

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

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**AGENDA**  
**REGULAR COMMISSION MEETING**  
**March 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, March 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: Vice Mayor Dorothy Johnson, Commissioner Timothy Holmes, Commissioner Rose Tydus and Mayor Myra L. Taylor. Also in attendance were: City Manager Clarence Patterson, City Attorney Joseph L. Geller and City Clerk Deborah S. Irby. Commissioner Gail E. Miller was not in attendance due to a family emergency.

**3. INVOCATION:**

The Invocation was delivered by Mayor Myra L. Taylor.

**4. PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited in unison.

**5. APPROVAL OF AGENDA:**

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

Commissioner Holmes deferred agenda item 16-5.

Commissioner Holmes pulled agenda items 16-2, 16-3, 16-4, 16-6, and 16-7 from the Consent Agenda (these items would be discussed separately under Agenda Item 12 – Action Items).

Clerk Irby informed the Commission of a request to amend the agenda to include the following resolution under Agenda Item 13 (New Items):

13-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE MIAMI-DADE COUNTY HOUSING AND COMMUNITY DEVELOPMENT GRANT AWARD IN THE AMOUNT OF SIX HUNDRED FIFTY THOUSAND DOLLARS

(\$650,000.00) FOR THE SEGAL PARK REHABILITATION – HELEN MILLER PROJECT FOR THE CONTRACT PERIOD OF MARCH 1, 2011 THROUGH FEBRUARY 29, 2013; IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to amend the agenda to include the above resolution as item 13-1.

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

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

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

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

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

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

The City Commission presented a proclamation to Lavelle Jenrette for 35 ½ years of dedicated service to the City of Opa-locka.

**8. APPROVAL OF MINUTES:**

**Regular Commission Meeting – 02/23/2011**

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to approve the minutes of the Regular Commission of February 23, 2011.

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

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

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

Larry Gardner of Miami-Dade County Commissioner Barbara Jordan's Office (District 1) came forward and provided an update to Vice Mayor Johnson's concern at the last commission meeting relating to the CAA beautification signs.

While in Washington D.C., Vice Mayor Johnson informed Mr. Gardner that she and Commissioner Miller participated in the press conference because of the reduction in funding for the Community Block Grant and Headstart. As a result, she was able to get some contacts which she would be sharing with the Executive Director as well as Commissioner Jordan.

She further requested that Mr. Gardner ask that Commissioner Jordan continue to support the Community Development Block Grant on behalf of District 1 which includes Opa-locka.

Mayor Taylor requested that Commissioner Jordan keep One Stop in mind and do what she can to support it.

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

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

Vice Mayor Johnson commended Miami-Dade County Fire Rescue on their response time for emergencies in the city.

**11. PUBLIC PRESENTATION:**

**1. John Riley  
re: City of Opa-locka Civil Service Board**

John Riley of 2963 NW 135<sup>th</sup> Street, Opa-locka, Florida, came forward and made reference to Miami-Dade County's Home Rule Charter, and the Citizens' Bill of Rights (copy provided to the Commission). He spoke about several issues relating to the City of Opa-locka Civil Service Board and requested to meet with the administration and the City Attorney in the near future to resolve pending cases. He mentioned the recent court ruling in which the Judge upheld the city's charter and found the findings of the board to be conclusive. As Chairman of the Civil Service Board, he said the board's findings are presented to the Commission for a determination and it is up to them if they wanted to continue going to court on matters.

He continued by informing the Commission of the upcoming union meeting and stated that they should not allow discrimination in the city. He continued by discussing facts surrounding the unjustly expulsion of two union (2) members. He requested that the Commission review Resolution No. 3047 adopted in 1985.

Vice Mayor Johnson requested that the City Clerk provide the Commission with a copy of Resolution No. 3047.

Commissioner Holmes thanked Mr. Riley for continuing to fight hard for the betterment of the city and encouraged him to continue doing what he deems best for the City of Opa-locka.

Mayor Taylor stated that the Commission will work closely together with the Civil Service Board because they do not want an adversarial relationship between the Commission and the board.

**11a. CITIZENS' FORUM:**

1. Arthaniel Mohamed of 1815 Ali-baba Avenue, Opa-locka, Florida, came forward to express his concerns relating to placing additional bus stops in the Magnolia North area and the lack of job opportunities and education to residents in that area.

During the bus circulator tour, Vice Mayor Johnson said that there were two stops in the Magnolia North area and the Commission asked for an additional stop. She asked for an update on the request for an additional stop and said that there needs to be a resolution to this issue. Additionally, the city must inform the residents that it's a wave and ride concept.

She stated that she spoke with the owner of the bus circulator and expressed the importance of hiring Opa-locka residents.

She further stated that the bus can only go to NW 166<sup>th</sup> Street, however, they can have stops in different areas (i.e. Wal-Mart, Laundromats) and the city is aware that they have to revise the routes. The Commission was told that the bus circulator representative would meet with staff to work out the kinks. She directed the City Manager to provide a report on the outcome of that meeting by Wednesday, March 30, 2011.

Mayor Taylor suggested that Mr. Mohammed provide the city with his suggestions and/or recommendations in writing as it relates to the desired bus route in the Magnolia North area.

Commissioner Holmes suggested that the bus route include a stop at the Opa-locka/Hialeah Flea Market.

The City Commission joined by all those present at the commission meeting sang "Happy Birthday" to Chief Cheryl Cason of the Opa-locka Police Department.

2. Prophetess Celeste Fitzpatrick of 2523 Opa-locka Boulevard, Opa-locka, Florida, came forward and voiced her concerns about the Opa-locka Express banner not including the pictures of the City Manager, City Attorney and City Clerk; the excellent services provided by Roadrunner in lawn maintenance and allowing him to continue doing his work; the Mobile Station night shift cheating people out of their money; an incident with a cellular phone at Burger King; and the upkeep at Gardenia Gardens Senior Apartments.

With regards to the Burger King and the Mobile Station, Vice Mayor Johnson asked Prophetess Fitzpatrick if she had spoken to the managers of those facilities?

Prophetess Fitzpatrick indicated that she had spoken to the manager's nephew at Burger King and the manager at the Mobile Station about the incidents.

Vice Mayor Johnson directed the City Manager to research to see if there have been any police reports made at those businesses because she is concerned in terms of the city's involvement with businesses unless there has been a complaint filed.

