

**CITY OF OPA-LOCKA**  
"The Great City"

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**CLERK'S ACTION SUMMARY MINUTES**  
**REGULAR COMMISSION MEETING**

**October 27, 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 7:00 p.m. on Wednesday, October 27, 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, Vice Mayor Myra L. Taylor, Commissioner Rose Tydus, Commissioner Timothy Holmes and Mayor Joseph L. Kelley. Also in attendance were: City Manager Clarence Patterson, City Attorney Joseph S. Geller and City Clerk Deborah S. Irby.

**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:**

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

Commissioner Johnson pulled item 16-2 from the consent agenda (this item would be discussed separately under item 12 – New Items).

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

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

Vice Mayor Taylor	Out of room
Commissioner Johnson	Yes

Commissioner Tydus	Yes
Commissioner Holmes	Yes
Mayor Kelley	Yes

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

**8. APPROVAL OF MINUTES:**

**Regular Commission Meeting – 10/13/2010**

It was moved by Commissioner Johnson, seconded by Commissioner Holmes to approve the minutes of the Regular Commission Meeting of October 13, 2010.

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

Commissioner Johnson	Yes
Commissioner Tydus	Yes
Commissioner Holmes	Yes
Vice Mayor Taylor	Out of room
Mayor Kelley	Yes

**9. DISTRICT ONE - COUNTY COMMISSIONER REPORT:**

Larry Gardner, Community Liaison for the Office of County Commissioner Barbara Jordan – District 1 came forward and announced that Commissioner Jordan was sponsoring a Flu Vaccination Clinic for residents in District 1 on Thursday, October 28, 2010 from 10:00 a.m. – 1:00 p.m. at the North Dade Regional Library.

Commissioner Johnson asked that Commissioner Jordan be made aware of the fact that during the last CAA board meeting she brought a resolution which she later found was in conflict with a Miami-Dade County ordinance. As a result, she would correct her motion and rescind the resolution at the following CAA board meeting.

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

Battalion Chief Danny Cardeso of Miami-Dade Fire Rescue, 6460 NW 27<sup>th</sup> Avenue, Miami, Florida came forward to address any concerns and/or questions.

Commissioner Holmes stated that the city was receiving positive feedback on Miami-Dade County Fire Rescue’s installation of free fire alarms in Opa-locka residences. He further expressed his appreciation for this program available to Opa-locka residents.

Chief Cardeso said that Miami-Dade County Fire Rescue does have a program through the Public Education Fire Prevention Bureau where residents can submit applications to receive smoke alarms free of charge.

**11. PUBLIC PRESENTATION:**

**1. Charles Nunez  
All Japanese Engines  
re: installation of a secondary aluminum sweat furnace**

Charles Nunez of 14310 Lake Childs Court, Miami Lakes, Florida, appeared before the City Commission representing All Japanese Engines at 2300 NW 150<sup>th</sup> Street in Opa-locka for a request to install a sweat furnace. He mentioned that he was aware of a 50 year old city ordinance where this is no longer allowed because the old smokers had problems; however, he has been state certified and approved for his facility to run the furnace. He said that all he would need is for the board to acknowledge use of the furnace.

Of concern to Commissioner Johnson was whether Mr. Nunez consulted with City of Opa-locka staff.

Mr. Nunez said he was told to bring this issue before the Commission.

Commissioner Johnson said this was not the process for approval and staff should be aware of the procedure. She stated to the City Manager that this was not the process for this item and asked that staff consult with Mr. Nunez.

Mr. Nunez said he consulted with Mr. Brown and Mr. Lee both of the city's Community Development Department and was told that it may be in his best interest to bring it before the Commission.

As a former member of the Planning Council, Commissioner Johnson said that this was not the procedure for this item.

Mr. Nunez asked, since this is dealing with an old ordinance, how would he dispute the old ordinance?

Mayor Kelley suggested that Mr. Nunez speak with staff, send correspondence requesting the change, then the City Manager could put it on the agenda with the recommendation for the Commission to vote either up or down in order to follow the process.

Commissioner Holmes added that the proper procedure was to go through the Planning Council who would make a recommendation to the City Manager and the City Manager would bring it to the Commission as to what needs to be done.

