

**CITY OF OPA-LOCKA**

**“The Great City”**

---

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

**February 23, 2011**

**7:00 P.M.**

**City Commission Chambers**

**777 Sharazad Boulevard**

**Opa-locka, FL 33054**

**1. CALL TO ORDER:**

Mayor Myra L. Taylor called the meeting to order at 7:00 p.m. on Wednesday, February 23, 2011 in the City Commission Chambers, 777 Sharazad Boulevard, Opa-locka, Florida.

**2. ROLL CALL:**

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

**3. INVOCATION:**

The Invocation was lead by Pastor Jonas Pierre.

**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):**

Vice Mayor Johnson pulled item 16-1, 16-4, 16-5 and Commissioner Holmes pulled 16-6, 16-7, 16-8, 16-9, 16-10, 16-11 from the consent agenda (these items would be discussed separately under agenda item 12 – Action Items).

Commissioner Holmes continued agenda item 16-3 to the next commission meeting.

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

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

Commissioner Holmes            Yes

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

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

On behalf of Commissioner Timothy Holmes and members of the City Commission, Assistant City Clerk Joanna Flores and Deputy Clerk Sha'mecca Lawson presented a commendation to Mark Brown for his heroic efforts that lead to the capture of the driver of a deadly hit and run accident.

**8. APPROVAL OF MINUTES:**

**Special Commission Meeting – 02/03/2011**  
**Regular Commission Meeting – 02/09/2011**

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to approve the minutes of the Special Commission Meeting of February 3, 2011 and the Regular Commission Meeting of February 9, 2011.

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

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

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

Larry Gardner of Miami-Dade County Barbara Jordan's Office (District 1) came forward to address any concerns from the Commission.

Vice Mayor Johnson asked for an update on the information for the housing and the signage?

Mr. Gardner said he would provide a report at the next commission meeting.

Vice Mayor Johnson apologized for not being able to attend Commissioner Jordan's Valentine's Day event because of a scheduled CAA meeting.

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

Chief Mardese came forward and requested an email address to forward the 2010 Report from Miami-Dade County Fire Rescue as mentioned at a previous meeting by Battalion Chief Danny Cardeso.

**11. PUBLIC PRESENTATION:**

1. Alvin Burke of 540 Sharar Avenue, Opa-locka, Florida, came forward and expressed his concerns relating to agenda item 16-2 for the purchase of property near Segal Park and agenda item 16-12 designating surplus property.

Commissioner Holmes apologized for not pulling agenda item 16-2 from the Consent Agenda to be discussed because that was one of the items he had concerns about and would not support.

**11a. CITIZENS' FORUM:**

1. Prophetess Celeste Fitzpatrick of 2523 Opa-locka Boulevard, Opa-locka, Florida, appeared before the City Commission and voiced her concern relating to the suspension of the Chief of Police. Due to the recent violent attacks on senior citizens at Gardenia Gardens, she requested that the owner of the facility is contacted for on-site security.

2. Attorney Phil Mandina, long time friend of Cheryl Cason and a part time police officer for the Opa-locka Police Department came forward and made reference to the memorandum from the City Manager to Chief Cason. He noted that all those items enumerated in the memorandum were complied by the Chief of Police when she backed out and cracked the mirror of her vehicle at 5:30 a.m. In terms of contacting the City Manager to report the incident, it was 5:30 in the morning, but she did call the police and obtained a card for the report. He stated that the City Manager does not live in Opa-locka and according to Article III, Section 27 of the Charter, the City Manager need not be a resident of Opa-locka, but during his tenure of office he shall reside in the city. The City Manager has been with the City of Opa-locka for a year and he is not the City Manager because he doesn't comply with the Charter. In addition, the reason that Chief Cason made a complaint to the city was because the City Manager wanted to investigate the police department, and according to the Charter the proper people to investigate the police department is the Personnel Board.

Because of the condition of the City Manager, he advised Chief Cason that she should go back to work and forget the suspension because it is illegal.

3. LaRhonda Clark, sister of Cheryl Cason, of 2754 NW 60<sup>th</sup> Street, Miami, Florida, came forward and spoke on behalf of Chief Cason indicating that the actions taken by the City Manager were unfair.

4. Nathaniel Mohammed, resident of the Magnolia North area came forward and suggested that the Opa-locka Express route include a stop in the Triangle area. He noted that his previous concern was that the bus stop was on NW 22<sup>nd</sup> Avenue and Ali-baba Avenue and it was difficult for some of the residents in the Triangle area to make it to the bus stop.

Vice Mayor Johnson recalled that Mr. Mohammed appeared before the City Commission at least 2 times in the past and prior to the bus circulator starting, she stressed the importance of including that area on the route. Apparently none of that information was executed and she would like an answer as to why that area wasn't included.

Manager Patterson stated that the last time he reported on this issue, he followed through to make sure Magnolia North was included in the North route. But he also stated that what they did initially was not etched and stone and the city can change the route any way it deems necessary. The route does include stops in the Magnolia North area although it may not be exactly where Mr. Mohammed would like for them to be, but the city can certainly include additional stops.

Vice Mayor Johnson asked, where are the stops in the Magnolia North area?

Fritz Armand, Public Works Director for the City of Opa-locka came forward and stated that the area referenced is a part of the North Route which has not started yet. However, the city did take the advice of the Vice Mayor to make sure stops are included in the senior citizens areas. The north route would begin on February 24, 2011 and the residents in the area would be able to see those stops.

Vice Mayor Johnson asked if the bus circulator doesn't start until February 24, 2011, why did she see the Opa-locka Express riding back and forth through Opa-locka?