3. Eldridge Redmon of 2766 NW 131<sup>st</sup> Street, Opa-locka, Florida, appeared before the City Commission and congratulated the City Manager and his staff for their quick actions with the production project at Villa Francine. When that took place, the Production Manager was very arrogant and disrespectful to the residents of Villa Francine and the City Manager and Ed Brown, Assistant City Manager came over and put the residents before the dollar which was something that was well deserving.

He continued by expressing his concern relating to the remaining debris and rubbish from the demolition of the unfinished structure which was suppose to be removed immediately after the production was completed according to what was stated to the Commission at the last commission meeting. He said that there are now rodents and snakes as a result of the rubbish.

Of further concern was that Opa-locka is becoming a safe haven for sexual predators and he doesn't see postings or notification of any kind to the citizens of Opa-locka as required by state statute.

Vice Mayor Johnson stated that the city should have the information posted. She said that the City Manager, City Attorney and City Clerk should formulate how to make it better because the day to day operations is amongst them and no one should come up and tell the Commission what the law is. This is no different than the water restriction in place. The city should have the information posted to make sure that the community is engaged.

She directed the City Manager, City Clerk and City Attorney to provide the Commission with their accomplishments to be included as a part of the commission package for every regular commission meeting.

4. Don Solomon, Sr. of 1815 Ali-baba Avenue, Apt. 4, Opa-locka, Florida, came forward and requested additional bus stops in the Magnolia North area. Additionally, he commended the Opa-locka police officers for doing a great job and suggested that the Commission support the police officers so that they could continue to do so.

5. Ed Haynes of 7121 Alhambra Boulevard, Coral Gables, Florida appeared before the City Commission on behalf of Congresswoman Frederica Wilson and stated that he is the staff person assigned to the City of Opa-locka to assist with whatever information they can provide. For instance, the Federal Government is real short on money and everything is going in the direction of grants and they want to make the city aware of whatever funding is available in terms of grant dollars. In addition, he announced a SBA workshop on March 24, 2011 at Florida Memorial University and a future grant workshop with people from Washington, D.C.

He further stated that he would be in attendance at the city's commission meetings and provided his business cards to the city officials.

Mayor Taylor asked about flyers for the business forum scheduled for March 24, 2011.

Although Mr. Haynes only had a flyer in his car, he volunteered to make copies and bring some back to the commission meeting.

Mayor Taylor asked, are federal grants always connected to matching dollars?

Mr. Haynes said he was not sure but he didn't think so.

Of concern to Mayor Taylor was the fact that it was sometimes difficult for the city to come up with the matching dollars.

Based on the condition of the economy, Mr. Haynes assumed that there would be some type of allowances in certain situations although he's not sure, but that is why they are bringing in the experts from Washington, D.C. to answer those types of questions.

Vice Mayor Johnson stated that she and Commissioner Miller didn't have the opportunity to visit Congresswoman Wilson's office in Washington, D.C. because they didn't have an appointment. However, the Community Development Block Grant is a big issue and both her and Commissioner Miller were working with James Mitchell, President of the National League and participated in the Press Conference. The city will need Congresswoman Wilson's support in terms of funding associated with Community Development Block Grant, transportation, education and infrastructure because it will impact the city greatly.

Mr. Haynes requested that an email be sent to him to that effect and he would forward it up to Washington, D.C. and personally follow up on it, in addition to any information he could provide to the city.

Commissioner Holmes suggested that Mr. Haynes is added to the agenda for reports on Congresswoman Wilson's behalf.

Mayor Taylor directed the City Clerk to include Mr. Haynes on the agenda right before District 1 County Commission Report.

6. David Norris of 260 Perviz Avenue, Apt. 18, Opa-locka, Florida, came forward and said that he is appreciative of the individuals who are cutting the alleyways in the city because as a meter reader for the city he had never seen the alleyways look that good in a very long time. He continued to say that he spoke at the last commission meeting about some issues that concerned not only him, but other city employees as well, however, he was called into a meeting about some of the things he said and he stated that he would not be intimidated by people especially when it involves saving money.

He continued by speaking about an employee discount program for all city employees.

Commissioner Holmes echoed the same concern as Mr. Norris and indicated that there was another city employee who did not receive his full pay on his payroll check. After following the proper protocol and to no avail the employee appeared in his office and he helped him get his money. The employee was then chastised for trying to get his money on time.

He continued to say that he would not tolerate this type of action because employees have the right to come before the Commission to speak as long as they are not on the clock. And if there are employees engaging in this type of behavior, then the door works two ways, the same way they came in, they can go out.

Vice Mayor Johnson stated that the employee is protected by Florida State Statute as well as the city's whistle blower's act ordinance. Therefore, no one should be retaliated on for speaking, however, there is a process for union related matters.

She directed the City Manager to provide her with the Employee Discount Program and Welcome Kit by Wednesday, March 30, 2011.

She further stated to Mr. Norris that he should not be afraid to come before the Commission to speak as a citizen. With regards to the comments about the alleyways, she suggested that he contact Help Me Howard with the same comments because she got slammed during the time when the contract for lawn services came before the Commission.

7. Terence Pinder of 250 Sabur Lane, Apt. 140, Opa-locka, Florida, appeared before the City Commission and encouraged them to start concentrating on the budget amendments because this is the most important time for the citizens of the community. The Commission should focus on savings, training and incentives for city employees, and on the water bill. In addition, they should be looking into a decrease in taxes for the upcoming fiscal year.

He continued by saying that the city has the parks, urban rangers, public works and Roadrunner cleaning up the city which equals to over a half million dollars, but he doesn't know if the quality of life or the city is as clean for a half million dollars. He inquired about the street sweeper and said that these are the types of questions the Commission should concentrate on for the quality of life.

8. Ricky James of 1156 Jann Avenue, Opa-locka, Florida, came forward as an employee of the city in terms of the new union contract. Of concern was that the union contract was not for the employees based on Article 31 dealing with union representation, powers taken from the Civil Service Board and placed under the City Manager, and health insurance.

He continued by expressing his concerns relating to the lack of bus stop signs for the Opa-locka Express near Jazz Café and in the Magnolia North area on Ali-baba Avenue and the completion of the Sherbondy Village Project.