Commissioner Tydus expressed her concerns in terms of the administration not giving Mr. Nunez the proper direction and that should have come from the Community Development by guiding him to make application with the Planning Council. This would be the only way that it would come to the Commission in the proper form to consider which would be an ordinance amendment. She asked whether the City Manager had any knowledge of this item being placed on the agenda.

Manager Patterson replied no.

Commissioner Tydus stated that the City Manager is the administrator of the agenda and this item should have never been placed on the agenda without his knowledge and without him having the ability to prepare or make some kind of recommendation. Perhaps it happened because the correspondence from Mr. Nunez requesting to be placed on the agenda is addressed to the City Clerk which is fine; but at that point that's when the City Manager should have got involved. At this point, the City Clerk's communication should have been with the City Manager and this should have never been placed on the agenda without his knowledge or input.

Clerk Irby stated that the request is just to be placed on the agenda under public presentation.

In reading the correspondence, Commissioner Tydus said there are three departments that didn't give the proper direction. This is unacceptable and a problem by the administration and the City Clerk's Office.

After having the opportunity to go out and speak to staff, Commissioner Johnson stated that staff is telling her that they've given Mr. Nunez direction to go to the Planning Council. She publicly apologized to the City Manager and the Community Development Department because Mr. Nunez was given the right direction to go before the Planning Council.

#### **11a. CITIZENS' FORUM:**

1. Willie Pouncy, Jr. of 835 NW 155<sup>th</sup> Lane, Miami, Florida appeared before the City Commission to voice his concerns relating to the cracked sidewalk on the property he manages at 2351 NW 135<sup>th</sup> Street, Opa-locka, Florida. This occurred as a result of him allowing the city to access the canal for dredging in 2006 through the back gate of his property at which time the heavy dump trucks cracked the sidewalks. The individuals assigned to speak to him about this matter showed up unannounced and made a decision on their own.

Mayor Kelley directed the Public Works Director to speak with Mr. Pouncy to address the issue which dates back some years and provide the Commission with a report.

2. Seliden Jean of 2748 NW 131<sup>st</sup> Street, Opa-locka, Florida, came forward and spoke on the ongoing issues relating to the unsafe unfinished structure at Villa Francine. He asked for an update on the demolition of the unfinished structure after receiving a letter from the city that it was to take place during the early part of October, but nothing has happened.

Mayor Kelley directed the City Manager to read into the record the correspondence sent to the Commission regarding the demolition being referred to by the citizen.

Although the City Manager didn't have the correspondence with him during the meeting, Manager Patterson recalled that the demolition was scheduled in October; however, there were approval issues at the top of command in the military because the services will be

provided by the Marine Corp at no cost to the city. The actual demolition will take place on December 3, 4, and 5.

Because Mayor Kelley had a copy of the email, he informed Mr. Jean that the date of demolition is on December 3 & 4, 2010 by the Army Corps of Engineers.

Due to the ongoing situation at Villa Francine, Commissioner Johnson directed that the City Manager have staff notify the residents in writing as to the status and when the demolition will be completed with a copy to the City Commission.

Mayor Kelley reassured Mr. Jean that the city is working on getting the issue addressed and the City Manager will follow through with documentation and letters to the homeowners.

3. Maurice Smith of 2760 NW 131<sup>st</sup> Street, Opa-locka, Florida, appeared before the City Commission and reported an incident which had taken place at the North Dade Regional Library where he was voting early when a confrontation with the Vice Mayor and her campaign ensued. He said that this type of harassment in front of his wife by these individuals was ridiculous.

4. Eldred Redmon came forward and stated that on behalf of Villa Francine their endorsement would go to Mayor Kelley, Commissioner Johnson and Gail Miller. The reason being was because when catastrophe occurred although the desired results were never accomplished, Mayor Kelley took the time out to sit and talk with the homeowners in an effort to reach some type of resolution. He made reference to a cease and desist order given to the developer dated April 25, 2003 and Opa-locka was also notified regarding the contamination, but still they allowed this development to take place and homes were built on the contamination. The Vice Mayor visited his home and indicated that she was not the Mayor at the time Villa Francine was being developed (2003); however, he has minutes from 2003 that indicates that individual was the Mayor at the time. Throughout the entire time Villa Francine has been coming to the meetings, this individual did not speak up once. In essence, the homeowners want the issue resolved with no more false promises or lies.

