CITY OF OPA-LOCKA

"The Great City"

CLERK'S ACTION SUMMARY MINUTES
REGULAR COMMISSION MEETING
April 28, 2021
7:00 P.M.

1. CALL TO ORDER:

Mayor Matthew A. Pigatt called the meeting to order at 7:00 p.m. on April 28, 2021 at Sherbondy Village, 215 Perviz Avenue, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Commissioner John H. Taylor Jr., Vice Mayor Veronica J. Williams and Mayor Matthew A. Pigatt. Also in attendance were: Assistant City Manager George Ellis, City Attorney Burnadette Norris-Weeks, and City Clerk Joanna Flores. City Manager John E. Pate joined virtually via Zoom and Commissioner Chris Davis arrived at 7:17 p.m.

3. INVOCATION:

The Invocation was delivered by Commissioner Taylor.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. AWARDS/PROCLAMATIONS/ACKNOWLEDGMENTS:

There were none.

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

Vice Mayor Williams pulled agenda item 13-5.

Mayor Pigatt pulled agenda items 13-4.

(These items would be discussed under agenda item 12 - Action Items).

It was moved by Vice Mayor Williams, seconded by Commissioner Taylor to pass the consent agenda (agenda items 13-1, 13-2, 13-3).

The motion passed by a 3-0 vote.

Commissioner Burke	Not Present
Commissioner Davis	Not Present
Commissioner Taylor	Yes
Vice Mayor Williams	Yes
Mayor Pigatt	Yes

7. APPROVAL OF AGENDA:

It was moved by Vice Mayor Williams, seconded by Commissioner Taylor to approve the agenda.

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

Vice Mayor Williams	Yes
Commissioner Burke	Not Present
Commissioner Davis	Not Present
Commissioner Taylor	Yes
Mayor Pigatt	Yes

8. APPROVAL OF MINUTES:

Virtual Sunshine Meeting Minutes of July 21, 2020

It was moved by Vice Mayor Williams, seconded by Commissioner Taylor to approve the minutes of the Virtual Sunshine Meeting on July 21, 2020.

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

Vice Mayor Williams	Yes
Commissioner Burke	Not Present
Commissioner Davis	Not Present
Commissioner Taylor	Yes
Mayor Pigatt	Yes

Virtual Workshop Meeting Minutes of July 30, 2020

It was moved by Commissioner Taylor, seconded by Vice Mayor Williams to approve the minutes of the Virtual Workshop Meeting on July 30, 2020.

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

Commissioner Taylor	Yes

Vice Mayor Williams	Yes
Commissioner Burke	Not Present
Commissioner Davis	Not Present
Mayor Pigatt	Yes

Virtual Workshop Meeting Minutes of August 20, 2020

It was moved by Vice Mayor Williams, seconded by Commissioner Taylor to approve the minutes of the Virtual Workshop Meeting on August 20, 2020.

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

Vice Mayor Williams	Yes
Commissioner Burke	Not Present
Commissioner Davis	Not Present
Commissioner Taylor	Yes
Mayor Pigatt	Yes

Regular Commission Meeting Minutes of April 14, 2021

It was moved by Vice Mayor Williams, seconded by Commissioner Taylor to approve the minutes of the Regular Commission Meeting on April 14, 2021.

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

Commissioner Taylor	Yes
Vice Mayor Williams	Yes
Commissioner Burke	Not Present
Commissioner Davis	Not Present
Mayor Pigatt	Yes

9. DISTRICT ONE / DISTRICT TWO - COUNTY COMMISSIONER REPORT:

Bruno Lopez from the office of Oliver Gilbert, the Vice Chair of the Miami-Dade Board of County Commissioners, expressed his appreciation for the opportunity to speak on item 5, a resolution to create an incentive program to curb illegal dumping. Mr. Lopez thanked Vice Mayor Williams for sponsoring the item and inviting the Vice Chair to provide a statement. He extended apologies on behalf of the Vice Chair for not being able to attend. Reading remarks on behalf of the Vice Chair, he stated that the residents of the City of Opa-locka and District 1 have had to suffer for many years because of the careless and selfish actions of a few who have disregarded the safety and well-being of the community. In support of the efforts of the Vice Mayor and the Commission to curtail illegal dumping activities that he recognized have gone on for far too long, he reported that the Vice Chair has introduced an illegal dumping pilot program at the county, designed to get affected areas cleaned up faster. He added that the program is designed to work with the City of Opa-locka to identify problem areas, getting them reported and dispatching cleanup crews within a target of three days. Also explaining that if a City crew provides the work, the county would waive the fee for the materials that are brought to the county dumpster, which is not currently being done. Applauding any efforts to help address this issue, he offered assurances that the Vice Chair will continue to look for ways to collaborate with the City to improve the community. He emphasized that together much can be accomplished, with everyone having a stake in it, which is why he asked for the Commission to join in supporting the item, so that the voters can be served to the best of each of the Commission member's abilities. Concluding by once again thanking the Mayor and City Commission for their leadership, he reminded them that the Vice Chair's office is available to assist in any way possible, and said that he is happy to answer any questions and provide his contact info.

10. PUBLIC PRESENTATIONS:

There were none.

11. CITIZENS' FORUM:
(Opportunity for discussion of any concerns – please limit to 3 minutes)

Clerk Flores announced the protocol for public participation at City Commission meetings.

Mayor Pigatt opened the floor for the Citizens' Forum.

Eric Nadel of Enviro Media Group located at 8899 NW 18th Terrace, Suite #210, Doral, FL 33172 addressed the Commission about the resolution to authorize the City Manager to enter into a contract with 2020 Media Bench Advertising of Opa-locka for the installation of street furniture. Mr. Nadel reported that his company has been trying to work with the City of Opa-locka for well over a year, to provide very similar services but they haven't really had a lot of responses, despite his company working with Public Works Director Airia Austin for some time. He stated that in the past 24 hours it came to his company's attention that the City had negotiated a contract with another vendor, and asserted that he thinks it is in the best interest of the City to offer an RFP and see what other products are available. Informing the Commission that his company recently began offering a bench that is solar powered which lights up at night and charges cell phones, he assured them that his company can offer more money from what he sees is being offered in the current contract before him. Mr. Nadel encouraged the Commission to do what is best for the citizens, by allowing other vendors like his company to offer similar services to the City.

James Butts requested to be exempt from giving his address because of the protections for law enforcement. Mr. Butts shared a packet with the Commission that included information on why he is speaking before the dais. He reported that on April 19th he was using sand to raise his backyard, to try to keep out the 1 - 2 inches of water that floods his property when it rains. According to Mr. Butts, he received a warning from the City's Code Enforcement who told him that it was a violation to put sand in his backyard. He explained that he stopped the laying of the sand and went to City Hall, where he spoke with Martha who checked and said there was no ordinance against putting sand in your backyard. Additionally, he said that Martha contacted two other people above her who couldn't tell her that there was an ordinance against him laying sand in his backyard. Assuring the Commission that he is not excavating or digging, he asserted that he is just laying down sand to bring the level of his yard up, so it won't flood every time it rains.