Commissioner Holmes stated that the union contract cannot be passed unless it is first approved by the employee representatives of the city.

Vice Mayor Johnson stated that there is no bus stop on the corner of Jazz Café; the bus stop is on the corner of President Barack Obama Street and Fisherman Street. She directed the City Manager to provide all employees with a copy of the bus schedule so they would have the information available for citizens.

9. Sandra Collado of 301 Bahman Avenue, Opa-locka, Florida, came forward and stated that individuals are playing basketball and playing loud music at Sherbondy Park in the late hours. She asked, what time does the park close?

She further expressed her concerns about her high water bill and the poor condition of Bahman Avenue which is in need of repairs.

With regards to the concern about the loud music, Vice Mayor Johnson said that at a previous meeting when Officer Vincent Robinson was representing the Chief of Police, the Commission brought up several sections of loud music and some of the citizens are afraid to call because the police officers come to their door. The police officers should just deal with the issue and not visit the citizen's home. The loud music is all over the city and people parking in the street, therefore, there needs to be some sort of corrective action.

10. Alvin Burke of 540 Sharar Avenue, Opa-locka, Florida, appeared before the City Commission and voiced his concerns relating to agenda item 16-5 authorizing the City Manager to expend \$40,000.00 for drainage repairs. Although he was supportive of drainage repairs, the resolution did not reflect who was performing the repairs and to his knowledge the city's public works department was not capable of completing such repairs. He encouraged the city to go through the procurement process and hire a contractor to perform the work.

Mayor Taylor suggested that Mr. Burke wait until discussion on that item to allow the City Manager to give his explanation.

11. Arthanal Mohammed came forward and asked for an update on the James Street park for the children in the area.

Mayor Taylor informed Mr. Mohammed that the James Street park would be addressed.

## **12. ACTION ITEMS:**

16-2: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO RENEW THE BANKING SERVICES AGREEMENT WITH BANK ATLANTIC UNDER THE SAME TERMS AND CONDITIONS FOR THE LAST ONE (1) YEAR TERM FROM APRIL 1, 2011 THROUGH MARCH 31, 2012; 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 for an explanation on the above resolution.

Manager Patterson stated that this resolution was to renew the agreement with the same bank, Bank Atlantic.

Vice Mayor Johnson said that she noticed this is the second year renewal for Bank Atlantic. She asked, is there reasoning for the renewal?

Manager Patterson said that this is the last of the five years the Commission approved for Bank Atlantic.

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

Vice Mayor Johnson: My heartburn on contracts is that everyone knows at least thirty days in advance of the expiration. In reading the package, the contract with Bank Atlantic expires on March 31. So we do or darn, I don't want to say the other word, but that should not happen, not with an established Finance Department and a legal team, should not happen. The last time we brought up agreement, I brought the same thing so it's obvious we're just going through a paper exercise here. Mr. Manager, why is this constantly happening? We're pushed now that if we vote nay on it and it doesn't pass, what do we do? Because I'm going to hit you all tonight on this other stuff, so you all need to talk to me, Mr. Manager. And all I want to know is why we are here on the last hour 11:59 with a contract ending on March 31 and we go to vote on it. That's what I want to know.

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

Dr. Ezekiel Orji, Finance Director for the City of Opa-locka appeared before the City Commission and admitted that this item was late; however, this item was on the last commission meeting agenda of March 9, 2011 which was canceled due to the lack of a quorum.

Although Vice Mayor Johnson appreciated Dr. Orji's statement, she said that March was March and that didn't justify the expiration date of the contract which is March 31, 2011. The time frame is 30 days prior to the expiration meaning this item should have been brought to the Commission in February not two weeks ago in March.

She directed the City Attorney get with her about bringing legislation back. She said the appointed officials are going to get evaluated and staff must be held accountable because they cannot sit there at the last hour and point fingers.

She further stated that this was forcing the Commission and what if they decided to defer this item and go out to solicit proposals. She said she didn't know if Bank Atlantic was helping with city projects, but the city needs companies and businesses that can help in taking the city to another level. If this company is going to do business with the city, what resources are they bringing to the citizens and how are they helping with education.

Mayor Taylor asked, if the 30 day window is in effect and this item should have been brought to the Commission in February, what would happen if they voted no?

Manager Patterson said that the city can go out and look at other vendors.

While looking at other vendors, Mayor Taylor asked, would the city's money remain in that bank?

She asked, how long has the city been with Bank Atlantic?

Dr. Orji responded, for four years and this would be the fifth year.

Mayor Taylor asked, is Bank Atlantic community friendly?

Dr. Orji said that the bank has shown improvement from the last bank in that they have participated in some of the events at the parks. He said that the bank representative was present and available to speak to the Commission.

Mayor Taylor said that over the past three years there hasn't been an over abundance of Bank Atlantic having a presence in Opa-locka despite the many events held. In order to impress the Commission, they would like to see a better friendliness from their banking institution.

Vice Mayor Johnson suggested a friendly amendment to the resolution for a period of ninety days. She requested to be provided with documentation to support Dr. Orji's statement that Bank Atlantic has had a presence in Opa-locka. Perhaps, the Commission can be provided with the bank's accomplishments and an annual report at the ending of the fiscal year which should also be displayed online for the citizens to view.

Attorney Geller provided the language for the amendment to the resolution to reflect a ninety day period as oppose to the one year term.

Should the resolution pass, Vice Mayor Johnson asked for an attachment, prior to the next commission meeting, listing the bank's accomplishments.

Attorney Geller clarified that Vice Mayor Johnson has instructed staff to provide the attachment, but that does not have to be included in the text of the resolution.

Commissioner Tydus asked, does amending the resolution have an affect on the contract itself which states, "this agreement may be renewed by the city for two additional one year terms". She said that this was the city's second renewal of the one year term, but the contract doesn't say anything about ninety days.

She continued by asking, how does the amendment to the resolution affect the terms of the agreement?

Attorney Geller explained that the amendment is not what the agreement calls for, but he would be very surprised if the bank because the city chose not to exercise a full year and

take advantage of the option of this agreement would say take your money and go. Certainly there are numerous banking institutions any of which would accept the city's money. Presumably if the city chose to extend the agreement for ninety days at this time then at the conclusion of that time, the Commission has a choice to make as to whether it wants to exercise the right to go forward with the remaining nine months to put it out for bid between now and then and at the conclusion of the ninety days make other arrangements or to do so under any terms the city sees properly.