Mr. Armand explained that the city has a north and south route and what Vice Mayor Johnson had seen was the south route; the north route will begin on February 24, 2011. The city is taking this week to work out the kinks and have the grand opening in the near future.

Vice Mayor Johnson recommended that in working out the kinks that the city get citizen participation. She highly suggested that all city projects get as much citizen participation as possible. Previously she mentioned that Walgreen, Wal-Mart and the local Laundromats be included as a part of the route.

Mr. Armand said he would do what is necessary to make sure the city serves the people.

Commissioner Holmes directed the City Manager have someone get with the residents in that area to get their input on the route.

Mayor Taylor asked, does the route include areas outside of Opa-locka?

Manager Patterson said that the routes do go outside of Opa-locka in that the South route goes to Miami-Dade College and the North route goes to Walgreen.

5. John Riley of 2963 NW 135 Street, Opa-locka, Florida, appeared before the City Commission and expressed his concerns relating to the suspension of the city's Chief of Police. He questioned the Commission as to what rule, ordinance, provision or policy was violated. He was of the opinion that to suspend an officer for a cracked side mirror is nothing but pure pettiness.

6. Pamela Strain, resident of Ingram Terrace Apartments located at 3130 NW 131 Street, Opa-locka, Florida, appeared before the City Commission and stated that she came before them in the early part of last year regarding the flooding on NW 131 Street. She asked for an update on the flooding?

Mayor Taylor said to Ms. Strain that the flooding on that street has been one of her pet peeves. She explained that the county road is lower than NW 131 Street; however, the City Manager would have staff to speak with her about the future plans for NW 131<sup>st</sup> Street.

7. David Norris, a city employee of 260 Perviz Avenue, Apt. 18, Opa-locka, Florida, inquired about the employee discount program. In addition, he spoke about the recent hired city personnel and said that he didn't want to be forgotten about as an employee. He further spoke about a cost of living increase for city employees and annual evaluations.

Mayor Taylor directed the City Manager to cover some of Mr. Norris' concerns during his report.

Commissioner Holmes said that the city must first get the money in the budget from the taxes in order to give the employees a raise. With the State of Florida Governor preparing for budget cuts which would impact both the county and the city, therefore, the city would not be able to do much more.

Although Mr. Norris understood what Commissioner Holmes said in terms of the budget, but in looking at the recent actions the city took in hiring individuals, then that leads the employees to question certain things.

Because Mr. Norris was more concerned about enhancing his cost of living, Vice Mayor Johnson said that hopefully the City Manager through the Human Resources Department would have an answer.

Mayor Taylor said that the city must work on seeing what businesses are amenable to giving discounts to employees.

Attorney Geller explained that the City Commission adopted a resolution authorizing the city to work on an employee discount and his understanding is that there have been solicitations made.

Vice Mayor Johnson added that Nelson had been working on this item.

Mayor Taylor asked, is there a list of businesses who have agreed to give the discounts to city employees?

Manager Patterson replied, not to my knowledge.

Mayor Taylor suggested that the city send someone out to the businesses again.

Manager Patterson agreed to do so.

Mayor Taylor said that there are places providing discounts to employees. She directed the City Manager to send someone out to the businesses to see if they can be community friendly.

Vice Mayor Johnson stated that the Employee Discount Program is not something new and she knows of at least six businesses and Nelson has a list because he has been working on this, but it has not been executed just like many other things in this city. She suggested that the city fast forward this program.

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

Vice Mayor Johnson requested that the Commission pull item 16-2 from the consent agenda to allow for discussion.

Attorney Geller advised that the agenda can be amended but it still requires a vote.

It was moved by Vice Mayor Johnson, seconded by Commissioner Tydus to amend the agenda to pull item 16-2 from the consent agenda for discussion.

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

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

16-1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) TO SOLICIT PROPOSALS FROM QUALIFIED BANKING INSTITUTIONS FOR A "TAX EXEMPT FIXED RATE LOAN" TO FUND AN AMOUNT NOT TO EXCEED EIGHT MILLION DOLLARS (\$8,000,000.00); 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 Vice Mayor Johnson, seconded by Commissioner Tydus to pass the above resolution.

Being in support of the above resolution, Vice Mayor Johnson recalled that during the budget presentation it was mentioned that any hiring would come back to the Commission. She further questioned the City Manager about having three assistant city managers.

Manager Patterson indicated that he did not have three assistant city managers.

Vice Mayor Johnson mentioned that Ed Brown, Dr. Ezekiel Orji and Starex Smith are assistant city managers.

Manager Patterson clarified that Starex Smith was an assistant to the city manager.

Vice Mayor Johnson corrected herself and stated that the City Manager has two Assistant City Managers and two Assistants to the City Manager. She asked, what does the charter require?

Manager Patterson said he could not respond to the question and that Vice Mayor Johnson should ask John Riley.

Vice Mayor Johnson expressed her concerns with a city of Opa-locka's size having that many assistant managers, having dual titles which go along with compensation and having three grant writers. She asked, how would the Commission know, if they only receive monthly reports, what will be the use of the money?

Manager Patterson said he could provide the monthly reports, but the Commission also has the right to specify what that money should be spent for.

Vice Mayor Johnson said she didn't want the city to say the money would be used for one thing then it changes and comes back to get rectified.

Manager Patterson stated that the bond counsel is present and he can answer that question.

From 1994, Vice Mayor Johnson said there has been a lot of legislation that protects cities as to what they can and cannot do.