Upon Mr. Butt's three minute time limit expiring, Mayor Pigatt stated that he wanted to respect everyone's time limit and informed him that his time is up, but assured him that the Commission has the information he provided them and will have comments after everyone speaks.

Ms. Mitchell of 14255 NW 22nd Place introduced herself as an advocate for her side of Opa-locka over by Ingram Park, down the street from Segal Park. She reported that she had a senior resident who explained to her that they submitted their application for mortgage assistance on the date that the program started accepting applications, but never received anything beyond a thank you for submitting the application. Because the resident had contacted her to find out if anything had been posted about what should be done after submitting the application, she asked to send an email on behalf of the resident to the City Commission. Ms. Mitchell recalled having sent an email on March 15th to each and every member of the Commission and receiving a response from Legislative Aide Randy Grice who she called back on March 16th. After she said Mr. Grice told her that he had not heard anything on the matter, she called him back on March 24th at which time he had no info. According to her understanding, 95 residents applied and supposedly only 5 were eligible. She asserted that her only issue is if people were missing something or did not qualify, they should have received a notification indicating why they were not eligible for the mortgage assistance. Additionally she expressed her concern that she hasn't gotten a response since March 16th, and that she was just told that the program is closed. Considering that the applications for the mortgage assistance program were submitted way back in November and December, she asked for somebody to get some answers so that she can get them to the family and try to help them.

Brian Dennis of 821 NW 54th Street stated that he received an email at about 2:15 PM today about the proposal to fire the Manager tomorrow, which he said that the Mayor's name is all over and called foolishness. Mr. Dennis said that the same Mayor who fired former City Manager Newall Daughtrey, wanted Mr. Daughtrey here. From his perspective, he said that Mr. Pate got the City moving after he was hired. Mr. Dennis stated that he thinks the City Manager is in the same position that former Police Chief James Dobson was in because the Mayor wanted him fired.

Mayor Pigatt reminded Mr. Brian Dennis of the City's decorum policy against making slanderous remarks while addressing the Commission.

Mr. Dennis said that while he is addressing the Commission, he felt he was only being interrupted because he's talking about the Mayor specifically without using what he believed were slanderous remarks, offering to bring witnesses. He informed the Commission that he has been watching them from home for the last month, but decided that there was no way he was going to sit at home after receiving the email today. Additionally, he expressed that he believed it was ridiculous to hire Mr. Pate from halfway across the country and then fire him after he brought his family here.

Pointing out that the situation with the Code Enforcement Department didn't just start, he said that both he and the Commission knows what is going on. Mr. Dennis asserted that you can get organizations in confusion and that while the Commission is fussing and fighting with each other, the number two is still straight. He said he is going to have a real conversation with the Mayor tonight and that he is going to see what he is talking about. He said that he thinks the same thing that other regimes did is going to be done again by tossing City Managers and Police Chiefs, adding that the Clerk and the Attorney can't be tossed because they're on a different contract. He concluded by suggesting that Assistant City Manager George Ellis needs to be fired.

Chris Roberts of 540 Sharar Avenue stated that the concerns being brought to the dais are things that have happened in the last 20 years. She noted that there are different faces, but said that there are the same games. According to Ms. Roberts, demotions from different positions are being made based on who people know, including determining qualifications based on friendships. Ms. Roberts expressed her feelings that if you work for the City, you get treated with foolishness and said that they are fighting for their jobs every day. Additionally, she said that if you say something on the dais, nobody hears anything you have to say. She reminded the Commission that they are not selected but are elected. Ms. Roberts expressed her respect for Commissioner Taylor, recalling that he told her that she didn't like him when she met him, but she acknowledged that she did not know him. She said that she never responded to anything he said and never disrespected him, despite her stating that he is old enough to be her child. Anytime the Commissioner approached her, she said he did so as an adult. She asserted that if you disrespect her, you will get what you are looking for and she will go the whole nine yards.

Mayor Pigatt recognized members of the public who requested to speak virtually during the Citizen's Forum.

Robert Holland joined virtually via Zoom and addressed agenda item 4 that was pulled from the consent agenda. Assuring the Commission that he doesn't represent anybody in the fray, Mr. Holland reported to the Commission that the City of North Miami and North Miami Beach have their rates at $20 a bench, but he pointed out that he thinks the proposal for Opa-locka is $10 a bench. He suggested that the Commission may want to look at how they put this out on the street to potentially get some more money from the bus benches, considering that there are two cities similar in size who have double the pay for their bench contract. Acknowledging that he doesn't know if there was a procurement process, he said he wanted to let the Commission know what the numbers were in those 2 other cities because he doesn't think Opa-locka should be disrespected with half the value.

There being no further persons to speak, Citizen's Forum was closed.

Mayor Pigatt opened the floor to the City Manager and the Commission to make any comments on what was said during the Citizen's Forum.

Commissioner Davis acknowledged that he came into the meeting on the tail end of Ms. Mitchell's comments in regards to the mortgage, rental and grocery assistance programs. The Commissioner explained that the grocery gift card program was afforded $2.1 million and was moved forward by the City, but that the mortgage and rental assistance was actually handled through a third party by Miami-Dade County. He reported being aware of the challenges early on when the first amount was awarded, but pointed out that a considerable amount of money was given out through at least 5,700 gift cards. While he shared that a certain amount of the applications for mortgage and rental assistance were approved, he recognized that a lot of them weren't being approved. He stated that he and some of his colleagues asked early on why Opa-locka residents weren't ultimately being accepted and the response they received was that they just didn't qualify. Offering assurances that he took the initiative to push back and asked for a detailed report through a public records request, he said that it has yet to materialize but committed to continuing to press Miami-Dade County to find out why so many residents weren't accepted into that program at a very crucial time. The Commissioner explained that he recently submitted a public records request for the final report on the mortgage and rental assistance program, and asserted that he looks forward to looking at those findings to determine what went wrong or where the ball was dropped. He also said that he hopes the information provided through his public records request will inform future efforts, because he believes there is going to be a reconciliation of the program with leftover funds. While he admitted that the Commission does not yet know exactly what is going to be done with the reconciliation, he shared that part of the conversation has been to offer a second phase of mortgage and rental assistance. The Commissioner stated he hoped his explanation had mostly answered Ms. Mitchell's questions, but encouraged her to feel free to reach out to his office if she has any questions or concerns.

Commissioner Taylor asked the City Manager about the ticket issued to Mr. James Butts and asked why the ticket was written if there is no ordinance that supports it.

Assistant City Manager George Ellis asked if City Manager Pate was on the line to address the question from Commissioner Taylor, and confirmed that Mr. Pate was in fact on the line.

Commissioner Taylor stated that there is nothing in what he has looked at that says a resident can't put sand on their property.

Assistant City Manager Ellis stated that this is the first time this issue has come to his attention, and that he hasn't spoken to Mr. James Butts about it. Mr. Ellis assured Commissioner Taylor that it is something he will look into to determine why the ticket was issued and if it should have been.