Commissioner Tydus said that the city is not doing the amendment within the thirty days. The agreement further says "one year terms by providing written notice to bank at least thirty days prior to the end of the initial term".

Attorney Geller said that the city was not in compliance with this and if the bank did not wish to have the money they could decline to do business with the city. If they do so, then it would be incumbent upon the city to find another banking institution.

Commissioner Tydus said she was not comfortable with not being in compliance with the terms of the agreement. Further, she said she was not in favor of the manner this item was presented to the Commission not in a timely fashion and that they are having to vote on this under duress because they really have no other choice but to adopt it to be in compliance with the terms of the agreement.

Vice Mayor Johnson make reference to page 5, second paragraph of the banking agreement and requested that the City Attorney read it into the record.

Attorney Geller read page 5, paragraph 2 of the banking agreement into the record: Bank agrees that the fee schedule in Exhibit F shall remain unchanged for the Initial Term of this Agreement, and for any renewal period unless Bank provides notice of any changes to the fee schedule to the City at least ninety days prior to the renewal date. Should City utilize additional services which were not requested by City in the RFP, Bank reserves the right to charge for those services in accordance with the Depositor's Agreement.

Vice Mayor Johnson asked, how does this impact what the city is suggesting?

Attorney Geller said that unless the city received notice ninety days prior than they are not permitted to change the rates for the services anyways.

Vice Mayor Johnson said this is the reason why she came up with the ninety days, but as a Commissioner she should not have to read through this stuff.

Commissioner Holmes asked, how much money does the city have in Bank Atlantic?

Dr. Orji said that all of the city's operating accounts are in Bank Atlantic which is an excess of Eight Million Dollars.

Commissioner Holmes said he understood what both Vice Mayor Johnson and Commissioner Tydus were saying, but because this resolution is before them at the last minute when it should have been brought forth in February, he suggested that the Commission move forth with the resolution as is and stay on top of it.

Mayor Taylor concurred with Commissioner Holmes and instructed the Finance Director to not allow this not to happen again. She said she knew what Vice Mayor Johnson was saying, however, she didn't want to get tied up in the ninety day which puts them out of bound as far as the agreement is concerned.

She further requested to be provided with a report in terms of what Bank Atlantic has done for the community because the Commission has the right to know to see if the city's banking institution or any other institution they do business with is community friendly.

Vice Mayor Johnson said if this resolution passes as is then it is her understanding that a resolution can be rescinded.

Attorney Geller replied, yes.

Vice Mayor Johnson said she understood what her colleagues were saying but they have allowed these types of behaviors and it's getting very lax.

Mayor Taylor stated that the Commission was going to move forth with the resolution as is.

Attorney Geller advised that there was no motion or seconded made on the amendment.

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

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

16-3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO EXPEND FUNDS NOT TO EXCEED AN AMOUNT OF FORTY THOUSAND FOUR HUNDRED NINETY-FIVE DOLLARS AND FORTY-THREE CENTS (\$40,495.43) TO ALLEVIATE THE DRAINAGE PROBLEM ON NW 131<sup>ST</sup> STREET, PAYABLE FROM ACCOUNT NUMBER 43-538630; 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 for an explanation of the above resolution in terms of the amount, who would perform the work and why didn't the city go through the procurement process with this item?

Manager Patterson said that the resolution is for an amount not to exceed \$40,000.00 so that doesn't necessarily mean they are writing a check for that amount, and he believes the work can be completed with the amount of money projected.

Commissioner Holmes asked, why didn't this go out for bid and who will complete the work in-house?

Manager Patterson said the work would not be completed in-house, but by an outside contractor. This resolution is requesting approval from the Commission to go out and get quotes.

Commissioner Holmes said that was not quite the way he understood the resolution.

Vice Mayor Johnson directed everyone's attention to the agenda package and in reading the supporting documentation, she said it was her understanding that Public Works was going to do the work. In addition, if this project was to go out for quotes, the resolution would reflect that the Commission is authorizing the City Manager to solicit proposals for this project. However, the resolution doesn't read as such, and for that reason she is concerned. Additionally, the city does not have the expertise in-house to complete this project.

In reviewing the following exhibit attached to the resolution, she said that it seems as if the city already received quotes prior to coming to the Commission.

Because staff was not prepared to answer to the questions and concerns of the Commission, Mayor Taylor suggested that this resolution be deferred.

Manager Patterson agreed to defer the above resolution. The motion and seconded were withdrawn.

16-4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO PREPARE A REQUEST FOR PROPOSAL (RFP) FOR THE PURPOSES OF RETAINING A VENDOR TO DESIGN A LANDSCAPING PLAN TO PLANT AND MAINTAIN TREES IN THE CITY OF OPA-LOCKA; 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; motion died for lack of a seconded.

16-6. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY TO ADVERTISE AND ISSUE A REQUEST FOR QUALIFICATION OF CONTRACTORS FOR THE UPGRADE AND REHABILITATION OF SANITARY SEWER PUMP STATIONS 1 AND 2; 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 said he thought these pump stations were already repaired or in the process of being repaired.

Manager Patterson stated that the resolution is for pump stations 1 & 2 which currently have a moratorium and this is in conjunction with the redevelopment of Magnolia North. The two pump stations will be done in-house and the city will be able to meet the deadline promised to Commissioner Jordan to be ready by the end of June or early July.

Vice Mayor Johnson asked if the City Manager was sure the pump stations listed in the resolution had not been previously worked on prior to his tenure with the city.

Manager Patterson said that there was work done on those stations in the past.

Because this item was related to some fact finding information Vice Mayor Johnson had, she suggested that this item be deferred.

Manager Patterson said that this item was time sensitive.

Vice Mayor Johnson said the City Manager had until August 31, 2011, but she would let this one go through and discuss it under the City Manager's Report.

Mayor Taylor explained that this item is time sensitive because the city is working very closely with Commissioner Barbara Jordan in the redevelopment of Magnolia North. Although the pumps stations were worked on previously, these pump stations cannot take on the new development in that area and DERM would not okay it under its present condition for the 26 units going in there. In a recent meeting, DERM indicated that the pump stations needed to be rehabbed and upgraded for the new development. Because of the money, the new development and working with Commissioner Jordan to make sure the money stays on target, the pump stations must be completed by June 2011.