5. Danny Haramijol representing SPM of 6405 NW 36<sup>th</sup> Street, Suite 214, Miami, Florida, came forward to commend the Opa-locka Police Department for the good job they are doing with their properties in the city.

6. Hasan Shabazz of 4888 NW 183<sup>rd</sup> Street, Miami Gardens, Florida, appeared before the City Commission and gave an overview of his recollection in terms of what occurred with Villa Francine during the time when he was the Public Information Officer / Salesman. With regards to the article in the Miami Times, he said that the individual mentioned was not guilty of any of the accusations. He offered to make himself available to sit down with the Mayor and Commission and / or residents of Villa Francine to deal with that situation.

Commissioner Johnson stated her concerns in hearing a cease and desist order and Mr. Shabazz being the Public Information Officer at that time. During the time she was a

member of the Planning Council, she said she questioned everyone because she is concerned about the quality of life. She asked if Mr. Shabazz recalled a cease and desist order.

Mr. Shabazz didn't recall the order, but clearly recalled that the developer abandoned the project after having an argument with the general contractor. The shabbiness of the project was due to a contractor who was not a general contractor completing the rest of those buildings.

Commissioner Johnson highly suggested that Mr. Shabazz get with the residents of that area and highly work through it.

Mr. Shabazz said he would be more than happy to do so along with the broker.

7. Ruben Maddox, Terrell Davis, and Norman Brooks of Brothers of the Same Mind, 4055 NW 17<sup>th</sup> Avenue, Miami, Florida, came forward and passed their allowed time to speak to Executive Director Brian Dennis. Mr. Dennis appeared before the City Commission and spoke about the state and federal dollars available for economic development. He publicly apologized for the article placed in the newspaper of which he didn't think would unfold as it did amongst the Commission.

8. Kendrick Maddox of 2756 NW 131<sup>st</sup> Street, Opa-locka, Florida, appeared before the City Commission and after hearing the comments relating to the demolition at Villa Francine he asked, what would be done with the clean up and the protection from rodents and snakes? He further expressed his frustrations with the ongoing unresolved problems at Villa Francine.

In addition to the letter, Mayor Kelley said that the City Manager was directed to meet with the homeowners at Villa Francine prior to the demolition with the Army Corps of Engineers which is a part of the correspondence so that they are aware of the time frame for the demolition and the clean up. As it relates to stimulus dollars, the city had hoped to utilize some of those dollars for demolition; but they could not due to the stipulation associated with the funding.

Commissioner Johnson suggested that Mr. Maddox obtain a copy of the video and minutes to have substantial documentation.

9. Tony Brown of 2762 NW 131<sup>st</sup> Street, Opa-locka, Florida, came forward and yielded his time to his neighbor Eldred Redmon. Mr. Redmon came forward to respond to Mr. Shabazz statement about not being aware of the cease and desist order issued from DERM in 2003. Because he didn't want to be called a liar, he presented the document issued by DERM. As just stated regarding having documentation to substantiate the statements, he said he had minutes from 2003.

Commissioner Johnson stated that Mr. Redmon mentioned that he had documentation and she asked about the cease and desist order; however, it is a standard in this city that everything that goes to the City Manager is not copied to the Commission. She said she learned a lot when she was the interim Mayor, but she made sure everything staff gave

her as the interim Mayor was also given to her colleagues and that is not a norm in this city. Although she didn't know anything about the cease order, cease to her means to stop. She asked that the City Manager have staff pull the minutes from the Planning Council relating to this matter and that the City Clerk provide a copy.

10. John Riley of 2963 NW 135<sup>th</sup> Street, Opa-locka, Florida, appeared before the City Commission and spoke about encouraging the youth to do positive things by setting an example.

He further cited Section 2-58 of the Opa-locka Code of Ordinances which talks about decorum and what's suppose to happen when addressing the Commission. He encouraged enforcement of that section of the code because it is the law of this city.