Commissioner Taylor asked if Assistant City Manager Ellis will reach out.

Assistant City Manager Ellis confirmed that he will do some research, including speaking with the Code Enforcement Department to determine if the ticket is justified and he committed to getting back to the Commission about it.

Commissioner Taylor asserted that going forward, the City can't just write tickets haphazardly without cause, just based on an opinion.

Assistant City Manager Ellis stated that he agrees with Commissioner Taylor, but pointed out that no one from the Code Enforcement Department was at the meeting, and that is why he will have to look into it tomorrow to find out what happened in this particular situation.

City Manager Pate stated that the bus bench item is going to be deferred indefinitely due to legal reasons, so it is null and void and will be a matter of non-discussion when it comes up on the agenda.

Mayor Pigatt pointed out that the Commission had just passed the deferment section of the agenda, and said that they will still talk about it and defer the bus benches item when they address action items on the agenda. The Mayor thanked everyone who came before the Commission for the Citizens' Forum, and pointed out that it is the opportunity for residents to be heard. He thanked Mr. James Butts for addressing the issue about the ticket he received from code enforcement for spreading sand in his backyard, and pointed out that as Commissioner Taylor mentioned, it is something that will be looked into by the Manager. He also thanked Ms. Mitchell for bringing the issues with the mortgage and rental assistance program to their attention, noting that it was good to see Commissioner Davis leading the charge and making sure that the issue gets addressed. To clarify the record, the Mayor responded to the comments about former City Manager Newall Daughtrey being fired, asserting that it never happened. The Mayor added that the Manager's situation would be discussed during the Mayor's report. To those interested, the Mayor stated that this is a very important decision for the Commission and he wants to make sure that people are made aware of the challenges and what's going on.

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

4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH 20/20 MEDIA BENCH ADVERTISING OF OPA-LOCKA, LLC. FOR THE INSTALLATION OF BUS BENCHES / STREET FURNITURE IN THE FORM ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

The above resolution was read by City Attorney Burnadette Norris-Weeks.

It was moved by Commissioner Davis, seconded by Vice Mayor Williams to pass the resolution.

Mayor Pigatt asked City Manager Pate to introduce the item.

City Manager Pate requested that the item be deferred indefinitely.

Mayor Pigatt asked if City Manager Pate had concluded his presentation.

City Manager Pate confirmed that he had concluded his presentation on the item.

Mayor Pigatt opened the floor for discussion of the item. The Mayor noted that for the past year, bus benches have gone missing throughout the City after an inquiry was made into Opa-locka's bus bench contract. Pointing out that the Commission has been advocating to get bus benches back on the City's streets, he added that this item came up as the sole source to accomplish that. The Mayor reported that he has inquired about why the City did not go through an RFP process for the bus benches, and asked City Manager Pate to clarify why an RFP process was not used.

City Attorney Burnadette Norris-Weeks said she was happy to take his question because it is a legal one. The City Attorney explained that an RFP process was not used for the City's bus benches because it is not required for this particular type of service under Florida statutes. She also stated that City Manager Pate was referring to the fact that the City just received an email from an attorney that represents a competitor to the company that the City was proposing to contract for its bus benches, explaining that there is a non-compete provision for the vendor. Further explaining that a judgement had been entered in court, stating that the vendor is not supposed to be competing with another entity that was suing them because they had a non-compete provision; basically stating that it would be improper to grant the contract to the vendor because according to the agreement they made in court, they are not legally able to offer bus bench services in the state of Florida. Reporting that this was just recently discovered when the City was put on notice by the law firm representing the vendor's competitor, the City Attorney stated that staff is either looking for another vendor or looking to do something different with this issue.

Mayor Pigatt stated that he is a little confused and asked if the City has to get other quotes or if it is not possible to do business with the company that was being considered for the bus benches.

City Attorney Burnadette Norris-Weeks asserted that Opa-locka cannot do business with the company based on the legal documents that were sent to the City. The City Attorney stated that the documents appear to have been legitimately filed and entered into the courts, supporting the fact that the non-compete provision the vendor signed would have made their contract with the City illegal because they are not supposed to do business in the state of Florida for this particular service.

Mayor Pigatt said that he brought up the item because he was pretty confused about the reason why this vendor was chosen to install the City's bus benches and he wanted to hear clarity on why this particular vendor was chosen, having seen that there are other options. The Mayor reported that as he drives through other cities, he has seen upgrades that have been made to bus stops and expressed that he would love to see the best of what can be offered to the community. He stated that he thinks it's very important that the City get the bus benches installed as soon as possible, noting that too many people in the community have been unable to sit and wait at the bus stops for months. Asserting that it is not a good look to have the elderly or those waiting in the rain for a bus with no place to sit or take shelter, he stressed that whether it requires an RFP or not, the Commission wants to see some options. The Mayor concluded by saying that he wanted to go on the record to clarify how the City can make the bus benches happen so that residents can simply take the bus, and that he supports whatever has to be done to make it happen.

Commissioner Davis inquired about the procurement of the item, acknowledging that it is not required by state statute to procure the item, but asking City Attorney Norris-Weeks what the City of Opa-locka's code says and whether there are limits.

City Attorney Norris-Weeks clarified that anything that's exempt in Florida statute is also exempt in the City of Opa-locka's code.

Commissioner Davis asked if the procurement requirement was dependent on the amount of the contract for the bus benches.

City Attorney Norris-Weeks explained that the amount of the contract for the bus benches doesn't matter because state statute exempts it. The City Attorney pointed out that the bus bench contract can be procured if the Commission or City Manager wants to do so, but it is not required because there is an exemption.

Commissioner Davis expressed that his opinion was that the item should be procured, noting that it seems there have been some challenges with going after one vendor to manage the bus benches. The Commissioner proposed a motion to see what is out there given the rates and potential loss of financial gain.

Mayor Pigatt asked Commissioner Davis to repeat his motion.

Commissioner Davis put a motion on the floor to have the bus bench item procured in order to receive multiple avenues of feedback.

Mayor Pigatt recognized Commissioner Davis' motion.

Vice Mayor Williams acknowledged that the City Manager had deferred the bus bench item due to the legality and that Mr. Robert Holland had suggested entering into an RFP procurement process to ensure the City is not missing out on money. The Vice Mayor asked City Manager Pate if his next steps were going to be to begin an RFP process or if he was just going to walk away from the bus bench project.

City Manager Pate informed the Commission that his intention was to look at who the nearby cities were using for their bus benches and just solicit a quote from the individual companies who already have contracts with three nearby cities. The Manager stated that the City can begin an RFP process as well, but pointed out that it will take longer.

Mayor Pigatt acknowledged that there was a motion on the floor from Commissioner Davis to direct City Manager Pate to begin the RFP process for the City's bus benches. The Mayor asked if there was a second for the motion.

The motion was seconded by Commissioner Taylor.

Mayor Pigatt opened the floor for discussion on the motion. The Mayor stated that he fully supported the motion and thanked Commissioner Davis for being decisive and moving it forward.