She continued by saying that when the Commission asks a question, staff should be able to provide answers and explanations.

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

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

7. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RATIFY THE CITY MANAGER'S ACTION IN AUTHORIZING GRAPHIC IMAGES INC. TO BRAND THE CIRCULATOR BUS

FOR THE AMOUNT OF NINE THOUSAND FIVE HUNDRED AND SEVENTY-SIX DOLLARS AND FIFTY CENTS (\$9,576.50), PAYABLE FROM ACCOUNT NUMBER 44-541810; 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, is this resolution to ratify what the City Manager already spent?

Manager Patterson replied, yes.

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

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

### 13. NEW ITEMS:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE MIAMI-DADE COUNTY HOUSING AND COMMUNITY DEVELOPMENT GRANT AWARD IN THE AMOUNT OF SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00) FOR THE SEGAL PARK REHABILITATION – HELEN MILLER PROJECT FOR THE CONTRACT PERIOD OF MARCH 1, 2011 THROUGH FEBRUARY 29, 2013; IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; 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 Miller	Not present
Commissioner Tydus	Yes
Mayor Taylor	Yes

### 14. PLANNING & ZONING:

**A. HEARINGS:**

**B. APPEALS:**

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

**A. FIRST READING:**

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$8,000,000 CAPITAL IMPROVEMENT REVENUE AND REVENUE REFUNDING BONDS, SERIES 2011, IN ONE OR MORE SERIES, PURSUANT TO ORDINANCE NO. 94-7, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF THE CITY'S CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 1994 AND PAYING COSTS OF CERTAIN CAPITAL IMPROVEMENTS OF THE CITY; PROVIDING THAT DETAILS, TERMS AND OTHER MATTERS RELATING TO SERIES 2011 BONDS BE DETERMINED IN SUBSEQUENT RESOLUTIONS; AUTHORIZING FINANCE DIRECTOR TO ACT AS REGISTRAR AND PAYING AGENT; PROVIDING FOR INCORPORATION OF RECITALS; 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 Tydus to pass the above ordinance on first reading.

Vice Mayor Johnson asked, why is the ordinance authorizing the Finance Director and not the City Manager to act as registrar and paying agent?

Manager Patterson said that it should be the City Manager.

Vice Mayor Johnson said she would like to make an amendment that the City Manager is to act as the registrar and not the Finance Director.

Since the city's bond counsel drafted the ordinance, Attorney Geller said he would like confirm from bond counsel that there's no legal problem with that occurring.

Pedro Miranda, Bond Counsel for the City of Opa-locka came forward and said there wouldn't be a problem with the amendment and the reason for the Finance Director is because that's what he typically sees.

Vice Mayor Johnson stated to the City Manager that she didn't want the day to day operations delegated out because ultimately the City Manager is responsible.

Attorney Geller said that the motion would be to amend the ordinance on first reading as follows: authorizing ~~Finance Director~~ the City Manager to act as registrar and paying agent. Also on page 3, section 4: notwithstanding anything in the original ordinance to

the contrary, the ~~Finance Director~~ City Manager of the city is authorized to act as Registrar and Paying Agent with respect to Series 2011 Bonds.

It was moved by Vice Mayor Johnson, seconded by Commissioner Tydus to amend the first reading ordinance as reflected above.

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

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

There being no further discussion, the first reading ordinance as amended passed by a 3-1 vote.

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

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

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 BUILDING AND LICENSING DEPARTMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on February 23, 2011). *Sponsored by T.H.*

The above ordinance was read by title by Attorney Geller.

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

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

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

Commissioner Tydus	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Miller	Not present
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 (first reading held on February 23, 2011). *Sponsored by C.M.*

The above ordinance was read by title by Attorney Geller.

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

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

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

**C. RESOLUTION/PUBLIC HEARING:**

**16. ADMINISTRATION:**

**CONSENT AGENDA:**

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO PARTNER WITH "CITIZENS FOR A BETTER SOUTH FLORIDA" FOR A REPLANTING PROGRAM RUN IN CONJUNCTION WITH THE STATE OF FLORIDA'S DEPARTMENT OF FORESTRY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by D.J.*

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

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

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

## A. CITY MANAGER'S REPORT:

Manager Patterson reported that the new replacement vehicles for the Mayor/Commission would be delivered on March 24, 2011 with the exception of Commissioner Holmes SUV which would be delivered on March 28, 2011. He encouraged the Commission to remove all of their personal belongings from the old vehicles.

He continued by reporting that the city received \$350,000.00 from the State of Florida for the preservation of Historic City Hall.

He informed the Commission that Cairo Lane and Cuyahoga are a part of the Brownsfield area and the city may be able to get money from Washington. The city may also want to consider a special taxing district for the Cairo Lane area.

He provided the Commission with a copy of the timeline for the Helen L. Miller Center improvements.

Commissioner Holmes said that it was brought to his attention by a former Parks & Recreation employee that he was not allowed to utilize the city vans for a trip out of town with the youth in his program. When there are kids involved in city activities it doesn't matter who is in charge, the employee should be allowed to utilize the city van. Also, all employees working for the betterment of the parks must get along with one another and start to work together.

He continued by saying that he is aware the city spent money to have the locks changed at the Parks & Recreation trailers and he wants to know what the purpose of that was. He said Mr. Starex was still a city employee and he would not go take anything out of the trailers. He said he would not tolerate these types of activities and the City Manager should not tolerate it either.

He further said that the grass at Sherbondy Park must be maintained because it is turning brown. He doesn't want it to get to the point where the grass has to be replaced and the city ends up losing money unnecessarily.

Vice Mayor Johnson requested that the City Manager provide a timeline for employee scheduled training as discussed by the Commission during the budget process. The grant writers should look at opportunities available because there is a focus on education and the city should be able to make sure they are enhancing employees education, skills, knowledge and competency. In addition, there may need to be a succession planning for the employees and she would like for that to come from Human Resources.

She continued by requesting that the water restrictions information be posted on OPA-TV, the city's website and made available at all of the city's public access facilities. She also requested that photos of the Mayor/Commission are placed in all of the city's public access facilities. In talking about photos, she said she would chose the photo of herself in which she would like the city to use and not have staff chose it for her.