11. Steven Barrett of 633 Sharar Avenue, Opa-locka, Florida, came forward and stated that there are a lot of resolutions and ordinances adopted by the Commission, but city staff is changing the laws and doing whatever they want to do putting a liability on this city. It is useless for the Commission to pass a resolution or ordinance if staff is not going to follow the guidelines costing the taxpayers money. There is even a judge's order stating that staff does not follow this Commission guidelines which is a continuous problem. He suggested that the Commission look at what is really going on in terms of staff setting their own rules.

He further stated that the mayor and majority of the Commission have done a good job in the city for the past four years. Although they have agreed and disagreed on certain things, this city is moving forward. He said that it takes the majority of the Commission to pass legislation because one person alone cannot do it.

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

1. (16-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE AWARD OF FUNDS FROM THE DEPARTMENT OF JUSTICE AND THROUGH MIAMI-DADE COUNTY OFFICE OF GRANTS COORDINATION TO ACCEPT AND EXPEND THE FY2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG), IN THE AMOUNT OF FOUR THOUSAND SEVEN HUNDRED AND FORTY-TWO DOLLARS (\$4,742.00), AND TO EXECUTE AN AGREEMENT WITH THE PURPOSE OF CONTINUING THE SCHOOL RESOURCE OFFICER PROGRAM; PROVIDING FOR INCORPORATIONS 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 Vice Mayor Taylor to pass the above resolution.

Vice Mayor Taylor asked, does the city receive this grant on a yearly basis?

Manager Patterson replied, yes.

Vice Mayor Taylor asked, does the \$4,742.00 ever increase?

Manager Patterson stated that the amount fluctuates.

Deputy Chief Adam Burden of the Opa-locka Police Department came forward and said that the amount of the grant fluctuates, but it is based on the size of the city and size of the schools involved in the particular geographical area. This is for a school resource officer and they base it on the amount of schools and amount of kids enrolled in our particular area. The grant pays for some events the school resource officers does overtime and off duty conducted within the schools.

Vice Mayor Taylor asked, is this extended to Charter school and Life Skills which are both public schools?

Deputy Chief Burden said he would have to research that and get back with the Commission.

Should the Charter School and Life Skills not be included, Vice Mayor Taylor suggested that they are included in the request for this grant.

In reading the documentation provided, Commissioner Johnson stated that this grant has been awarded and the resolution is to accept the award fund; therefore, the scope of services cannot be modified.

Of concern to Commissioner Johnson was the city continuously including in grants that Opa-locka has the highest overall crime which is untrue. The city cannot move forward when this type of language is constantly being used in grants. It is not about the money; but the quality of life and attracting people to the city. The City of Opa-locka is not a poor city.

Deputy Chief Burden stated that the school resources officers are Officer Carrie Palmer and Office Jessie Ortiz. All officers in the City of Opa-locka have multiple assignments.

Commissioner Johnson directed the Chief of Police to include in the monthly report the percentages in terms of what portion is for their regular job and what portion is for the resource officer.

She further expressed her concerns relating to businesses using Opa-locka statistics although they are not actually located within the Opa-locka boundaries.

Manager Patterson stated that the line item is 001-334700.

Commissioner Johnson directed the City Manager to provide her with the name of the line item referenced for this resolution.

After having the opportunity to see the resource officers and some of the things they do, Mayor Kelley said this is a good program and connection that the police officers are

engaged with the children in a positive way. He was hopeful that the city could clear up the line item and the numbers because the school resource officers do provide a valuable connection and service. In terms of the city's branding and how they label it, the city does need to make those adjustments.

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

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

**13. NEW ITEMS:**

**14. PLANNING & ZONING:**

**A. HEARINGS:**

**B. APPEALS:**

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

**A. FIRST READING:**

1. AN AMENDMENT TO ORDINANCE 10-21 TO CREATE SECTION III FOR A BAN ON WEARING SAGGY PANTS APPAREL IN PUBLIC PLACES WITHIN THE CITY OF OPA-LOCKA AND TO PROVIDE PENALTIES THEREFORE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H.*

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 5-0 vote.

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

**B. SECOND READING/PUBLIC HEARING:**

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 (first reading held on October 13, 2010). *Sponsored by C.M.*

The above ordinance 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 Johnson, seconded by Commissioner Holmes to adopt the above ordinance.