Pedro Miranda, bond counsel for the City of Opa-locka came forward and stated that the ordinance would specifically reflect what the monies would be used for. As drafted, the ordinance says the monies could only be used to refinance the 1994 bonds, those monies would be put in an escrow account and those monies can only be used for those purposes. The remainder of the money, if the Commission decided to move forward with the new money portion of the financing, would also be placed in a separate account and be used specifically to finance the projects listed in the ordinance. The city doesn't have to finance all those projects, however, the city cannot use those monies to finance anything but those projects listed.

Vice Mayor Johnson asked, would that money earn interest?

Mr. Miranda deferred that question to the city's financial advisor.

Vice Mayor Johnson asked Mr. Miranda if he is hired by the City of Opa-locka to work on the city's behalf?

Mr. Miranda stated that he works on the city's behalf essentially on the legal documentation for the city to be able to obtain this specifically tax exempt loan which is another factor that goes into what the money can be used for. For example, the opinion that his firm will give that the bonds are tax exempt ties to the IRS and his firm will not be able to give that opinion if the monies from the loan were to be used for operating expenses.

Vice Mayor Johnson asked, how does the bond counsel share that information with the City Attorney?

Attorney Geller explained that the city has been in touch with bond counsel and as mentioned at the workshop, they asked bond counsel in the proposed resolution and ordinance that they drafted, which will not come before the Commission until the RFP is sent out and comes back, to specifically change the language. Notwithstanding what federal law requires, the city asked bond counsel to include a provision that says by the city's law that the money could only be used for those purposes.

Vice Mayor Johnson stated that this type of dialogue and information is so crucial that it must be put on record.

Once the ordinance comes up, Mr. Miranda said he would be willing to go through the ordinance explaining what everything is and it would include language to say that the money would only be used for capital improvements and may not be used for operating expenses of the city.

Vice Mayor Johnson said it is important for this information to become a part of the record, therefore, it would become a part of the minutes and there you have the paper trail.

Ed Marquez of FirstSouthwest Company came forward and explained that the proceeds of the loan that will be dedicated for the capital projects would be deposited to a city bank account and it would be interest earning. The interest earnings off those monies will be restricted to those same capital projects.

Vice Mayor Johnson requested that the language in terms of the earnings be a part of all documentation as well.

As official notification from the city, Attorney Geller stated to Mr. Miranda that if there is any ambiguity in the language as to the interest earned to please be sure that both the resolution and ordinance would clear that up and that is on the record.

Of concern to Commissioner Holmes was that fact that this was the fourth time this item was on the agenda for consideration. The current bond is 5.3 Million Dollars and the city is talking about refinancing a bond for 8 Million Dollars, but if the city wants 2 Million Dollars than that would be a total of 7.3 Million Dollars. There's another \$600,000.00 out there that nobody is talking about. Because of the recent budgets cuts by the State and County which would affect the city financially, he said he would not support this resolution because the city would be unable to repay it.

Commissioner Tydus recalled that this Commission beat this administration and the past administration over the head and directed them to explore creative means to generate additional revenues for capital improvements. This is simply in response to what the Commission directed the administration to do. This resolution is not obligating the city to anything; it is simply giving the administration the go ahead to solicit an RFP. This is to refinance a financial situation the city is already in to perhaps relieve some of the burden depending on the interest rates and other variables.

She reiterated that this resolution is to allow the administration to solicit proposals from qualified banking institutions to provide information for them to be able to make an intelligent decision. She said she is in support of this resolution for those reasons indicated.

According to documentation provided by staff, Vice Mayor Johnson stated that the city owes 5.8 Million Dollars and if you add 2.2 Million Dollars than that would give you the 8 Million Dollars. She stated to the attorney that she previously mentioned that she is not only in support of just going to a bank because she would like to explore either a bank or an underwriter, but she noticed the language in the RFP did not change.

She asked, how could the document be revised to include underwriters?

Attorney Geller advised that he could put anything the Commission wants, but it is his understanding that the time frames for response from the two different kinds of institutions don't match and that's the only difficulty he is having in trying to figure out language. Apparently there is some technical issue with when the proposals come back and when the city can get the information, therefore, he needs to defer this to the City Manager, his staff and consultants because it is a technical issue.

Manager Patterson concurred with Attorney Geller. He added that there is a substantial difference in the time frames and cost between the two.

Attorney Geller said that the cost was not an issue to him because he could word the document as such, but it is the timeframe that is inconsistent. Not being the expertise in this matter, he said he heard something about the banks in responding would only need the proposals open for a certain period of time and in order to get the information to proceed forward with an underwriter because of the rating process that takes place, the rating itself would push the information they received in response to the RFP pass the expiration deadline of any proposals received from the bank. This is his only issue in working the document.

As bond counsel and because of the rules out there, Mr. Miranda said he had to be careful not to step over the line from legal advice on the bond side of things to the financial advice

Mr. Marquez explained that when cities issue RFP for debt they either go the bank route or the underwriter route. Under the bank route, the city is asking banks to come up with a proposal and the process takes approximately 45 days. In selecting an underwriter, they come in and at that point and time the underwriting process starts. They have to do their due diligence which takes approximately a 4 month process. The reason for recommendation the bank route first is because given the size of the transaction and the term, banks historically have been more cost effective, approximately \$120,000.00 cheaper.

Commissioner Holmes clarified that as he stated earlier the document provided by staff indicates that "the amount outstanding of the Series 1994 Bond is \$5,320,000.00". And further down in that same document, it indicates that the city wants \$2,000,000.00.

Mayor Taylor said that question is whether the Commission votes on going out for an RFP with no obligation on the city.

There being no further discussion, the motion passed by a 3-1 vote.

Commissioner Miller	Not present
Commissioner Tydus	Yes
Commissioner Holmes	No
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

Mayor Taylor requested that the City Clerk also include the advertisement in the Miami Times.