She further spoke about a resolution that was passed at the last regular commission meeting relating to drainage and construction which she had reservation about, but was sort of convinced. After conducting some research on this item which began in 2006, the city was awarded \$192,500.00; therefore, the resolution adopted must be revised because the city paid \$192,500.00 in 2008. The resolution adopted was for the design build, but the design part of the project was already paid for. She requested that the resolution is brought back to be rescinded because she didn't want the project posted for something the city had already paid for. Also, she suggested that the City Manager obtain the same package she had and provide an explanation to the Commission. The resolution reflects the city was awarded \$292,500.00 from DEP and the City Manager indicated that the money would come from PTP dollars, however, the amount reflected in the resolution is not correct. The City Manager should get the money right and bring it back to the Commission. In the meantime, she said she didn't want anything done until the corrections have been made.

Of concern to Vice Mayor Johnson was that the Commission was doing some of the work that staff should have done. Although she believed some employees are overpaid, she believes in eight hours work for eight hours pay and if an employee is exempt then she doesn't believe in compensatory time because it goes with the territory.

She went on to request that the City Manager provide the Commission with a copy of the information she was able to find from 2006 to 2011.

Commissioner Holmes thanked the City Manager for finally realizing that the Opa-locka Police Department can only have one Chief of Police at a time. He encouraged the City Manager to allow the Chief of Police to perform her duties as Chief of Police. He thanked the City Manager for getting the police department back on track and said he hopes that it continues to stay on track.

Commissioner Tydus stated that on several occasions she observed several city police cars along side the road opposite of each other just down right lollygagging which does not make for a healthy and productive safety and it really needs to be addressed.

She directed the City Manager to provide her with a report that includes the progress, implementation and plan for the traffic roundabouts to be constructed on Jann Avenue and Sharar Avenue. Because she's been very patient waiting on this item, she said she would hope this is the last time she would have to make this particular request.

With regards to the Butterfly Garden, she said that it leaves a lot to be desired because it is not the showcase she envisioned to be on Sharazad Boulevard, one of the gateways into the city. She said it was her understanding that the Parks & Recreation Department was maintaining the Butterfly Garden. However, she would like for Public Works to take on that responsibility in hopes that it will look like the garden right outside Historic City Hall. To date, the palms are completely dead and the garden must include plants that attract butterflies.

She further spoke about the recent outcry relating to the recent hires made by the City Manager in terms of the Assistant City Manager, Assistant to the City Manager, Parks & Recreation Director and Public Works Director. As a result of the Commission and

community's outcry, the City Manager did provide the Commission with a written report that concluding that these particular positions were not going to challenge the city's fiscal health in anyway. She agreed with the City Manager as far as the positions being critical in the life of the city at this particular time, however, she is concerned about the performance and whether they are getting the most cluck for the buck. She requested that the City Manager provide a report that included the Assistant City Manager and Assistant to the City Manager's area of responsibility, goals and accomplishments. To date, she said she has seen a lot of suits walking and sitting around and she wants to make sure they are not just walking and sitting. Instead, they should be actually doing something and not just doing anything, but that which is beneficial to the city. This report would give additional eyes to what she is saying and has heard from others.

Mayor Taylor thanked the City Manager for the \$350,000.00 grant received for the renovation of Historic City Hall which would be added to the 2 Million Dollars received from Commissioner Barbara Jordan on behalf of Miami-Dade County.

She reminded the City Manager that the city is to continue to work on the bus stops and a stop should be included at the Opa-locka Flea Market.

She requested that the city create a homebound program for those residents that are homebound.

In terms of the booklet the city took to Tallahassee, she asked if the City Manager was able to get a copy to the legislators.

Manager Patterson replied, yes.

Mayor Taylor directed the City Manager to provide a copy of the booklet to Congresswoman Wilson as well.

She continued by saying that she was on the tour of Southwest Opa-locka and what she saw was not good at all so she took the necessary personnel with her to also see what she had saw. She informed the City Manager that there are streets that have just been cut off, ease ways blocked up, tires and debris. This area is a mess and needs cleaning up. She said she was in favor of the taxing districts because those businesses have made streets and roads out there and literally ran over the fire hydrants. Should there be a fire in that area then there's nothing to help the Fire Department put the fire out.

She further said she observed cars parked on the outside of the businesses which should be on the inside and there should be city ordinances to that affect. If Opa-locka is going to be a five star city then Code Enforcement must enforce the code in that area. If there isn't an ordinance, then one should be brought back to address the code violations in that area. There is a piece of property in that area that is fenced in but it looks like a dump. She asked, why could the city worry about somebody's grass being a little high when they have dumping in the Southwest section of the city?

Mayor Taylor expressed the importance of Code Enforcement doing their jobs because the success of the city rests on Code Enforcement. She said she would take pictures of that area to show to the City Manager.

She made mention of a resolution in place which requires local businesses to hire Opa-locka residents. However, there is a business in that area that brags about his employees being of one nationality. She suggested that the resolution is brought back and reactivated, if possible, because she remembers when it was done, but can't remember if it had a sunset. The City Clerk should have a copy of the resolution.

Vice Mayor Johnson suggested that the resolution is made a part of the Welcome Kit.

Mayor Taylor said that there is industry on the same street as residence which is nice in the front, but in the back is a full business going on. She said she sat there and watched them do their business but what happened is that those individuals have permits and she is not having that in the City of Opa-locka anymore. Nobody is grandfathered in that does not meet the beautification of this city. She also observed that there are water meters hidden under concrete which means they are either not paying at all or water is just running. This will be addressed if the city has to go out there every day.

She continued by saying there are truck loads of debris that have to be brought from that area, but on the other hand businesses must be held accountable and DERM must go back there because there are oil spills on the ground. The city is not just the redevelopment of Magnolia North because they have to also address the other parts of Opa-locka.

She directed the City Manager to address this matter and if the city doesn't have ordinances then she directed the City Attorney to draft them. She said she wants to see a massive clean up of that area and they will have to utilize the Public Works Department because there are truck loads of debris. Also, the city must get those businesses to move the cars on the inside.