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

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

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING AN AGREEMENT WITH FIRST SOUTHWEST COMPANY (FSC) TO ACT AS THE CITY'S FINANCIAL ADVISOR; 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 October 4, 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 Johnson, seconded by Commissioner Holmes to adopt the above ordinance.

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

Commissioner Holmes	Yes
Commissioner Johnson	Yes

Commissioner Tydus	Yes
Vice Mayor Taylor	Yes
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, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA FOR PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE CITY OF OPA-LOCKA CODE OF ORDINANCES AND PROVIDING FOR REIMBURSEMENT OF COSTS TO THE STATE OF FLORIDA, PAYABLE FROM ACCOUNT NUMBER 19-519493; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING AN AGREEMENT TO ENGAGE SQUIRE SANDERS & DEMPSEY, LLP AS BOND COUNSEL FOR THE CITY OF OPA-LOCKA 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 consent agenda resolutions (16-1 & 16-3) were read by title by Attorney Geller.

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

The motion passed by a 5-0 vote.

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

**A. CITY MANAGER'S REPORT:**

Manager Patterson provided an update on those items requested at the last commission meeting which can be found in their packet relating to the posting of the Public Works Maintenance Schedule and active grants on the city's Website. In addition to that, he said the Commission was provided with a list of ongoing projects and a list of locations where

the citizens can apply for free smoke alarms (this information is also available on the city's Website).

He continued by saying that the city was notified by OCED that the request for \$650,000.00 was almost matched dollar for dollar with \$631,821.00 the city would be receiving for updating the Helen L. Miller Center at Segal Park. Also, he reported that the FPL Citywide Street Lighting project would start on the first week of December 2010 with an anticipated completion date of January 11, 2011.

Commissioner Holmes previously made the City Manager and City Attorney aware of a letter going out to residents in Opa-locka relating to sewer lines. He asked for the City Manager's opinion on the letter.

In looking at the letter, Manager Patterson said it looked like some sort of scam which he'd never seen before and it had nothing to do with the city.

Commissioner Holmes said he was notified by an Opa-locka resident of the letter and he wanted everyone to have the opportunity to review it to determine whether or not it is legit. From what he was told, the letter seemed like some sort of scam and he would tell the resident to disregard it. The city should do a public announcement so that the residents are aware of this home service.

Mayor Kelley directed the City Attorney to follow up on where this letter came from so that the city can notify the residents. He said it appeared this company is trying to collect money on a service sending it to targeted citizens.

Commissioner Johnson suggested with this issue and any other emergency incidents that the city utilize Code Red to get the word out to the residents.

She made it clear that any function sponsored in a city facility or by the City Commission, is open to all citizens, Commission and staff regardless of who is sponsoring it.

She requested an update for the next meeting as to what the city is doing to remove the mold from Historic City Hall in the offices formerly occupied by the City Clerk and Mayor / Commission.

She further suggested that the city utilize Code Red to notify the residents when service providers and/or contractors are doing work in the city because someone cut a tree near NW 137<sup>th</sup> Street and NW 22<sup>nd</sup> Place next to the rail and now the rail is damaged. She mentioned the repairs made across from a resident's house where the new grass at that time was damaged and the area still looks deplorable. Also, the water at NW 23<sup>rd</sup> Avenue had been running for days and the grass was dug up; but if repairs were done then the city must make sure that the grass is put back as well. Of concern was the lack of quality inspection on city projects because as long as she'd been talking about quality improvement it should be better.

Because of the recent incidents that occurred regarding Villa Francine, Commissioner Johnson said when the water hydrant was hit those residents thought the water was turned off. The city should have utilized Code Red to notify everyone of the water main break issue.

She expressed her concern relating to the mattress for sale signs throughout the city, palm trees in the streets and bus stops with overflowing trash in the receptacles which has to do with the city's image. She encouraged the City Manager and staff to do a better job.

Lastly, she said she had observed employees campaigning during work hours and putting up candidate signs which she captured on her phone. In addition, she observed employees during work hours at the liquor store with beers in their hands. She suggested that the City Manager address these issues with his employees.

Vice Mayor Taylor asked for an update on the grant for the revitalization of Historic City Hall.