16-2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AUTHORIZE THE CITY MANAGER TO OFFER TO PURCHASE THE VACANT LOT NEAR SEGAL PARK FOLIO NO. 08-2122-000-0021, 22 52 41 1.597 OF SE, ¼ OF NW ¼ LYING SOUTH OF BLK 340, PB 50-5 LESS SOUTH 85 FEET AND LESS EAST 75 FEET, CONTAINING APPROXIMATELY 1.5 ACRES, FOR THE AMOUNT OF TWO HUNDRED TWENTY THOUSAND DOLLARS (\$220,000.00), PAYABLE FROM ACCOUNT NUMBER 19-519610; 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 Vice Mayor Johnson, seconded by Commissioner Tydus to pass the above resolution.

Vice Mayor Johnson said previously it appeared that an independent appraisal was conducted on this property and the information is now included in the packet, but was not included in the previous packet. She said that the value of the property from the appraisal is a little over \$300,000.00. Originally the property was purchased for approximately \$40,000.00. She recalled that as a child the property including the property where the Helen L. Miller Center is on was a canal and she thought nothing could go on the property, but the Helen L. Miller Center was built there.

She continued by saying that it is her understanding that the city is purchasing a property for \$220,000.00 which is currently appraised at \$381,000.00 and it is crucial to include that appraisal documentation.

Commissioner Holmes stated that this is the fourth time this item has been before the City Commission. Miami-Dade County has appraised this land at \$150,000.00 and the individual who purchased the land from the county paid \$60,000.00. The City of Opa-locka has liens on the property and the property has unpaid taxes. This land is no good and the Helen L. Miller Center is not being used because the land is no good causing the floor to shift and cave in.

Vice Mayor Johnson asked, what is the city's purpose in purchasing this land?

Manager Patterson said that the plan for this property is to expand the park.

Vice Mayor Johnson asked, is a building going to be built on this property?

Manager Patterson replied, no.

Vice Mayor Johnson said she only referred to the Helen L. Miller Center because the original plans for that building was for a two story building and it became a one story. She made reference to documentation in the packet from C & C Appraisal, Inc. which she looked up and it is a legit business that does appraisals throughout the State of Florida.

Mayor Taylor reiterated what the City Manager stated that the purpose of the land is to extend the park. The city is not buying it for the tax assessed value because no one buys property at the tax assessed value; it is always a percentage above.

Commissioner Holmes stated that the ground at Segal Park is uneven.

Mayor Taylor asked, is the ground going to be prepared for a park?

Faye Douglas sitting in for Manager Patterson replied, yes.

Commissioner Tydus said she was appreciative of the Vice Mayor bringing out the information as far as the appraisal is concerned. The improvements earmarked for Segal Park and the entire Magnolia area, the purchase of this property to expand the park can do nothing but enhance the improvements already in progress for that park and area. There's a lot of growth and development in that area and this is looking ahead in preparing for that growth and development that the residents are ultimately going to benefit from. She said she was a member on the Commission when the construction at Segal Park was going and she would not get into all the shady shenanigans going on during that time that resulted in the problems with the Helen L. Miller Center. If the city does not practice those same ill faded practices, plan and fill properly then they won't have a problem.

She continued by saying that the Commission should look at the growth and development in that area and what that park is going to provide for the residents of that area.

There being no further discussion, the motion passed by a 3-1 vote.

Commissioner Holmes	No
Commissioner Miller	Not present
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

16-4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR CAR WASHING SERVICE FOR CITY OWNED VEHICLES; PROVIDING FOR

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

The above resolution was read by title by Attorney Geller.

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

Although she didn't get a chance to review the RFP document, Vice Mayor Johnson said she was glad the City Clerk's Office did bring a copy. Because the city doesn't have a car wash vendor, it is necessary to have one for city vehicles. Instead of the city vehicles going to multiple vendors for car wash, this would allow for the RFP process to take place for the Commission to choose a centralized place.

There being no further discussion, the motion passed by a 3-1 vote.

Commissioner Holmes	No
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Not present
Mayor Taylor	Yes

16-5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING AND AUTHORIZING A FUNDING REQUEST MADE BY YOUTH CO-OP, INC., FOR ITS EMPLOYMENT ASSISTANCE CENTER IN THE AMOUNT OF \_\_\_\_\_, PAYABLE FROM ACCOUNT NO. 19-519554; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

The above resolution was read by title by Attorney Geller.

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

Vice Mayor Johnson said she previously sponsored the resolution for Youth Co-Op, Inc. but she would like the Commission to provide the amount.

Although he was in support of the Youth Co-Op, Inc., Commissioner Holmes said he could not support the resolution because of the economy and the way the city's budget is.

Mayor Taylor said that the city wants to help Youth Co-Op, Inc. but are they capable now of doing the same thing the city did last year.

Faye Douglas, Budget Administrator for the City of Opa-locka said that last year the city donated \$10,000.00 to Youth Co-Op, Inc. and as it stands now the city doesn't have anything budgeted in terms of donations to non-profits. She said that anything the Commission does now would have to be a part of the budget amendment. The city can donate anything between 5 – \$10,000.00.

Following brief discussion to authorize the funding request for Youth Co-Op, Inc. in the amount of \$7,000.00, Mayor Taylor called Sylvia Daughtrey of Youth Co-Op, Inc. to come forward. She apologized to Mrs. Daughtrey for not being able do what was done last year. She said the city needs Youth Co-Op, Inc. because they provide job assistance and other services for Opa-locka residents. She encouraged the Commission to meet with Mrs. Daughtrey to get a contact list of those individuals who control the money so that they can contact them.