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

Commissioner Davis	Yes
Commissioner Taylor	Yes
Vice Mayor Williams	Yes
Commissioner Burke	Not Present
Mayor Pigatt	Yes

Mayor Pigatt asked City Manager Pate if he is going to defer the item 13-4.

City Manager Pate confirmed that he is going to defer item 13-4 indefinitely.

Mayor Pigatt acknowledged that item 13-4 was deferred.

5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO DEVELOP AND IMPLEMENT A CRIME STOPPERS PROGRAM, "OPA-LOCKA KEEP IT CLEAN", TO DETER ILLEGAL DUMPING IN THE CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by Vice Mayor Williams

The above resolution was read by City Attorney Burnadette Norris-Weeks.

It was moved by Vice Mayor Williams, seconded by Commissioner Taylor to pass the resolution.

Mayor Pigatt asked Vice Mayor Williams to introduce the item.

Vice Mayor Williams thanked the Mayor and stated that after five months on the dais, this item is her baby as the first legislation she proposes to be implemented, despite some pushback. The Vice Mayor thanked Mr. Bruno Lopez for speaking on behalf of Vice Chair Oliver Gilbert, who she acknowledged is also proffering a very similar item on illegal dumping, which she said her item will fall in line with. Pointing out that the item falls under beautification of the City, she stated that one of her first goals was to make sure that the Commission attempts to eradicate illegal dumping in Opa-locka. With that effort in mind, she asserted that those who are dumping illegally will be prosecuted to the fullest extent of the law and that those who catch anyone who is dumping illegally will be able to upload their photos to the new Click Fix app and will be able to get a reward. She stated that this is a good thing for the citizens of Opa-locka and that through her travels she has gotten a lot of great feedback. The Vice Mayor thanked those that support the item, including Vice Chair Gilbert.

Mayor Pigatt asked if there was any other discussion on the item. The Mayor commended Vice Mayor Williams for bringing this new program to the City. The Mayor noted that all of the Commissioners defined the beautification of Opa-locka as a top priority, and acknowledged that illegal dumping is a part of that. He stated that it is amazing and divine timing that has this item moving forward within the City of Opa-locka while Miami-Dade County Vice Chair and District 1 Commissioner Oliver Gilbert is pushing a pilot program throughout the county for Opa-locka and Miami Gardens to take care of tipping fees. Pointing out that one of the biggest challenges with illegal dumping is that the City has to pay for the cost of picking it up and also dumping it, he explained that Vice Chair Gilbert's item will cover the cost of the dumping while Vice Chair William's item will provide an incentive for residents to use the new app to identify people who dump illegally in the City, to keep it clean. The Mayor expressed his thanks to all those involved in making this happen and offered his full support, stating that he knows a lot of the City's residents will be excited to see the implementation of the programs.

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

Commissioner Davis	Yes
Commissioner Taylor	Yes
Vice Mayor Williams	Yes
Commissioner Burke	Not Present
Mayor Pigatt	Yes

13. ADMINISTRATION:

CONSENT AGENDA:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING A REQUEST FOR QUALIFICATION PROCESS TO SELECT A CONSULTANT TO PERFORM THE COMPREHENSIVE PLAN AMENDMENT EVALUATION AND APPRAISAL REPORT (EAR); PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ESTABLISH AND IMPLEMENT A SPECIAL EVENTS POLICY AND PROCEDURES, ATTACHED

HEREIN; PROVIDING FOR REPEAL OF ALL PRIOR RESOLUTIONS IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE-YEAR MASTER SERVICE AGREEMENT WITH COMCAST ENTERPRISE SERVICES FOR BROADCASTING ACCESS ON COMCAST CHANNEL 77, AT A COST NOT TO EXCEED FIVE THOUSAND, SEVEN HUNDRED DOLLARS ($5,700.00) PER YEAR ($475.00 PER MONTH); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

Vote taken on Consent Agenda items can be viewed under Agenda Item 6 – Approval of the Consent Agenda.

14. NEW ITEMS:

15. PLANNING & ZONING:

A. PUBLIC HEARINGS:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING THE FINAL SITE PLAN FOR THE CONSTRUCTION AND OPERATION OF A CONSTRUCTION AND DEMOLITION WASTE PROCESSING FACILITY ON THE PROPERTY LOCATED AT 3805 NW 132ND STREET IDENTIFIED BY FOLIO 08-2129-010-0090, IN THE I-3 ZONING DISTRICT; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

The above resolution was read by City Attorney Burnadette Norris-Weeks.

Mayor Pigatt asked Planning & Community Development Director Gregory Gay to introduce the item.

Planning & Community Development Director Gregory Gay explained that the item before the Commission will grant approval for an existing trucking operation to begin operating as a construction and debris disposal company. Mr. Gay stated that as part of their planning at this particular site, the company is proposing to build a 40,000 square foot structure where the construction and demolition debris will be sorted and disposed of in a proper fashion. He pointed out that the site is almost five acres, measuring about 4.7 acres. Additionally, he said that as part of the proposal, the company would be operating within an enclosed facility, which he said will be addressed in an item later on. He reported that the item was presented before the Planning & Zoning Board for approval, which did recommend its approval, and staff is bringing it before the Commission with their recommendation for approval as well. Mr. Gay offered to address any questions or concerns the Commission had.

Vice Mayor Williams acknowledged that the item had been spoken about before and asked if an environmental clause was placed into the item for this site, as a type of long-term resolution.

Planning & Community Development Director Gregory Gay informed the Commission that the operation of this company has to go through an approval process with the Miami-Dade County Department of Environmental Resources Management (DERM) as the regulating entity to determine whether this particular method for disposal will be operated in a proper format. Mr. Gay added that DERM will be part of the permitting process, will be regulating the reviews during construction as well as the ongoing inspections over a period of time, and will have to complete the checks and balances as it relates to contamination and runoff. He pointed out that part of DERM's responsibility is to make sure that businesses that have hazardous materials are handling them properly. Mr. Gay explained that one of the reasons his department is asking for the company's operation to be in a wholly enclosed building, is so that the City can possibly control what type of materials get into the atmosphere.

Vice Mayor Williams thanked Mr. Gay for his answer. The Vice Mayor expressed concern based on the fact that anytime she sees the words waste processing facility, it gives her some pause, adding her opinion that Opa-locka has enough outsourced junk yards. The Vice Mayor asked if a clause can be placed in the resolution before the City signs the deal with the company, that says they will have to cover an environmental issue like some type of pollution such as a leakage of waste into the Opa-locka water system that could potentially happen 10, 20, 30, 40 or 50 years from now. Acknowledging that DERM does and will be the entity that makes sure the company complies with environmental regulations, she said that he is just trying to provide a second layer of protection as a resident of Opa-locka. Noting that waste comes from the City's junk yards, she expressed concern that there are no clauses in the resolution addressing environmental waste that could potentially happen 50 years from now when our great-great-great-grandchildren are still in Opa-locka. The Vice Mayor asserted that she wishes an environmental clause could be placed in the resolution, and that anytime a facility that could potentially hurt the environment such as a junkyard or car lot applies for a permit, she believes that the commission should think about some type of environmental clause that would ensure those companies cover the cost of cleanup and the cost of medical liability, to protect the environment and Opa-locka's future.