Manager Patterson spoke about the state downsizing some of its offices and the possibility of getting the state to give some of that property back to the city for its City Hall offices.

Vice Mayor Taylor said she didn't want Historic City Hall depreciating because it is one of a kind throughout the nation and she wouldn't want it to just fall down due to the city looking at another building.

Manager Patterson informed the Commission that State Representative Braynon has indicated that there is possibly some money around if the city was thinking about looking at Historic City Hall as a museum.

Vice Mayor Taylor asked, has there been any response to the application for up to \$700,000.00?

Manager Patterson indicated that the city had not received a response, but it would take more than \$700,000.00 to redo Historic City Hall.

Vice Mayor Taylor asked, what is the difference in the work description between the inmates and the Urban Rangers?

Manager Patterson replied, it is basically the same thing. The Urban Rangers are there for hot spots as well as a regular schedule of grass cutting citywide and so does the inmates.

Of concern to Vice Mayor Taylor was that she'd seen the inmates cutting inside of a property that was not the city's and that should be the property owner's responsibility.

Manager Patterson said he had no knowledge of inmates doing private property.

Although she'd seen the inmates on private property at Sesame Street and NW 132<sup>nd</sup> Terrace, Vice Mayor Taylor said that the real question is who does what in terms of the Urban Rangers and the inmates.

She expressed her concerns relating to the NW 133<sup>rd</sup> Street flooding and inquired about a long term plan for that street.

Manager Patterson stated that the city met with the managers of that property and there's a problem with the drainage internally as well as externally. The city is working with them in an effort to come up with a solution to the problem.

Because the county owns the property in question, Mayor Kelley said he had directed the City Manager to schedule a meeting with Commissioner Jordan's Office. While the road is outside, there are several factors including the flooding inside the area, but it is a bigger issue than that because the road leads into other areas where there are cars, junk yards and all kinds. One of the things he asked the City Manager to do and get back to the Commission was to get with the county since they own the property to assist with the cost the city has incurred with the pumping of the water.

Commissioner Tydus expressed her concerns relating to two beautification issues in the city regarding junk cars parked in front of residential homes and the fact that the problems are reoccurring at the same addresses.

She asked for an update on the repairs and/or the purchase of the street sweeper?

Manager Patterson stated that the city is looking at leasing a street sweeper and is waiting on the proposal from the company. Once the proposal is received, he would look at it to see if its something the city can lease because street sweeper's are very expensive and the city can rent it with an option to buy probably cheaper than they could purchase it outright. The life expectancy of that equipment is 10 years and the city's street sweeper is 14 years old.

Commissioner Johnson said she had mentioned that Miami Gardens has a street sweeper and perhaps the City Manager could get with the administrator to see about doing an inter agency agreement for that equipment. During that time she also mentioned about a company she'd seen at Wal-Mart that came out and swept their parking lot.

Manager Patterson stated that the City of North Miami is doing a lease purchase and after speaking with the City Manager for the City of Miami Gardens they don't have enough spares to loan the city to do what needs to be done. This equipment is high maintenance and when they are down there's nobody locally that will rent that piece of equipment.

In response to the statement about the street sweeper being 14 years old, Commissioner Johnson recalled that in 2003 someone from Public Works indicated that the city had just bought a street sweeper. Also, she remembered discussion about the city purchasing some boats which she'd never seen.

Daniel Abia, Director of the City of Opa-locka Public Works Department came forward and stated that the city only has one street sweeper which is approximately 14 years old.

With regards to the Magnolia North and the Habitat Homes, Mayor Kelley suggested that the city keep that information on the Website, get an updated listing on how many have applied and where the city is in the process. Also, he suggested that the City Manager invite Willie Logan and Habitat for Humanity to give an update at the next meeting.

The City Manager mentioned about the \$700,000.00 and that not being enough to restore Historic City Hall, he said the city had asked the county to look into their Historic Preservation dollars for funding to help leverage this progress. He asked that the City Manager provide an update on this matter as to where the city is in that process.

He further asked for a timeline as to when the City Manager would have an update for the Commission regarding the National League of Cities because he had asked that they look at the downtown area for development.

Manager Patterson said he would have an update at the next meeting.

