire Department should do a presentation and maybe go to the senior citizens programs. He suggested that Chief Cason follow up with the City Manager on that number for the program.

B. ACCOUNTS PAYABLE:

Ezekiel Orji, Director for the City of Opa-locka Finance Department came forward and stated that all of the payables had been paid. In addition to that, he included the required financial report under tab 4 of the booklet provided by the City Manager. The city is maintaining its reserve of \$565,000.00.

With regards to the city's active grants received particularly as it relates to federal dollars, Mayor Kelley asked whether that information was listed on the Website as well, or could it be so that citizens would be aware.

Manager Patterson said the information could be made available on the city's Website.

Because so often the Commission mentions grant funding, Mayor Kelley said it would be good to have that information on the Website so the citizens would know the funding received by the city for different programs whether it through stimulus dollars or grants through DEP.

Commissioner Johnson directed the City Manager to bring back a report by the next meeting on the progress of the water meters because of the water meters still not being read. In addition, there are residents who have fences and the water meters are within the property as oppose to in the alley. If that is the case, then that should have been picked up with the exchanged of meters. Of concern was the Johnson Controls meter project with the cameras which the city never received. She directed the City Attorney to provide a follow up on this matter.

17. OFFICIAL BOARD REPORTS:

18. CITY ATTORNEY'S REPORT:

Attorney Geller provided a brief overview relating to the foreclosure of Town Center and the circumstances surrounding that matter. With regards to the discussion about the tax break, he recalled a resolution being passed in 2003 or 2004. However, he said he would have to do some research and provide a written report to the Commission based on his findings. Typically covenants issued by the city run with the land and they are transferable. The fact that this was not a sale of the property, but a foreclosure, might lead to a different conclusion.

He continued by providing an update on the PBA contract which should be coming before the Commission for ratification in the near future.

He further reported that he and his partner Bill Kramer are working on the Johnson Controls matter. There is a significant level of dissatisfaction with the performance of the contractor hired by Johnson Controls; however, Johnson Controls has been very aggressive in their position, but the city's position is that they are responsible for the performance of the people installing the meters. The city is not on a good path with Johnson Controls because they will hold them to what was promised to the city. He informed the Commission that he would keep them updated on this matter.

Attorney Geller addressed the concern Commissioner Holmes raised under Citizens' Forum regarding the defacement of signs. After speaking with the City Manager and learning about this issue, they think that this is a crime and intend to move aggressively with the police department to see about prosecuting that crime which is malicious defacement at least. Whoever printed and control those materials, unless they can prove that they are not related to the individual being promoted, then the city will see what it can do to bring everyone responsible to justice because that kind of crime will not be tolerated, particularly when it interferes with the democratic process.

Mayor Kelley recalled that the legislation for the tax break at Town Center was for a five year period which is not uncommon for empowerment zones. Regardless of the note holder or whoever, the five years should have expired or is close to expiring.

Attorney Geller stated that the legislation for the tax break passed, but it didn't kick in until the Certificate of Occupancy was issued.

Mayor Kelley suggested that the City Attorney bring back a report on this issue to the Commission. However, his concern is that the five years should be up or is about to expire to where the owner should be paying taxes to the city.

Commissioner Johnson directed the City Clerk to provide a copy of the resolution where the critics indicated that she sponsored for the offices to move to Town Center, although she didn't recall that. She requested that the resolution also be posted on the city's Website. She remembered at the special meeting of October 4, 2010 where the City Attorney provided legal advice and she would like for that to be back on the record.

Attorney Geller said his opinion was that after looking at all facts in the matter, particularly the fact that the city was not named as a party or served in the litigation and also because the lease predated the mortgage that the new owner would not be in a position to put them out of the building upon obtaining a certificate of title. The city was not bound by the judgment at a minimum that the new owner would have to sue them to try to put them out if they had intentions on doing so. Secondly, the city contacted the judgment holder and obtained a specific statement which indicated that they would honor the lease. Under the law they can be held to that based on that fact and based on the fact that the city additionally developed alternatives for its offices if they decided not to be at Town Center. Then it was advised that the necessity for the city to move forward and bid at the sale was not present. Now this is not the same as saying whether it is advisable for the city to have done so which is a decision for the Commission and not an attorney, but that it appeared the city was safe in continuing in the present arrangement, if it wanted to do so.