Planning & Community Development Director Gregory Gay acknowledged that there had been a conversation about this item. Mr. Gay pointed out that the opportunity to add additional control items to the legislation for this particular business, exists on the next item on the agenda, which is the developer's agreement. He also informed the Commission that representatives for the company are available to speak with them, to address their questions and concerns.

Mayor Pigatt stated that he has quite a few questions, including the Vice Mayor's concern, which he will address when the Commission comes to the company's development agreement on the agenda.

There being no additional comments from the Commission, Mayor Pigatt opened the public hearing on the item.

Ms. Bala Somasundaram, environmental engineering consultant, appeared on behalf of Mr. Armando de Leon, who is proposing the facility, stated her address is 556 NW 53rd Street in Boca Raton. Addressing Vice Mayor William's concern, she stated that while the resolution describes the operation as a construction demolition waste processing facility, she said that the word waste is a bit misleading because when they apply for a DERM permit, it is called a construction and demolition materials recovery facility. She informed the Commission that their whole operation is dry, recognizing that there are plenty of junkyards in the City of Opa-locka which by their nature are wet and dry because they drain fluids from cars. Addressing the Vice Mayor's concern about the cost of something that happens down the road, she stated that part of the DERM permit application is a closure plan and closure cost which makes the company put funds into an escrow account, so that in case somebody is not able to pay for those costs a few years down the road, the money will be in the escrow account. Additionally, she pointed out that everything in their operation will take place inside of an enclosed building with no waste or materials outside of the building, explaining that the trucks will bring everything inside the building and will be offloaded inside the building as well.

Commissioner Davis stated that he is just looking at the item from a zoning perspective, noting that the company is asking for a permanent zoning change because they want to locate in the I-3 corridor, but it is the I-2 corridor that has the designation they need.

Mayor Pigatt asked Commissioner Davis if he is making a comment on the item or asking a question, because the Commission has to make a motion whether or not they are going to consider the item first, and haven't done so yet.

Commissioner Davis stated that he will reserve his comments until after the motion is made.

Mayor Pigatt asked if there was a motion to consider Resolution 15-A-1.

It was moved by Commissioner Davis, seconded by Commissioner Taylor to pass the resolution.

Commissioner Davis noted that the specific zoning district where the company wants to locate is not actually zoned for the type of business they want to operate, but is in close proximity to a zoning area that has that permitted use. The Commissioner stated that being that close would not be that far of a stretch because the City does allow that sort of use as defined in the zoning code. He asked Mr. Gay what the implications were for permanently changing the zoning for this particular business, and if doing so would extend to additional businesses as well.

Planning & Community Development Director Gregory Gay stated that the question being asked by Commissioner Davis about the impact of the change in zoning, would be addressed by another item on the agenda which pertains to this particular property. Mr. Gay informed the Commission that the change in zoning from I-3 to I-2 is prescribed based on the use that this property is seeking for their operations. He added that the I-2 zoning also applies to the business because it is within a wholly enclosed building. Pointing out that the property immediately to the north of the site that is touching this property is zoned as I-2, he explained that is why changing the zoning for this property was actually recommended by the staff and the Planning & Zoning Board.

Mayor Pigatt acknowledged that he was informed that the Commission didn't close the public hearing and asked if there were any other comments to be made as part of the public hearing.

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

Vice Mayor Williams thanked the environmental engineering consultant for Mr. Armando de Leon for her comments. Speaking to the Commission, the Vice Mayor stated that she thinks they have to start looking at the environment and thinking about the future, as the City is cleaning up the mess from the waste produced by the junk yards, trucks and car lots. She asserted that if Opa-locka were to have an environmental and air quality assessment, the City would probably fail. Stating that she is not sure if it would fall under zoning, the Vice Mayor asked for the Commission to think about ensuring that a 99-year clause is placed within this item and all items moving forward for all companies whether they are enclosed indoors or outdoors, to protect the City of Opa-locka. The Vice Mayor said she understands DERM and the zoning of the county, but stated that Opa-locka has too many waste facilities, adding that anybody who lives in Opa-locka knows what the City is suffering through. Noting that she doesn't know if it calls for a deferment or an amendment, the Vice Mayor suggested that her proposed 99-year agreement clause for environmental protection, start with this item.

Mayor Pigatt acknowledged that the item before the Commission is for the resolution for the company's proposed site plan and that the Commission will be getting to the development agreement later in the meeting's agenda. The Mayor asked City Attorney Norris-Weeks if the Commission can put in place a clause in the City's agreements that specifies that it is the responsibility of the property owner to cover the costs if there are major environmental issues.

City Attorney Norris-Weeks confirmed that Mayor Pigatt is correct that as the next item on the Commission meeting agenda, the development agreement would be where the Commission could discuss including an environmental clause such as the one proposed by Vice Mayor Williams. The City Attorney pointed out that the applicant for the agreement on the agenda hasn't been put on any notice other than the discussion at the Commission meeting, and because it is an agreement, both parties would have to agree to the terms. Noting that she was unsure if the applicant was at the Commission meeting or if a representative of the company that is present would agree to the Vice Mayor's proposal, and that her understanding is that they have agreed to what is in the packet that was provided to the Commission; the City Attorney explained that it would require a deferment if the Commission is sure they're going to hold the item so that they can determine whether or not the applicant would agree to the additional provision being advocated for by the Vice Mayor.

Mayor Pigatt thanked City Attorney Norris-Weeks for her explanation and stated that the Commission will bring up the environmental clause proposed by Vice Mayor Williams during the discussion on the next item on the agenda. The Mayor noted that the property where the company is proposing to operate its business is located at the intersection of 28th Avenue and 132nd Street and pointed out that the area has been experiencing a lot of challenges with flooding, despite the road recently being paved. Reporting that he is hearing that the company will bring quite a bit of trucks with heavy loads to that area, he asked how many trucks are anticipated to be coming to the facility on a daily basis when it reaches its full throttle operations.

Planning & Community Development Director Gregory Gay explained that because of the size of the facility and the fact that they'll be doing a lot of things within an enclosed building, they are expecting to handle 75 to 80 trucks through this particular facility on a daily basis.

Mayor Pigatt asked how the proposed facility is going to handle traffic for vehicles that are waiting because they can't be on the inside of the facility.

Planning & Community Development Director Gregory Gay explained that all of the trucks won't be coming to the facility at one particular time because the facility has a staging area for approximately 9 - 10 vehicles to be processed at one time with a mechanism to basically gauge and dictate how many trucks will be coming throughout the entire day from 7 AM to 8 PM. Mr. Gay pointed out that the facility also has enough staggered parking because the building sits back approximately 500 feet on the site, and thus will be able to process the material from at least 10 trucks at a time, with additional parking area also available on the property.

Mayor Pigatt asked what would happen if the proposed facility has an overflow and where those vehicles would be parked.