There being no further discussion, the motion passed by a 3-1 vote.

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Holmes	No
Commissioner Miller	Not present
Mayor Taylor	Yes

16-6. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WILLIAMS PAVING CO. INC. FOR CONSTRUCTION OF FENCING AND WOOD PILE RAILING AS PART OF THE INGRAM PARK LAKEFRONT IMPROVEMENT PROJECT, IN AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND NINE HUNDRED DOLLARS (\$17,900.00), PAYABLE FROM ACCOUNT 44-541815; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

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

During the commission meeting of February 9, 2011, Commissioner Holmes said he asked if the city had grant monies that needed to be spent by April 2011 and nobody knew anything about it. He requested for an explanation on the above resolution.

Manager Patterson explained that this is grant money and items 16-6, 16-7, 16-8 and 16-9 are all related.

Commissioner Holmes asked, by when does this grant money have to be spent?

Manager Patterson replied, by the end of April 2011.

There being no further discussion, the motion passed by a 3-0 vote.

Commissioner Holmes	Yes
Commissioner Miller	Not present
Vice Mayor Johnson	Yes
Commissioner Tydus	Out of room
Mayor Taylor	Yes

16-7. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN

AGREEMENT WITH WILLIAMS PAVING CO. INC. FOR PAVILION RENOVATION AND MISCELLANEOUS CONSTRUCTION AT INGRAM PARK, IN AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND EIGHT HUNDRED DOLLARS (\$17,800.00), PAYABLE FROM ACCOUNT 44-541815; 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 Vice Mayor Johnson to pass the above resolution.

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

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

8. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JVA ENGINEERING CONTRACTOR, INC. FOR UPGRADING THE PARKING LOT AT INGRAM PARK LAKEFRONT, IN AN AMOUNT NOT TO EXCEED FOURTEEN THOUSAND EIGHT HUNDRED AND SEVENTEEN DOLLARS AND SEVENTY-EIGHT CENTS (\$14,817.78) PAYABLE FROM ACCOUNT 44-541815; 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 Vice Mayor Johnson to pass the above resolution.

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

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

9. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH HURRICANE IRRIGATIONS SYSTEMS, INC. FOR LANDSCAPING AND IRRIGATION IMPROVEMENTS AT INGRAM PARK, IN AN AMOUNT NOT TO EXCEED THIRTY TWO THOUSAND THREE HUNDRED AND EIGHTY FOUR DOLLARS AND SIXTY CENTS (\$32,384.60), PAYABLE FROM

ACCOUNT 44-541815; 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 Vice Mayor Johnson to pass the above resolution.

Commissioner Holmes directed the City Manager to provide an explanation in person on the following day (February 24, 2011) as to why staff was not monitoring this grant.

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

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

10. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ADVERTISE AND ISSUE A REQUEST FOR PROPOSALS FROM QUALIFIED FIRMS FOR THE DESIGN-BUILD OF ROADWAY IMPROVEMENTS TO NW 143<sup>RD</sup> STREET; 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 Vice Mayor Johnson to pass the above resolution.

Commissioner Holmes asked, where is this money coming from?

Manager Patterson explained that this item is a design-build which is part grant money and part city money.

Commissioner Holmes asked, what is the name of the grant?

Because the City Manager or his staff could answer Commissioner Holmes' question, Mayor Taylor said that the answer is the Florida Department of Environmental Protection. She said that staff must be knowledgeable of those items placed on the agenda.

Of concern to Vice Mayor Johnson was the city going out for these types of projects when there are engineers on staff.

Manager Patterson said that the project is a design-built and it would be done much quicker by going this route.

Vice Mayor Johnson said that the city should not have engineers on board because in eight years she'd only seen one project come off the ground. She said she would not support this resolution.

Commissioner Tydus asked, isn't this grant money?

Manager Patterson said that part of it is grant money and part of it is city money.

Mayor Taylor asked, how much is the city's portion?

Manager Patterson said that the city is providing in-kind services and PTP funds in the amount of \$120,000.00.

Mayor Taylor asked, can this project be done in-house with the engineers on staff?

Manager Patterson said it could be done in-house but it would take a long time. The engineers in-house are civil engineers and some of projects include work that is outside of the civil engineering area.

Mayor Taylor asked, is the city capable of doing the design-build in-house?

Fritz Armand, Director of the City of Opa-locka Public Works Department said that at this time the city cannot do this project.

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

Commissioner Tydus	Yes
Commissioner Holmes	No
Vice Mayor Johnson	No
Commissioner Miller	Not present
Mayor Taylor	Yes

Of concern to Mayor Taylor was the fact that this is grant money and there is a need for the improvements.

Vice Mayor Johnson said she would support the grant; however, in hearing that the city has three engineers in-house who can't get the work done, she cannot support it.

Mayor Taylor asked for the city's grant writer; however, that individual was not present at the meeting. She went on to say to the City Manager that she has asked that staff is present at all commission meetings to answer questions.

Vice Mayor Johnson said she would support the resolution for the sake of the grant, but she would get with the City Manager the next day to discuss her concern.

Attorney Geller advised that either Commissioner Holmes or Vice Mayor Johnson can make a motion to reconsider the above resolution.

It was moved by Vice Mayor Johnson, seconded by Commissioner Tydus to reconsider the above resolution.

There being no discussion, the motion to reconsider passed by a 3-1 vote.

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Holmes	No
Commissioner Miller	Not present
Mayor Taylor	Yes

Commissioner Tydus asked, would this place a financial hardship on the city?

Manager Patterson said this would not place a financial hardship on the city.