Mayor Kelley directed that the City Manager give the Commission the specifics relating to the funding from OCED. The City Manager was also engaging the owners of the property on the East side of Segal Park. He asked, were there any new developments on that matter in terms of a proposal.

Manager Patterson stated that he is waiting on an appraisal of the property.

Mayor Kelley thanked staff for cutting the open front area to that property because it is an eyesore. He directed the City Manager to let the Commission know where the city is in the process to develop that area.

He continued by asking for an update on Lakefront at Ingram Park as well as the James Street Tot Lot Expansion in Magnolia North.

Starex Smith, Director of the Parks & Recreation Department came forward and stated that the city is on track with the lakefront even though there were some challenges with the procurement of services but that was worked out. The James Street Tot Lot is on schedule as well and both projects are scheduled to break ground in November. The parts and the procurement for the tot lot were ordered.

## **B. ACCOUNTS PAYABLE:**

Ezekiel Orji, Finance Director for the City of Opa-locka came forward and stated that the bills are being paid as approved. The city maintains a reserve of \$565,000.00 in the bank. All the reports have been included in the packet provided to the Commission.

Commissioner Johnson stated that the Commission adopted an ordinance about a year ago for staff to hire a firm to collect the outstanding debt. She asked, how much money and what company is providing the service?

Dr. Orji replied we have not.

Commissioner Johnson suggested that the city move forth with that legislation.

The City Commission instructed the city to pay its bills.

**17. OFFICIAL BOARD REPORTS:**

Mayor Kelley stated that the Housing Authority met and he wants to make sure the concerns that came out of that meeting are addressed. He requested that the City Manager provide a report as to what is being done to address those concerns.

**18. CITY ATTORNEY'S REPORT:**

Attorney Geller reported on his research of the matter concerning the tax break to Town Center. The original break was voted on March 5, 2002 when the City Commission adopted ordinance no. 02-03 approving a five year tax exemption for Town Center OL1, LLC. In 2007 the Commission adopted ordinance no. 07-09 indicating that the original ordinance would be modified so the five year exemption commenced on February 9, 2005. The five year period expired on February 8, 2010 and next year's tax bill would include taxes at the rate that any other commercial property in the City of Opa-locka would pay coming to the city.

He reported on the ongoing issue with the Personnel Board regarding the Bracy matter and the progress on the matters involving the Flea Market.

Mayor Kelley directed the City Attorney to make sure that everything is in place so that the city is collecting the taxes starting in the next cycle since the agreement is up.

Attorney Geller said he would personally follow up with the Tax Collector's Office and to make sure they know they need to change that status.

Commissioner Johnson stated to the City Attorney that she was glad he did research because she was not on the Commission in April 2002 as previously indicated.

She asked, what is the holdup with the contract for the Sherbondy Park project manager?

Attorney Geller stated that there wasn't a hold up with the contract.

Commissioner Johnson asked for an update on the CSX issues relating to the maintenance and noise.

Attorney Geller referred the maintenance to the City Manager; however, in terms of the sound, the city was asked for reports as to the specific times the trains sound at night. It was publicly announced at a meeting for residents to report when the trains sound at night because if CSX can get specific times and dates then there are steps they can take internally to control that. The city has not received many reports, but the city has a line of communication with CSX.

Commissioner Johnson recalled from that meeting that that particular action item was designated to the police department because the police officers are out during those times so she wants to hear a report on that. Previously she'd asked that the City Attorney get with the City Manager on the CSX relating to the clean up because the City Attorney during that time mentioned about another city in Broward County. She directed the City Manager and City Attorney to follow up on the maintenance and clean up of the railroad.

She further stated that she had asked for all resolutions authorizing the city offices to relocate to Town Center and she never brought a resolution to move from Historic City Hall to Town Center. However, she did sponsor a resolution to move from the 3<sup>rd</sup> Floor to the 4<sup>th</sup> Floor.

Commissioner Holmes directed the City Attorney to bring back legislation at the next meeting to regulate what the Mayor/Commission does in terms of spending the taxpayer's money for special events by utilizing city employees and the police department. The legislation is so that the City Commission can vote on the events before taking it upon themselves to have special events.