Planning & Community Development Director Gregory Gay said that Mayor Pigatt's question is a really good one, acknowledging that there have been issues at some other sites in Opa-locka with vehicles on the public right-of-way. Mr. Gay pointed out that the development agreement with the company already addresses the fact that the City does not want vehicles to be parked and waiting on any of the public roads near this particular facility, and explained that the company has already offered assurances that they will be scheduling the loading and unloading of vehicles. Asserting that the agreement details the best arrangement they have been able to work out between the two parties to determine the requirements for loading, unloading and stacking, Mr. Gay offered to address any additional ideas that the Commission would like to suggest.

Mayor Pigatt stated that he looks forward to hearing from the developer when the Commission addresses the development agreement and asked Planning & Community Development Director Gregory Gay to point him to exactly where the agreement addresses traffic. The Mayor asserted that one of his major concerns about the site plan is making sure that it has the capacity to hold enough vehicles and that those vehicles are not going to have a major impact on the traffic in the area. Additionally, the Mayor raised concerns about the sewer system, noting that the proposed site for the company's operation is in one of the areas where the City is completing a stormwater evaluation. He pointed out that the Commission has talked about implementing a special assessment to have local property owners provide the funds necessary for drainage and repairs of the impacts to the roads. Considering that this development will bring more impacts from traffic to the roads, the Mayor said he would like to hear what is going to be done to take care of the drainage issue and if the developer is open to a special assessment for the proper maintenance of the streets, to make sure that all the properties in that area do not have to deal with flooding in the future.

Planning & Community Development Director Gregory Gay addressed Mayor Pigatt's concerns by reminding the Commission that the site being proposed for the company's operations is currently partially in operation and has a drainage system in place to address the front half of the site, which is approximately an acre in size. Mr. Gay stated that the proposed project is going to add another 3.5 acres to the overall operation and the company is looking at adding approximately 20 drain systems, to make sure that the rainwater collected on the site remains on the site and is treated on the site. While he reported that he has not been out to the site during the rainy season to see if there is rainwater spill off onto the street, he assured the Commission that his department addressed the need for the company to have a system to capture and retain all of the rainwater on site. He also said that there may be a water retention pond system towards the back half of the site.

Mayor Pigatt asked if there were any questions about the site plan before the Commission addresses the development agreement.

Commissioner Davis acknowledged the concerns his colleagues have related to traffic with a new business going into an area, and asked if the company has performed a traffic study.

Planning & Community Development Director Gregory Gay reported that a traffic study was done when the first part of the operation was put in place, but he doesn't know if it was expanded to take into consideration the new operation on the site. Mr. Gay explained that while the old traffic study was not provided to the Commission, he can have it prepared if the they think it is something that needs to be a part of the information packet.

Commissioner Davis stated that after hearing his colleague's concerns, he would be more inclined to have more information before making a decision of this magnitude that could potentially impact the community negatively or positively. Noting that he is not sure of the ramifications associated with deferring the item, he asserted that he would like to have the details of the traffic study and the environmental hazards.

Planning & Community Development Director Gregory Gay pointed out that this particular project has three items on the agenda, with two being resolutions and one being an ordinance which requires a second reading. Mr. Gay suggested deferring the first two items until the ordinance comes back before the Commission for the second reading, to have everything considered all at once, giving his department an opportunity to gather all of the additional information that the Commission is requesting.

Vice Mayor Williams asked Planning & Community Development Director Gregory Gay how the Commission agreeing to bring a waste processing facility to Opa-locka, positively impacts the City.

Planning & Community Development Director Gregory Gay reported that his department did some preliminary calculations of the water, sewer, stormwater and public safety impact fees for this particular project and determined that they will range somewhere between $75,000 up to $120,000. Mr. Gay also stated that the company has proffered to provide employment opportunities to Opa-locka residents first, giving them an opportunity to be gainfully employed. Additionally, he pointed out that the proposed operation will help increase the City's tax base.

Mayor Pigatt asked if there was a motion to defer Item 15-A-1 to the Commission meeting that will include the second reading of the variance item.

Planning & Community Development Director Gregory Gay clarified that the second reading will be for the zoning change.

Mayor Pigatt asked if there was a motion on the floor.

It was moved by Commissioner Davis, seconded by Vice Mayor Williams to defer the item.

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

Vice Mayor Williams	Yes
Commissioner Burke	Not Present
Commissioner Davis	Yes
Commissioner Taylor	Yes
Mayor Pigatt	Yes

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF OPA-LOCKA AND 3805 NW 132 STREET, LLC. FOR THE CONSTRUCTION AND OPERATION OF A CONSTRUCTION AND DEMOLITION WASTE PROCESSING

FACILITY ON THE PROPERTY LOCATED AT 3805 NW 132ND STREET, IDENTIFIED BY FOLIO 08-2129-010-0090, IN THE I-3 ZONING DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

The above resolution was read by City Attorney Burnadette Norris-Weeks.

Mayor Pigatt asked Planning & Community Development Director Gregory Gay to introduce the item.

Planning & Community Development Director Gregory Gay explained that this second item addresses the development agreement with the company for their proposed operations. Mr. Gay stated that the development agreement includes boilerplate information related to seeking job opportunities and working with Career Source of South Florida. He reported that the developer has assured his department that they will organize at least one job fair within the City to attract Opa-locka residents and have them be the first to be able to be employed, pointing out that there may be additional job opportunities connected to the construction of the facility itself. Mr. Gay also shared that his department has completed some analysis on the timeline for the development. He stated that this would be an opportunity for the Commission to make suggestions on other control factors such as environmental protections, so that his department can add that information to the item when it is brought back before them.

Mayor Pigatt opened the public hearing on the item. The Mayor asked the developer of the proposed project if the City can negotiate with their company to include the clause in the agreement as suggested by Vice Mayor Williams, to have the company cover the cost of a substantial environmental impact.

Mrs. Bala, the environmental engineering consultant for Mr. Armando de Leon stated that the cost of environmental impacts is taken into consideration before the company even applies for the permit, and she offered to forward a copy of the DERM permit application to Planning & Community Development Director Gregory Gay. She suggested that the language in the DERM permit application can be used as a template for the City so that all environmental costs will be covered in case of any eventuality, as Vice Mayor Williams mentioned.

Mayor Pigatt stated that the Commission looks forward to seeing the environmental protection clause in the development agreement, and he asked Planning & Community Development Director Gregory Gay to notify the Commission about it during their briefings.

Planning & Community Development Director Gregory Gay informed the Commission that his department will make sure to get the information from the developer of the proposed operation and will include the language for the environmental protection clause within sections 9 & 10 of the development agreement, which is where all of the control factors for the agreement are placed.