Ezekiel Orji, Finance Director for the City of Opa-locka came forward and stated that the PTP dollars is money in the pocket that the city is required to spend on transportation related projects.

There being no further discussion, the resolution passed by a 3-1 vote.

Commissioner Tydus	Yes
Commissioner Holmes	No
Commissioner Miller	Not present
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

11. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING AN EXTENSION TO THE EXISTING AGREEMENT WITH HORIZON CONTRACTORS, INC. FOR DESIGN/BUILD SERVICES FOR ALI-BABA AVENUE ROADWAY FOR AN ADDITIONAL NINETY (90) DAYS; 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 Vice Mayor Johnson to pass the above resolution.

Commissioner Holmes asked, does the city have the money for this project?

Manager Patterson replied, yes. He explained that this project was previously awarded and this resolution is for an extension for an additional 90 days.

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

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Miller	Not present

Commissioner Tydus            Yes  
Mayor Taylor                    Yes

**13. NEW ITEMS:**

**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, AMENDING SECTION 2-570.12(C) OF THE CITY OF OPA-LOCKA CODE OF ORDINANCES BY PROVIDING FOR SUPERVISION AND OVERSIGHT OF CODE ENFORCEMENT THROUGH THE POLICE DEPARTMENT OR THROUGH THE BUILDING AND LICENSING DEPARTMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by T.H.*

The above resolution was read by title by Attorney Geller.

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

Vice Mayor Johnson suggested that the supervision and oversight of Code Enforcement be placed under the Building and License Department.

Commissioner Tydus said she was not for either the police department or the Building and License Department, but she would like for it to remain as it is. She said she didn't understand why they would want to pull it from the Community Development Department. She pointed out that when the Code Enforcement Department was under the Police Department it did not work and then they had the problem with the Building & Licensing Department which are the same problems occurring under Community Development. As far as she is concerned, the problems and challenges with Code Enforcement are not due to the Code Enforcement Department or its supervision, its with interference from the Commission and it has tied the hands of the department heads, caused confusion amongst the employees and staff, and it has caused problems in the community with the residents because they are plagued with inequitable Code Enforcement. The City Commission needs to allow Community Development an opportunity to supervise and oversee Code Enforcement without outside interference. That's where the problem is and it will continue to be a problem no matter whose supervision Code Enforcement is under. The city must get away from the selective Code Enforcement that's blatant because that's where the problems rise.

She went on to say that it didn't matter who's in charge; what matters is that the City Commission must stay out of it; therefore, she's not in favor of the ordinance.

Commissioner Holmes explained that he sponsored this ordinance because there's a situation with the Code Enforcement officers and when the situation is that bad then the City Commission must do something about it. The Code Enforcement Department was under the Police Department many years before and if they go back under the Police Department they would be supervised properly.

He continued by saying that he didn't want to get into further details about the situation unless it is necessary.

Although she agreed with Commissioner Tydus and her comments on the interference, Mayor Taylor also agreed that Code Enforcement should be under the supervision of the Building and License Department because of the way the city is moving. There are a lot of code violations and which ties directly into the building official, therefore, she is in favor the Building and License Department. She said she didn't care for Code Enforcement to be under the Police Department because there was a time when it was under the Police Department and the Code Enforcement officers thought they were police officers and they acted as such.

Commissioner Holmes concurred with Mayor Taylor for Code Enforcement to be placed under the supervision of the Building and License Department.

Attorney Geller suggested that the City Commission chose one of the alternatives to move it to second reading.

Following brief discussion, the majority of the City Commission chose the Building & License Department.

There being no further discussion, the motion to select the Building & License passed a 4-0 vote.

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

The motion on the first reading ordinance with the selection of the Building & License Department passed by a 4-0 vote.

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

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, CLARIFYING AND AMENDING THE FEES FOR THE LANDLORD PERMIT PROGRAM; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

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

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

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

**C. RESOLUTION/PUBLIC HEARING:**

**16. ADMINISTRATION:**

**CONSENT AGENDA:**

12. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO DESIGNATE PROPERTY AS SURPLUS PROPERTY LOCATED AT 2171 LINCOLN AVENUE, OPA-LOCKA, FLORIDA, AND TO DONATE SAID PROPERTY TO OPA-LOCKA CDC FOR MAGNOLIA NORTH REDEVELOPMENT WITH CONSENT FROM MIAMI-DADE COUNTY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above consent agenda resolution was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to pass the consent agenda resolution.

The motion passed by a 4-0 vote.

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

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

Manager Patterson reported that he and the mayor had the privilege of visiting legislators in Tallahassee and one of the things that nobody was able to tell them was how much money will be available in any particular pot. However, there is possibly some money in South Florida Water Management. The city was encouraged to get rid of all of the grants it has from South Florida Water Management and any place else from the State because the Governor wants to take that money back to make up for the shortfalls. He said he would allow the Mayor to elaborate further on this matter because she made an excellent presentation to the legislators (a copy was provided to the Commission).

He continued by saying that the city also received additional money from the county for \$18,179.00 for a total of \$650,000.00.

With regards to the bus circulator, he requested a date from the Mayor/Commission to schedule the Ribbon Cutting Ceremony.

He concluded his report by stating that the Core of Engineers is going to work with the city this coming weekend to demolish the Cris Cross Motel.

Commissioner Holmes inquired about Sherbondy Park waiting for a permit to continue the work. He asked for an update on the Sherbondy Village Project.