She further directed the City Manager to conduct a feasibility study on bringing the garbage collection in-house because she would like to create jobs for the people in Opa-locka. Additionally, she requested that all businesses issued a city occupational license are contacted to inquire about job vacancies. The City Manager must also work on the Summer Youth Program and a job fair.

Mayor Taylor said that when businesses come up for their license renewal, the city may want to find out how many Opa-locka residents they have hired.

With regards to NW 131<sup>st</sup> Street drainage, the City Manager did not present it as well as she wanted it presented and there was a question about the resolution which should have not been. She said she was informed by Miami-Dade County Public School bus driver that a child was dropped off on that street and the water was very high. Although the resolution was deferred, she instructed the City Manager to jump right back on it and do it right, in a matter that the Commission can understand what is being done.

She went on to say that there is a street behind Wachovia Bank belonging to the city that is always flooded. She suggested that the City Manager work with the Public Works Director to address the issue. In addition, she suggested that the city meet with Wachovia Bank because the water coming from the top of their building is adding to the flooding. Also, there may be a possibility that FDOT should be involved in this matter.

She further expressed her concern relating to the excess amount of overtime accumulated by city employees which is her opinion is too much. Although she had not done a fact finding on the following statement, she said employees who are on salary are making overtime and that must stop. The amount of overtime she calculated in the book with the budget director is enough to hire people. The overtime in this city is out of control and should be brought back to where it should be.

Mayor Taylor directed the City Manager to make sure all staff members are aware of who the Mayor/Commission for the City of Opa-locka are because she had incidences where employees didn't know who she was. She requested that pictures of the City Commission are placed in every department of the city.

In terms of resolutions on the agendas, she said that the Commission is asking too many staff questions and that is not their jobs. The Commission's job is to create policy to get the job done. She said that when the City Manager and/or his staff places a resolution on the agenda, then they should play the devil's advocate so when it gets to the Commission, the explanation, track record, where the money is coming from, who's going to do the work is all done. The City Commission must depend on staff to work efficiently and proficiently in their area. The Commission can't get on legislative stuff for doing staff stuff and she would like for that to stop. She said this must stop because it is taking up time to discuss the resolutions.

Commissioner Holmes stated that he received a letter from a citizen thanking the Mayor and Vice Mayor for listening to her concern during a Crime Watch Meeting concerning an abandoned house and a tree. In the letter, the citizen was thanking them for sending Randolph Aikens and his gang to take care of the problem.

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

Ezekiel Orji, City of Opa-locka Finance Director/Assistant City Manager came forward and stated that all of the required reports from the Finance Department are included in the packet provided to the Commission. The city is maintaining the required reserve of \$565,000.00 in the account.

He continued by reporting that the audit was progressing well and the auditor is in the process of conducting their final review.

He further stated that the city received seven proposals in response to the RFP for City-Wide Debt Collection Services. These proposals are currently being reviewed and the City Manager will come back to the Commission with a recommendation.

Vice Mayor Johnson inquired about taxes charged on her Verizon Wireless phone bill which are coming to Opa-locka.

Dr. Orji explained that those are franchise fees coming to the city and that money is placed in an account.

Vice Mayor Johnson requested to be provided with an outline of all vendors paying franchise fees to the city.

**17. OFFICIAL BOARD REPORTS:**

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

Attorney Geller reported that there is one new case filed against the city by a former employee named Sheila Robinson who has brought a suit in Federal Court alleging violations of the Florida Fair Labor Standards Act. He said he was working with staff to gather the facts and he believes the city has defenses; however, the suit was filed recently so it's still preliminary. He had asked the Florida League of Cities to look at the suit and they have notified him that this is not one of the cases they handle because they don't do Fair Labor Standards Act matters under the city's insurance contract with them.

He went on to say that he will defend this matter and he is preliminary under the belief that there are defenses to it. However, if in fact, he finds out that it is not correct, then he will immediately begin settlement negotiations and not drag out a lawsuit, but it does appear the city has defenses.

Vice Mayor Johnson reminded the City Attorney that he is to provide a bi-weekly written report to the Commission at each meeting of his accomplishments. In addition to that, she previously mentioned about the City Attorney getting with staff in terms on working to bring the Charter up to date.

Attorney Geller said he did take the direction at the last meeting and followed up with the previous attorney and has the report of what that attorney did and didn't do.

Commissioner Tydus stated that several meetings ago the City Attorney was directed to provide a written legal opinion on the subpoena power of the Civil Service Board, but she has not received that as yet.

Attorney Geller said he has worked on that issue and he anticipates having the report for the next commission meeting. However, he stated preliminary that the city's Charter does not provide for it. There are Personnel Rules & Regulations that talk about the board having that power, however, it is not a power the Charter gives to anyone but the Commission. The Charter does state that the Commission may extend it to boards. He said he spoke to the Mayor about that on several occasions and there may be legislation coming in the near future on this matter.

Commissioner Tydus asked for an update on the Flea Market lawsuit. She further asked, what is it going to take to resolve the matter?

With regards to the Flea Market lawsuit, Attorney Geller said that there was a positive session in mediation. He explained that they are in the process of fact verification because the other party indicated there are some numbers that are not accurate. He is trying to get a meeting scheduled internally with them so they can present what they believe are incorrect numbers. The city is rolling into that settlement of their lawsuit against the city as well. If the meeting is not scheduled fairly quickly then obviously the

mediation process may not go forward, but he did get a clear directive to see if it could be resolved through mediation which as he indicated was a very positive mediation session that was recessed pending verification of some numbers.

Commissioner Tydus asked, who sets the schedule for mediation and for the documents to be presented?

Attorney Geller explained that part of mediation is that it has to be by agreement between the parties. The proposed solution is for them to bring what they have, come in and sit with him and the Finance Director to go over the disputed items. But again, it does need to be done as part of mediation that's done by agreement. Based on that, they've indicated they would return to the mediator to see if the matter could finally be resolved.

Of concern to Commissioner Tydus is the fact that this case has been dragging and it's been months. She directed the City Attorney to set some dates and times because this matter is going on forever.

Attorney Geller said he would give the other party a deadline.

As part of the Magnolia North Redevelopment, Mayor Taylor said she brought to Mr. Geller's attention the request for the city to have a Zoning Board of Appeals in place. She asked Mr. Ed Brown if he had discussed that matter with Mr. Geller?