Commissioner Tydus asked for an update on the lawsuit to recover the delinquent fees owed the city by the Opa-locka Flea Market.

Attorney Geller said that the Opa-locka Flea Market recently had a hearing on their attempt to get a summary judgment on the grounds that the city didn't state a claim sufficient under the law to recover. The city prevailed in that hearing; the judge ruled in the city's favor and there were a couple of issues raised where he thought they would be able to gain some additional leverage so he asked the court to allow the city to amend the complaint to state a couple of additional theories which the court granted the request. He anticipated filing the amended complaint some time in the next week or so. Finally, the Opa-locka Flea Market agreed they are now ready to return to remediation which would save the city money in litigation fees and also allow them to quit spending money on a lawsuit filed against the city. Once that mediation is scheduled, prior to going to mediation, he said that there would be another executive session scheduled to discuss this matter and receive guidance from the Commission.

Commissioner Tydus asked the City Attorney if he anticipated the meeting with the Commission to be held in approximately a month from now.

Attorney Geller replied, yes.

19. CITY CLERK'S REPORT:

Clerk Irby encouraged the citizens to vote at the General Election on November 2, 2010. Also, she expressed the importance of making sure absentee ballots are signed and returned for those who vote by absentee.

She reported her attendance at Miami-Dade County Elections in the upcoming week for the Logic & Accuracy Test.

She announced that early voting would start on October 18, 2010 for those who are interested in voting prior to November 2, 2010. She suggested that anyone with questions relating to the City of Opa-locka charter amendment and elections should call her office.

Commissioner Johnson asked, what should a person do if their signature has changed over the years?

Clerk Irby suggested that those individuals whose signature has changed contact Miami-Dade County Elections to update it.

Commissioner Johnson asked, are there any plans for public awareness on amendment 4 which is important to all cities in the State of Florida?

Clerk Irby said she would be doing a Public Service Announcement (PSA) the following week to go over the ballot; but she was trying to get a representative to come out and go over the amendments during that PSA.

Commissioner Johnson recommended a public Town Hall Meeting to explain the amendments on the ballot because not everyone in the city has Channel 77.

Mayor Kelley said he could have someone from the league to come and be a part of the PSA to go over the amendments. In addition, he directed the City Attorney to provide the City Clerk with direction in terms of public awareness on the amendments.

20. MAYOR/COMMISSION REPORT:

Commissioner Johnson commended Mayor Kelley and said she was glad to be a part of the Magnolia North demolition. She reported her attendance at the Florida League of Cities meeting; the Florida After school Alliance; and the MILK Party (a children movement of the State of Florida). In addition, she said she is working with Blue Foundation on the War of Poverty to target obesity of which her organization was chosen as a spotlight in South Florida for that initiative. She announced that the event would take place on Friday, October 15, 2010 and she would be renting for \$200.00 from Portrait of Empowerment the 2nd Floor at Town Center with reimbursement from Blue Foundation.

As liaison to the Community Relations, Recreation & Activities Board, Commissioner Tydus said it has been her goal to promote, support and initiate a wholesome and healthy Parks & Recreation Department as well as events for the citizens. She encouraged everyone's attendance at the 3rd Annual City of Opa-locka 70's Costume Ball on Sunday, October 31, 2010 from 6:00 p.m. – 10:00 p.m. on the west lawn of City Hall.

She further announced the Lunch and Learn Saturday Cinema held on the last Saturday of each month at 12:00 p.m. on the 2nd Floor of the City of Opa-locka Municipal Complex.