Manager Patterson said he was only aware that the city was waiting on permission for the grant money the city has to finish up Sherbondy Park. This information should have been brought to the city's attention from the beginning, but this dates back to Mr. Finnie's tenure with the city. The county is saying that the City Commission made a selection of an architect to build Sherbondy Park, but they received permission from the county. In meeting with the county, he asked that they tell him what the city needs to do to get this corrected. Now that the contractor is about 2/3 finished with the project, the county wants to give a list of requirements that must be met prior to continuing with the project. Because the county is saying that the city did the selection without their approval, it is now HUD's regulation and he is waiting on a response from HUD.

Commissioner Holmes asked if the torn up concrete was removed from Villa Francine?

Manager Patterson said that some of the torn up concrete is still there because there is a movie taken place at that location.

Christina Gordon came forward and explained that for a couple of weeks she and Mr. Brown worked with a production company in trying to get agreements going with the property owners at Villa Francine for filming the first segment of Charlie's Angel. As far as the rubble is concerned, they are asking that the city postpone having the rubble picked up until after the movie is shot.

On that note, Commissioner Holmes asked, is the city addressing the rodents, etc. that may appear because of the rubble?

Manager Patterson replied, yes.

Commissioner Holmes asked, was the movie granted permission and is the city charging a fee?

Ms. Gordon advised that the production company has filled out the film permit application and there are a lot of other agreements, afterwards the city would be paid for the permit. Some of the city's police officers will be working as well and they will be paid.

Commissioner Holmes suggested that the City Manager keep the City Commission up-to-date on this matter.

He went on to say that Lavelle Jenrette is retiring after 35 years of service with the city and he wants the city to join him in celebrating his retirement on Friday, April 15, 2011 at 7:00 p.m. at Tony's Reception Hall in Hialeah.

Vice Mayor Johnson gave thumbs up to the City Manager because the Public Works Department looks way better.

She requested her results for both of her drug tests.

As it relates to Villa Francine and the movie, she suggested that the information be relayed to the residents because she was told that the city now owns that vacant property. That was the statement being made by a city employee which is untrue.

She further stated that she heard the city had some temporary workers in the Human Resources Department.

Manager Patterson said that there is one temp in the Human Resources Department because the city lost two positions out of that department.

Vice Mayor Johnson said that it was her understanding from the budget meeting that if it is not essential, the city could use collateral assignments and that the City Manager would come to the Commission for approval. She said that this individual is now being hired as a full time employee.

She continued by saying that she also read in the packet that one of the committees met and they are going through the final approval for annual and sick leave changes, but the board can't go through a final approval on an ordinance until it comes to the Commission. The board cannot be changing a policy for sick and annual leave.

Manager Patterson said that nothing is going to happen until it comes to the Commission, however, they are just getting the details worked out.

Vice Mayor Johnson requested an expenditure report on all items coming before the City Commission with an account number. She would like to see the amount budgeted for, the actual cost of the item and the remaining money.

She continued by expressing her concerns relating to the external upkeep of properties and illegal signage throughout the city.

She requested that the City Manager provide a report on the Employee Discount Program.

In addition, she said she would really like to see the Employee Memorial Garden happen and suggested that the City Manager revisit the pending items to make sure those things get done.

She encouraged the city to continue its enhancing efforts at the Recycling Center on Codadad Street.

With the scheduled demolition of the Cris Cross Motel, Commissioner Tydus asked, are there any plans for that property?

Manager Patterson replied, that is private property.

Mayor Taylor said she was disappointed to see that the bus circulator had already gone out without a ribbon cutting ceremony. She requested that the city schedule a proper opening for the bus circulator.

Manager Patterson said he is waiting on a date from the Commission to schedule the Ribbon Cutting for the bus circulator.

Mayor Taylor said she noticed that Code Enforcement was taking pictures of the signs, but she would like them to remove the signs and call the number listed to give notice to the business owner that they can no longer put their signs on the thoroughfares in the city.

She asked, has the Human Resources done what they are supposed to in terms of getting the evaluations out?

Manager Patterson replied, yes.

Mayor Taylor said that Burlington Street is a flood zone and it has been for a very long time only because those trucks come through that street.

She said that the Code Enforcement must work to address those businesses who continue to stack above the fence and it was brought to her attention that some of those business owners are hiding behind grandfathered ordinances.

Attorney Geller said that he already had that conversation with Community Development and they are looking into the issue to go after the business owners.

Mayor Taylor suggested that the City Manager start moving in the direction for summer jobs.

She reported on her recent travel to Tallahassee to seek funding on the city's behalf.

She further stated that Commissioner Barbara Jordan would like to tour Magnolia North on February 24, 2011. She asked, does the city have staff in place for that?

Manager Patterson replied, yes.

Mayor Taylor announced that she would be out of town on March 9, 2011 at a Mayor's Roundtable Conference sponsored by the League of Cities, therefore, Vice Mayor Johnson would chair that commission meeting.

She stated to Ms. Gordon that if that land does not belong to the city, then the production crew must contact the owners and the city may want to get out of that.

With regards to the police officers working, Vice Mayor Johnson suggested that the city get something in writing. She suggested that the city be cautious because it does not own that property. She asked, how could the city issue a permit for property it doesn't own?

Attorney Geller said that a permit is required to do filming on private property, however, the property owner must be on board or the city will not issue the permit. The property owner cannot just go out and do it themselves because they also need a permit from the city. The city will not issue a permit until the applicant has and demonstrates permission from the property owner.

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

Ezekiel Orji, Finance Director for the City of Opa-locka came forward and stated that included in the packet are the financial reports. In addition, he stated that there is \$565,000.00 in the city's Reserve Account.

Vice Mayor Johnson asked, where did the city get the \$650,000.00 and what would that money be used for?