Ed Brown, Assistant City Manager for the City of Opa-locka came forward and stated that this matter was probably discussed with Mr. Geller through Howard Brown in terms of that board being in place to deal with issues which came out of Habitat for Humanity relating to variances and re-plotting.

In view of time, Mayor Taylor asked, can the Commission serve as the Zoning Board of Appeals for just that purpose?

Attorney Geller said that he believes the answer is yes, but either way he would have something for the Commission to get that done at the next commission meeting.

Mayor Taylor said she would like to keep this project moving.

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

Clerk Irby informed the Commission that Commissioner Miller was at the hospital with her grandson who was recovering from surgery. Although Commissioner Miller anticipated on attending the commission meeting, it got late and she is unable to attend.

She reported that she is in receipt of the official population count from FIU which is totally different from the information provided to the Mayor the previous day. Therefore, there are challenges and she believes the city has enough proof and evidence to ask for a recount. The number provided by FIU is even lower than the number the city started off with and that number couldn't be correct when the city had a 13% increase from 2000 and a 63% response date, but there have been challenges in trying to get information in terms of building permits for the last 10 years.

She further stated that she believes if the city gets with the Social Compact which they signed an agreement with about a year ago, they can have a successful recount.

Mayor Taylor asked if a resolution was needed for that purpose.

Clerk Irby said she would probably be required to fill out paperwork, but of course it wouldn't hurt to put it in the form of a resolution.

She further announced that the 1<sup>st</sup> Annual Scholarship & Awards Banquet will be held on Saturday, March 26, 2011 at 7:30 p.m. She said that enough money was raised so that they wouldn't have to utilize the money allocated for this event by resolution.

Vice Mayor Johnson reminded the City Clerk to provide her bi-weekly written report of accomplishments to the Commission.

Mayor Taylor directed the City Clerk to stay on the Census to ensure Opa-locka receives an accurate count.

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

Commissioner Holmes spoke about an incident in which staff came to him about some issues pertaining to the city and at that time he provided direction on handling the problem the right way as well as his opinion. Of concern to Commissioner Holmes was that the statements he made got out to the community and was blown out of proportion. Those statements he allegedly made got back to him and he was completely lost. He said he has always tried to encourage staff to support and work hard for the manager.

He went on to say that he is aware of who the person is and well aware of what is going on, but he is waiting for the right opportunity for that person to hear from him about some of the things that individual has been doing.

Commissioner Tydus reported her attendance at the City of Opa-locka Community Relations, Recreation & Activities Advisory Board Meeting and said that the minutes would be provided to the Commission.

Also, she attended the Ribbon Cutting Ceremony for the Opa-locka Express and took a tour on the bus of the bus stops and they talked about Mr. Mohammed's schedule during that tour. She said she was very surprised that it had not been resolved as yet.

She further stated that she was interviewed by French filmmakers who are doing a documentary on the City of Opa-locka and she is proud to say Opa-locka is garnering interest internationally.

Commissioner Holmes said he received a telephone call from the individual contacted to give a history of Opa-locka, however, that individual was unable to provide the information due to illness. He said that there should be information in the archives and suggested that the city go that route to see if they could find any history information.

Vice Mayor Johnson said that the city should have historical documentaries on all Opa-locka historians (i.e. First Lady Virginia Tresvant). The former media person had started but she doesn't know what happened with that, however, it is important to document all of the city's history.

She reported that she and Commissioner Miller traveled to Washington DC on the city's behalf and they had the opportunity to hear from First Lady Michelle Obama. They were able to get a lot of good information. She highlighted several items of which she would bring back resolutions, one which deals with Crime Prevention in terms of the resolution adopted in 2004 for volunteerism from employees. The city must get serious about education because the game plan is that they must have a population that is college ready or work force ready. Additionally, she said she signed up with the First Lady's initiative which would enhance the Opa-Steppers because back in 2008 the city signed up with the Florida League of Cities for the CVS discount card, but the city is not on the list. The city is now signed up for the CVS discount card and Let's Move It, a health & wellness initiative of First Lady Michelle Obama. She also spoke to the National League of Cities on procurement and she would provide the City Manager with the contact information as well as sponsor a resolution for that purpose.

She further stated that there is an interest in transportation and infrastructure where all funds coming down, which don't have to be shovel ready, and in order to attract businesses and new development the infrastructure is critical.

Vice Mayor Johnson reported her attendance at the War on Poverty meeting and there is so much free information that she needs the City Manager to identify a person to work with her on Opa-Steppers. She even spoke at a meeting about the city embracing the City of Miami Gardens Health Fair and she would sit down with the City Manager to discuss this matter once the legislation is passed.

She continued by providing a report on her trip to Washington DC.

She further informed the Commission that she is not sleeping on the educational compact and she had contacted the representative for the area, but she will now take it to another level due to the importance of getting it passed. However, hearing the conversation at the National League of Cities, it is going to be critical to have community engagement with students.

Vice Mayor Johnson informed the City Manager that the deadline for the Employee Discount Program, Welcome Kit, as well as identifying the liaison from his staff to work with her with Opa-Steppers is Wednesday, March 30, 2011.

She thanked everyone for their support during her time of bereavement.

Mayor Taylor encouraged the Commission to make a decision on the forward session scheduled for Friday, March 25, 2011 at 10:00 a.m.

After brief discussion, Mayor Taylor asked, was the forward session worth having without the full Commission being present?

Commissioner Tydus said that the only way the forward session would be beneficial is if the full Commission was present.

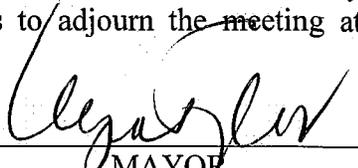
Mayor Taylor suggested that the Human Resources Director apologized to Mrs. Burke on behalf of the Commission, but they will not go forth with the forward session due to the lack of cooperation from the full Commission and it would not be beneficial to have it with three out of five members.

She provided a reminder of the CRA workshop on April 1, 2011 @ 10:00 a.m.

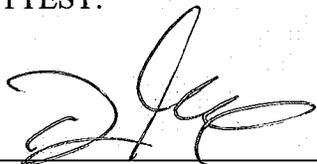
**21. OFFICIAL BOARD APPOINTMENTS:**

**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 10:10 p.m.

  
MAYOR

ATTEST:

  
CITY CLERK