Commissioner Holmes suggested that the candidates running for City of Opa-locka mayoral and commission seats get along for the betterment of Opa-locka. He said that those responsible for thrashing candidate signs should stop immediately

Mayor Kelley stated that everyone in the city must work together young and old and that's one of the reasons the multi-purpose building is being built to be able to have programs for the young people, young adults and seniors as well. He encouraged everyone to work together because this is a community of brotherhood and sisterhood and at the end of the day they all want what's best for the citizens.

He commended the Parks & Recreation Department for the football program and thanked the police department for checking on them.

He reported his attendance at the Miami-Dade County League of Cities meeting and the Lunch and Learn Saturday Cinema. He thanked the Commission for their attendance at the Magnolia North demolition and they are excited about what's going to take place with the Habitat for Humanity homes. He encouraged citizens who are interested in a home to contact Habitat for Humanity. In addition to that, he is excited with the partnership with the Opa-locka CDC to rehab apartment buildings. The Opa-locka CDC has NSP dollars to rehab and he wants to make sure they are using some of those funds in the city. They will commit approximately six million dollars in the City of Opa-locka.

He further stated that Youth Co Op funding was cut again from the county and they are the city's only job source provider. He encouraged the Commission to do what they can to get some of that funding restored and keep that program going.

Mayor Kelley stated that he is looking for other opportunities and programs for job creation, but particularly as it relates to ex-felons. In addition, he will continue to work on looking for funding to enhance some of the other programs.

He encouraged the Commission to continue working to move this city forward and do what they can to make it better for all citizens of Opa-locka.

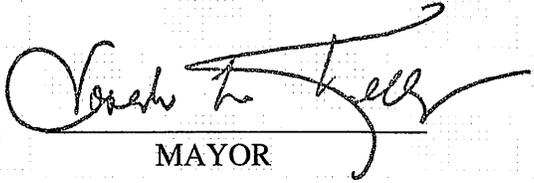
Commissioner Johnson announced that she is partnering with the University of Miami Pediatric Mobile Clinic for free health services once a month at Historic City Hall.

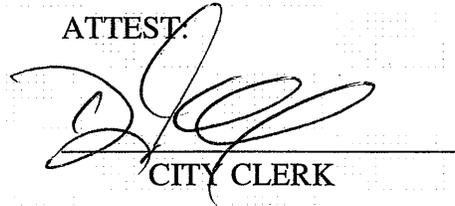
Mayor Kelley commended those employees responsible for the Community Newspaper.

21. OFFICIAL BOARD APPOINTMENTS:

22. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Johnson, seconded by Commissioner Holmes to adjourn the meeting at 8:58 p.m.


MAYOR

ATTEST:

CITY CLERK



RECEIVED
CITY CLERK

2010 OCT -6 PM 4:53

GAI

Grace Academy International

13400 Nw 28Th Ave. Opa Locka Fl 33054
Phone: (305) 681-2500 Fax: (305) 751-5916
E-mail: info@graceacademyfl.org
www.graceacademyfl.org

"RAISING THE SOCIAL, ACADEMIC, SPIRITUAL, MORAL & ETHICAL STANDARDS FOR THIS CHOSEN GENERATION"

Attn: City of Opa Locka

I regret writing this letter, but I feel the need to express my utter disappointment with the city of Opa Locka. My once highly favored opinion of the city has changed for the worst. Our students were invited to an event hosted by a city official, Vice Mayor Taylor, on September 27, 2010. We were invited by a gentleman who introduced himself as, Commissioner Penders, under the pretenses that this event was a part of a project that would bridge the gap between inner city youth and politicians. We were also told that Miami Heat players, Dwayne Wade and Udonis, will be present. We clearly expressed our reservations, which all pertained to allowing our students to view negative imagery. In spite of our reservations, we cooperate because of the city's credibility.

The entire event was a disgrace to who we are and what we stand for and an embarrassment to the city. It is very shocking that a city that has passed the trend setting law of no "sagging pants" brought in an artist whose pants fell right below his buttocks. Not only did his dress code break Opa Locka's law, but he promoted drug usage with his "street medicine" posters plastered around the room. I did not see how this event could edify anyone let alone an impressionable child. There was no effort made to promote education or self betterment.