Dr. Orji said that the \$650,000.00 is CDBG funds to be used for the Helen L. Miller Center.

Commissioner Holmes mentioned that the city's website reflects that the city was incorporated in 1920 and it should be corrected because the correct year is 1926.

#### **17. OFFICIAL BOARD REPORTS:**

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

Attorney Geller reported that he previously informed the Commission about a lawsuit brought by Eldred Redmon Pro Se and he has confirmed that there was service on the city. The matter has been forwarded to the league of cities for handling and the attorney would proceed on this matter.

He continued to report that that are several things scheduled next month on the Bracy matter and there is motion pending in mid March.

In reading the minutes for the Charter Review Board, Vice Mayor Johnson said there was a lot of discussion about district elections. She suggested the city start exploring term limits because what she gathered from the minutes is that the city needs fresh blood. She requested to sit down with the City Attorney and Mr. Riley to discuss the term limits.

With regards to the CSX maintenance, she said the Commission adopted a resolution for \$50,000.00 and she would like to know what happened to that.

Attorney Geller said he raised the issue with the City Manager and was told that it is proceeding.

Vice Mayor Johnson requested that the City Manager provide her with a response on the CSX maintenance.

Manager Patterson said he would provide a written report the next day.

Vice Mayor Johnson stated that all of the logos on city vehicles are not the same; some are orange and some are yellow. She directed the City Manager to make sure that the city is consistent in its branding.

She informed the City Manager that on Valentine's Day she observed one of the city's vehicles at Walgreens driven by one of the youth which is a liability on the city. The Commission also received correspondence via email about another incident in Jacksonville, but she hasn't heard anything as to what is being done and corrective action is needed. She stated to the City Attorney that the city must grip this because the city will have a liability on them real soon.

Commissioner Holmes asked, are the commission meetings still being aired live?

Manager Patterson said that the commission meetings are still live, but there is new recording equipment and Mr. Williams is no longer in the same area.

In reading the minutes for the Civil Service Board meetings, Mayor Taylor asked was the meeting held on February 22, 2011 an inquiry investigation?

Attorney Geller said that the Civil Service Board he attended was the regular meeting.

Mayor Taylor said that there was another Civil Service Board meeting where some people were questioned. She asked, if the city has legal representation then who represents the employees who come up because there was a question asked three times to an employee. But she knows when she is being questioned, her lawyer would say "asked and answered"; however, there was no one for that employee.

She asked, who does Attorney Geller represent?

Attorney Geller responded, the city. He said that the employees are entitled to get their own attorney, but he would not permit an employee to be abused under any circumstances.

Mayor Taylor said she didn't want the employees abused because they can't answer but one way and that person answered the same way three times. The employee was badgered into answering a yes or no question.

She continued by asking, when did this Commission give the board subpoena power?

Attorney Geller said he researched this issue and he doesn't believe any board has subpoena power. The Commission has subpoena power and they have the authority to specifically extend that power if it chooses to do so.

Mayor Taylor asked, is that something that is done verbally?

Attorney Geller replied, no. He said it would have to be done by a resolution of the Commission and he has not seen where a board, although he is still researching the issue, has subpoena power. Now it does speak to the board being able to make investigations and inquiries and it does speak to the fact that employees of the city are to assist the board in doing that. In his opinion that is not the same as subpoena and he spoke with the chair of the committee about this issue and the chair indicated his view on it.

Mayor Taylor said she didn't need a view or that it was implied or inferred, that subpoena power must have been written and voted on by the Commission and it has a sunrise and sunset. Otherwise, if staff is subpoenaed then they have a right to have an attorney present.

Attorney Geller said that the employees have a right to have an attorney present whether subpoenaed or not, however, he did agree with what Mayor Taylor was saying.

Mayor Taylor said she would appreciate the City Attorney taking a position on this matter.

Attorney Geller reiterated that he discussed this matter with the chair and he will take another look in case there's something he has not found, but what Mayor Taylor stated is what he believes is correct.

Mayor Taylor directed the City Attorney to read the minutes for the Civil Service Board so that he can see the verbiage.

Manager Patterson reminded Mayor Taylor that the Zoning Board of Appeals is not a full board and the city needs a full board.

In view of the activity and development in Magnolia North, Mayor Taylor stated that one of the steps is to have a Zoning Board of Appeal and that is part of her mission given to her by the county commission.

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

Clerk Irby announced that an election is scheduled for March 1, 2011 for Florida Senate seat (District 33).

Vice Mayor Johnson said she needed to get with the City Clerk to do an amendment to her campaign report. She requested to be provided with the necessary forms.

**20. MAYOR/COMMISSION REPORT:**

Commissioner Tydus thanked everyone for their support during her time of illness.

Vice Mayor Johnson said she met with a group of young individuals in the community who really want to serve as elected officials and she believes there's something that can be done through Miami-Dade County LEO.

She reported her attendance at the Crime Watch Meeting and she would hope that by the next commission meeting the City Manager would have some of those comments and action items as to what they will be doing. She also attended Virginia Tresvant's Celebration.

She continued by saying that she would be in attendance at the Women in Municipal Government Training.

Additionally, she is working with various groups for tree planning and for the painting of houses.

She further stated that she spoke to citizens about possibly bringing the Opa-Steppers under the pavilion. She said she would get with Christina Gordon for the promotion of the Opa-locka Steppers and to discuss the Welcome Kit.

**21. OFFICIAL BOARD APPOINTMENTS:**

**22. ADJOURNMENT:**

There being no further business to come before the City Commission, it was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to adjourn the meeting at 10:01 p.m.

  
\_\_\_\_\_  
MAYOR

ATTEST:

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