Mayor Pigatt pointed out that the Commission has declared a flooding emergency in Opa-locka and is currently in the middle of a City-wide stormwater analysis to identify potential projects to invest in to take care of the flooding. The Mayor stated that the area that is being proposed to be used for the company's operation, is one of those areas that has flooding. Pointing out that because Opa-locka is a small municipality, its tax base will most likely not be able to cover the complete cost for the stormwater improvement projects. He stated that the Commission has asked Management to study the possibility of imposing a special assessment on local businesses in addition to applying for grants, so that all the businesses around the area don't have to deal with stormwater issues and everyone can contribute to making sure that the area is best for all businesses. The Mayor asked if the company would be against contributing and being engaged in the conversations about the special assessment to fund stormwater improvement projects.

Mrs. Bala stated that she knows that the EPA NPDES arrangement takes care of stormwater management throughout the U.S. and it trickled down to the cities of Florida. She said that she was under the impression that the permit their company is applying for is under Zone 1 which already has a grant to take care of stormwater management. As a developer, she asserted that she is willing to have the company contribute their part, but reminded the Commission that a $40 million grant has already been received and that the Cairo Lane project is the only one that is going on.

Mayor Pigatt asked Management to provide more clarity on the stormwater improvement projects and the proposed assessment.

Public Works Director Airia Austin reported that the stormwater allocations are a part of the EPA grant, but the assessment that Mayor Pigatt is referring to is relegated to the rebuilding of the roadway to maximize the life expectancy for heavy traffic use, such as what is being proposed by the company for their operations. Mr. Austin explained that at the time when the roadway is going to be developed, an assessment would be imposed on all of the properties adjacent to the right-of-way on a prorated basis.

Mayor Pigatt asked if the City had to have any agreements with property owners, stipulating their willingness to pay the assessment.

Public Works Director Airia Austin explained that business owners would be advised of the assessment for road repairs once the City is successful at bidding the process and establishing the cost.

Mayor Pigatt stated that his last concern about this project is regarding jobs. The Mayor recalled that since he has been on the dais, quite a few development agreements have been passed and it has been a standard to make sure that developers are encouraged to hire people from Opa-locka first. He noted that despite all of the development agreements that have come across his desk over the past four years, he thinks he has only heard of two job fairs and doesn't want that to happen again. Asserting that the Commission wants people from Opa-locka hired, the Mayor asked what the logistics of the company's planned job fair will be, including who they will notify to make sure that it happens. The Mayor also asked Management what accountability measures will be put in place to make sure that when the company is ready to hire for the development, that there is a job fair promoted by the City.

Planning & Community Development Director Gregory Gay reported that his department has had some challenges and have relied on the developers to pick up where they have had some deficiencies. Mr. Gay stated that his department is limited to reaching out to the developer and asking when they are going to have a job fair and then following-up to determine how many people from Opa-locka were actually employed. He noted that in the past, job fairs for businesses in Opa-locka were not even held in the City. Mr. Gay asserted that his department is trying to make sure that developers are getting the information they need to utilize the facilities that the City has available, including the Career Source Facility in City Hall. He also suggested that the City can do more marketing to let people know that jobs are available, acknowledging that some arm twisting may be necessary to get people to at least come in the door because. While he identified as a challenge the fact that a lot of people don't necessarily want to work on an industrial site, he stated that there are some who love that type of stuff. Mr. Gay pointed out that this proposed development is one of the more clean operations as a recycling center that will break down the materials including concrete and separate the rebar to reutilize all of it. He assured the Commission that his department is going to work with the developer and with the public to let them know that jobs will be available.

Mayor Pigatt asked Planning & Community Development Director Gregory Gay if it is possible to tie the permitting process or the issuing of the certificate of occupancy to a requirement for the submission of a job fair flyer.

Planning & Community Development Director Gregory Gay stated that he could not provide Mayor Pigatt with an affirmative answer about the possibility of tying the permitting process or issuing of the certificate of use, to the official announcement of a job fair, because it may have some legal matters that would need to be addressed. Mr. Gay said that he liked the Mayor's suggestion and his department will look into it.

Mrs. Bala stated that the company will set up a job fair with Mr. Gay's department. She said that with the City's help, they will figure out how to advertise it and hopefully get the best people for the jobs.

Vice Mayor Williams thanked Mayor Pigatt for suggesting a job fair, but she proposed that moving forward the Office of Community Development should require that a percentage of a businesses' workforce be from Opa-locka. The Vice Mayor pointed out that holding a job fair with no checks and balances, does not guarantee that anyone is actually hired from Opa-locka. She asserted that just holding a job fair and moving on to the next development is not good enough and proposed that 5% - 10% of a company's employee base should come from Opa-locka. Acknowledging that there may be a challenge finding trained and skilled workers, she also suggested that developers offer bonus incentives to employees who live in Opa-locka. The Vice Mayor added that workers who may want to move into Opa-locka may find a bonus to be beneficial.

Hearing no other comments or questions, Mayor Pigatt asked if there was a motion to defer Item 15-2 to the second reading for the zoning change ordinance.

It was moved by Commissioner Davis, seconded by Vice Mayor Williams to defer the item.

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

Commissioner Burke	Not Present
Commissioner Davis	Yes
Commissioner Taylor	Yes
Vice Mayor Williams	Yes
Mayor Pigatt	Yes

B. APPEALS:

16. ORDINANCES/RESOLUTIONS/PUBLIC HEARINGS:

A. FIRST READING ORDINANCE(S)/PUBLIC HEARING(S):

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING THE REQUEST OF 3805 NW 132 STREET, LLC. TO REZONE THE PROPERTY LOCATED AT 3805 NW 132ND STREET, IDENTIFIED BY FOLIO 08-2129-010-0090, FOR THE CONSTRUCTION AND OPERATION OF A CONSTRUCTION AND DEMOLITION WASTE PROCESSING FACILITY ON THE PROPERTY, IN THE I-3 ZONING DISTRICT; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

The above resolution was read by City Attorney Burnadette Norris-Weeks.

Mayor Pigatt opened the public hearing on the item.

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

It was moved by Commissioner Davis, seconded by Vice Mayor Williams to discuss the item.

Mayor Pigatt asked the City Manager to introduce the item.

Planning & Community Development Director Gregory Gay stated that the item is the first reading of the ordinance to rezone the site from I-3 to I-2. Mr. Gay reported that the rezoning process is suitable for the proposed operation that the Commission just heard about and will allow the construction and demolition (C & D) operation to take place on the site, in a wholly enclosed building and under an environmentally controlled operation. He also informed the Commission that approval was recommended by the Planning & Zoning Board as well as staff from his department.

Mayor Pigatt opened the floor for discussion.

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

Commissioner Taylor	Yes
Commissioner Burke	Not Present
Commissioner Davis	Yes
Vice Mayor Williams	Yes
Mayor Pigatt	Yes

B. SECOND READING ORDINANCE(S)/PUBLIC HEARING(S):

C. RESOLUTION(S):

17. CITY MANAGER'S REPORT:

Mayor Pigatt asked for the City Manager to deliver a report to the Commission.

Assistant City Manager Ellis stated that he did not know if City Manager Pate was still available on the Zoom line.

Information Technology Director Nelson Rodriguez confirmed that City Manager Pate was still connected via Zoom.

Assistant City Manager Ellis stated that it seemed City Manager Pate was not available at the moment and that he was going to pass because the Manager didn't have a report.