I can recall a time where a city official called the police on a prospective student of our school whose pants were sagging. I had no qualms about this situation initially, until I saw the city's police protecting and escorting this young man into the event with his sagging pants. It forced me to pose the question, "Is the city so desperate, that they would use the publicity of an artist that directly opposes the city's standards, expectations, and legal institutions." Can the city or whoever is responsible for this ordeal answer the question, "What image did you sell to our children?" We, as a school, have gone out of our way to promote the city's standards and laws, but obviously the standards are not nearly as important to the city, especially during election time!

We sense that this event was solely for publicity in effort to boost votes on November 2. The majority of our students and our entire staff felt the event was a waste of time because nothing was gained. This letter was not written with malicious intent; we only desire to see this great city prosper without

compromising its standards. Please consider our concerns and understand that we share this passion for our youth.

Sincerely Yours,


Chantale Ferguson

CAPITAL RENTAL AGENCY, INC.
1497 N.W. 7th STREET
MIAMI, FLORIDA 33125

Phone 305-642-7080

Fax 305-541-7647

October 7, 2010

Honorable Joseph L. Kelley, Mayor
City of Opa-locka
777 Sharazad Boulevard
Opa-locka, FL 33054

Re: 14350 N.W. 22nd Avenue
14370 N.W. 22nd Avenue
14460 N.W. 22nd Avenue

Dear Mr. Mayor:

I am writing to bring you current on what Capital Rental Agency, Inc. is doing to resolve the City's concerns at the above referenced properties.

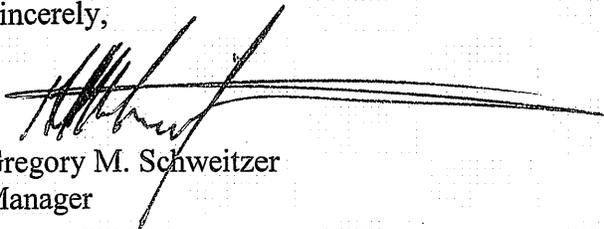
1. To date we have met with you, Deputy Chief of Police Adam Burden, City of Opa-locka Police Officer Major Barrett, City of Opa-locka Housing Inspector Robert Knapp and City of Opa-locka Code Enforcement Inspector Derrick Erwin.
2. Per the City's request we are in the process of obtaining permits (process #'s 8955, 8956 &) to paint the buildings (new City of Opa-locka colors).
3. We have conducted unit inspections with Housing Inspector Robert Knapp and are performing all repairs as requested.
4. We have conducted an inspection of the common areas with Inspector Derrick Erwin and have implemented a new cleaning schedule to address the exterior cleanliness of the properties.
5. We are in the process of obtaining estimates to determine the economic feasibility of future replacement of the jalousie windows.
6. As part of our beautification efforts, in addition to the painting of the buildings, we are planting palm trees and mulching the beds in the courtyards.
7. We have entered into extermination contracts with Krypton Pest Control to address the City's concerns regarding pest control issues.

8. We have provided the City of Opa-locka Police Department with lists of all the current tenants and vacant units in the buildings and continue to work closely with Major Barrett on all crime related issues.

Additionally we have been in close contact with the resident manager and with all the tenants and many stated that they had only minor issues and that overall they were satisfied with our management of the properties.

Regardless of how many or few problems exist on the properties I want to assure you that Capital Rental Agency, Inc. will continue to work diligently with all of the city inspectors and the police department to address any and all of their concerns.

Sincerely,



Gregory M. Schweitzer
Manager

Cc: Mr. Clarence Patterson, City Manager
Police Chief Cheryl Cason
Deputy Police Chief Adam Burden
Police Officer Major Barrett
Howard W. Brown, Jr., Community Development Director
Chairman John Riley, City of Opa-locka Housing Authority Board
22nd Avenue Enterprises, Inc.
GTI Properties, LLC