With regards to the letter going out to residents, Commissioner Holmes said that it reads "Home Service is an independent company separate from your local community or utility". He encouraged the residents to read the letter to see that this has nothing to do with the City of Opa-locka and to let the city know upon receipt to take some type of action. He directed the City Attorney to follow up on the letter and find out where it is coming from to see about putting a stop to it.

Mayor Kelley said that he is aware of other cities that had challenges with the noise and the horn and the City Attorney referenced one a while back. However, there are some other cities that had to threaten legal action to get CSX to comply. After the City Attorney has done due diligence, he said that the city may need to consider legal action to make CSX comply with the noise and clean up.

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

Commissioner Johnson directed the City Clerk to bring back and provide the City Manager with a copy of the resolution for the employee memorial walk path because nothing had been done.

Also, during the monthly meetings between the City Clerk, City Attorney, and City Manager, they could discuss the action items to be on the same page. She directed the City Attorney, City Manager and City Clerk to meet which was passed by resolution.

She continued by thanking the City Clerk and her staff for complying with her request to research items over the years.

Mayor Kelley directed the City Clerk to provide the City Manager and City Attorney with a copy of the resolution for the Butterfly Garden for Nathan B. Young Elementary School so that they can set up the final meeting with the school board to fully implement.

Clerk Irby read a letter into the record which expressed a child's appreciation for Brisco's appearance and speech to the youth relating to stopping the violence in G.O.O.N. (Getting Over Obstacles Now).

Vice Mayor Taylor stated that it is vitally important that everyone stayed focused on the issues and not on people because this was just an election.

Commissioner Tydus invited and encouraged participation at Lunch & Learn Cinema on Saturday, October 30, 2010 @ 12:00 p.m. at 780 Fisherman Street (2<sup>nd</sup> Floor) and the 3<sup>rd</sup> Annual 70's Costume Ball on Sunday, October 31, 2010 from 6:00 p.m. – 10:00 p.m. at Historic City Hall (west lawn).

Commissioner Holmes reflected on President Barrack Obama's statement relating to acting, speaking and dressing for success.

Clerk Irby read a letter into the record addressed to Mayor Joseph L. Kelley from Miami-Dade County Public Schools signed by Chief Charles Hurley for the opportunity granted in allowing them to present the gang abatement efforts at the Regular Commission Meeting on September 8, 2010 as well as the opportunity to work along side the Opa-locka Police Department in a proactive effort to address the gang issue (a copy is hereby made a part of these minutes).

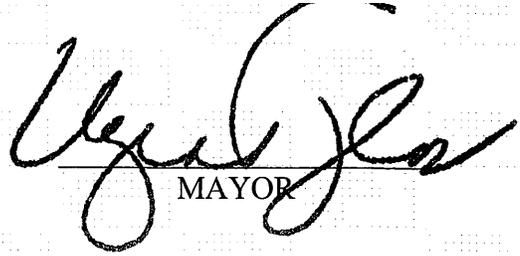
Mayor Kelley reported that he met with Commissioner Barbara Jordan's Office on Thursday, October 21, 2010 to try and secure additional funding for infrastructure projects as it relates to the pump stations. He attended the Housing Authority Meeting, Eastside Crime Watch Meeting, 5000 Role Models of Excellence Project at Nathan B. Young Elementary and Reading Night Out at Robert B. Ingram Elementary. He hosted a mock Commission Meeting with Nathan B. Young and Robert B. Ingram Elementary schools and the monthly Faith Based Meeting.

He continued by saying that so much had been said over the past few weeks and so much has been said by now about the election. He stated for the record that he was not the mayor in 2002 nor was he the mayor in 2003. It was read earlier that he moved or seconded a motion and then the comment about the resolution being signed by the Mayor, the Mayor in 2002 was Alvin Miller and that document is clear. He reiterated what he told the Miami Herald when asked "do you have any comments on past things that have happened to your opponent" and his response was that he would run on his record.

**21. OFFICIAL BOARD APPOINTMENTS:**

**22. ADJOURNMENT:**

There being no further business to come before the City Commission, it was moved by Commissioner Holmes, seconded by Commissioner Johnson to adjourn the meeting at 9:44 p.m.



MAYOR

ATTEST:



CITY CLERK