18. OFFICIAL BOARD REPORTS:

Mayor Pigatt asked City Clerk Flores if there were any reports from the board.

City Clerk Flores reported that there were no board appointments. The Clerk informed the Commission that her office has scheduled training with the Miami-Dade Commission on Ethics and Public Trust for the board members. She stated that the training is scheduled for Wednesday, May 19th at 6 PM and explained that the virtual training will cover the sunshine law, public records as well as the conflict of interest and code of ethics ordinance.

19. FUTURE AGENDA ITEMS:

20. MAYOR/COMMISSION REPORTS:

Vice Mayor Williams stated that she is happy to announce that she will be holding a Mother's Day luncheon/dinner in Sherbondy Park on Thursday, May 6th. The Vice Mayor said that she will be honoring 20 senior women along with their guests. She shared her excitement after meeting with the decorators, caterers and everyone that's going to utterly shower the senior women with love. Reporting that Congresswoman Frederica Wilson is also supporting the event, the Vice Mayor stated that it is called Women of Many Hats because women definitely wear many hats. The Vice Mayor said that it is by invitation only and that the Commission is welcome.

Mayor Pigatt stated that he has to have a conversation with everyone from the residents, to employees and his colleagues. The Mayor lamented that it is something he is very uncomfortable with and he just wants people to hear him out, understanding it is not something he has done before and that it took a lot to get to this point. He expressed that the level of transparency that is required by the sunshine law is one of the difficulties he feels elected officials have at the local municipal level that is unique to Florida and the world, because it prevents having some very hard conversations in any format outside of a public one. Despite how difficult the Mayor felt it is, he asserted that it has to be done because he wants to make sure that everyone is clear about what is going on. He urged his colleagues to just tell him to pause at any point if they wanted to save the conversation for the Special Commission Meeting the next day. Pointing out that the Commissioners have a packet of information including an agenda for the meeting, he said that he wanted to give a general overview of it, so that the Commissioners can think and sleep on the decision, because he acknowledged that the termination of the City Manager is not a simple decision to have to make. Mayor Pigatt accused City Manager Pate of violating his contract with the community and stated that he had to show how to be able to terminate him for cause, to not incur costs for the citizens and residents. The Mayor said he understood the disruptions of the very fundamentals of the City's government that are caused by constant changes in the leadership of the City, are a huge factor in the challenges that Opa-locka faces and that it is unfair to employees and everyone who deals with it. Recalling his very first meeting with Commissioner Davis, who was Vice Mayor at the time, and Commissioner Burke, he said that having to deal with that was the worst meeting of his life. To his new colleagues, he said that he does understand the challenge, having had to make the serious and most significant decision made as an elected official, to go after a new Manager and City Attorney just a few months into his first term. Reminding the Commission that despite how difficult it was, they did it and did something different by not doing a quick search after the termination of the Manager. Instead, he recalled how the Commission engaged in a national search that allocated $25,000 for the change that they hoped would secure a Manager that would take the City to the next level. The Mayor shared that the Commission was very excited when they secured Mr. Pate, and he personally advocated to make sure that the City paid him properly as he negotiated his contract. Despite those who got mad at the Commission, the Mayor explained that the secure four year contract was given to Mr. Pate because Opa-locka needs the longevity of a great City Manager to overcome the challenges being faced to rise as a community. Since the time of Manager Pate's employment, Mayor Pigatt said he has been his number one champion and he asserted that the record shows that he supported decisions, advocated on his behalf, stood up for him when tough decisions were being made, and spoke highly of him. The Mayor reported that for the past year, he has had to have conversations almost every week about professionalism, decorum, emotional outbursts and just showing up to meetings. Additionally, Mayor

Pigatt stated that a few months ago, Manager Pate started to make false accusations that were put in writing via emails accusing the Mayor of involvement in day-to-day City operations, which he pointed out is a misdemeanor crime that can get any elected official taken out of office. He said that it happened so much, that the talk and rumors about it were normalized, despite him strongly asserting their falsehood. The Mayor said that he sat back and said nothing about the serious accusations until Vice Mayor Williams asked for some clarity at a meeting, recalling that it is the only time it was spoken about. Pointing out that the Mayor is a representative of the people of Opa-locka and that the people came out and elected him in a landslide, with more votes than any mayor in the City's history. Mayor Pigatt assured the Commission that he would never embarrass and violate the trust the voters put in his office, who he believes voted for change. He stated that it is unacceptable to have a new employee who is not from around here, accuse the head of the City of a criminal offense over and over again, assassinate their character and cause division on the Commission. The Mayor said that no command structure would allow it, and used the example of his own job, where his boss would not allow it. Despite the accusations that Mayor Pigatt said were made by Manager Pate, the Mayor did not call for a termination because he said they weren't true, and all he did was stop having conversations with the Manager outside of Monday briefings, agenda briefings and the Commission meetings. The Mayor explained that in order to preserve integrity and make sure the City continued to move forward, he took back the step of not having conversations with the Manager. The same disrespect that the Mayor expressed he has been experiencing over the past year, he said, was seen live during the last Commission meeting for everyone to see, and reported not being able to believe how many comments and calls he received from people who said it wasn't something they liked seeing. After investigating and compiling some instances where Manager Pate could be terminated for cause, he documented everything in the packet that was given to the Commissioners. Mayor Pigatt justified the action based on the Manager not showing up to meetings or going through the proper process to let the Commission know he will not be at the meetings or will be taking leave time. Noting that one of the fundamental rules of any profession of work is to show up, the Mayor stated that it is very clear that Manager Pate misses more meetings than anybody in the room except the residents, and that the Commission goes weeks without seeing him because they don't even see him on the camera on Zoom. Mayor Pigatt stressed that it is not a good look and if it continues, he does not see Opa-locka being able to progress as a City like it has been. Having wanted to share this information with everyone, the Mayor provided what he believes is documented evidence for termination with cause. Reviewing the agenda for the following day's Special Commission Meeting, Mayor Pigatt explained that the first item is for termination for cause, with no cost to the City, then requiring the Commission to identify an interim Manager and go through a search. The second item on the agenda is for suspension with pay and an investigation of the City Manager, which would require the Commission to cut the budget to provide the Manager leave with pay while a consultant investigates his leave forms and makes sure they align with the days that Mr. Pate said he was taking off. The last item on the agenda is to amend Manager Pate's contract, which would require the Commission to have discussions to find out what that looks like. Mayor Pigatt stated that he wanted to share that and put it on the record, despite it being something he does not want to do to any person regardless of the challenges they're facing. Mayor Pigatt asked his colleagues to review the information and come to the Special Commission Meeting prepared to ask questions and make decisions, after reaching out to anyone they know in public government who can help them choose the next City Manager.

21. OFFICIAL BOARD APPOINTMENTS:

There were none.

22. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Taylor, seconded by Commissioner Davis to adjourn the meeting at 8:57 p.m.

Matthew A. Pigatt
Mayor

Attest:

Joanna Flores

Joanna Flores, CMC
City Clerk