

CITY OF OPA-LOCKA
“The Great City”

CLERK’S ACTION SUMMARY MINUTES
SPECIAL COMMISSION MEETING
April 29, 2021
5:30 P.M.

1. CALL TO ORDER:

Mayor Matthew A. Pigatt called the meeting to order at 5:30 p.m. on Thursday, April 29, 2021 at Sherbondy Village, 215 Perviz Avenue, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Commissioner Alvin E. Burke, Commissioner Chris Davis, Commissioner John H. Taylor Jr., Vice Mayor Veronica J. Williams and Mayor Matthew A. Pigatt. Also in attendance were: Assistant City Manager George Ellis, Assistant City Attorney Candice Cobbs and City Clerk Joanna Flores. City Attorney Burnadette Norris-Weeks arrived at 5:44 p.m. and City Manager John Pate arrived at 5:51 p.m.

3. INVOCATION:

The Invocation was delivered by Commissioner Taylor.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. PUBLIC INPUT: (agenda items only)

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

Mayor Pigatt opened the floor for public input.

Melinda Miguel, Chief Inspector General, Office of the Governor, appeared virtually via Zoom in her capacity as the Florida Governor’s designee for the financial emergency board and began by greeting Mayor Pigatt, Vice Mayor Williams, the Commissioners, employees and residents of Opa-locka. Ms. Miguel stated that she was saddened and dismayed to be considering the options before the Commission, asserting that each of the options has heavy consequences. As the Commission prepares to take a vote, she cautioned them that there may be other options to consider. Noting that the Commission once again finds itself in a place where they are having to consider the change in the City Manager, she said that she supports the Mayor in his comments

about the desperate need for the longevity of a great leader in order for the community to rise and to press through the financial difficulties. Stating that she can only speak to the City Manager's responsiveness to the state, she said she wouldn't comment about his interactions with the Mayor and others because it would be inappropriate for her to do so until she has all the facts. Reminding the Commission that the financial emergency board is still in place until the legal requirement for secession of state action, she added that the board is required to be in place until the City has established and is operating an effective financial accounting and reporting system and has resolved the conditions outlined in Florida statute 218-503. Ms. Miguel offered assurances that she is looking forward to working with the Commission on resolving the state of financial emergency. She also reminded them that there is a contract with the financial emergency board to have the City and City officials notify the governor and the governor's designate in writing of any event, occurrence or transaction that might affect the financial condition of the City; in addition to notifying the governor's designee of any affirmative act or failure to act by the City that jeopardizes the City's financial recovery. Ms. Miguel said she looks forward to receiving the final vote as decided before the Commission, and committed to calling an expedited meeting of the financial emergency board in accordance with the sunshine law, to consider any vote by the Commission.

Audrey Dominguez of 1147 Jann Avenue appeared virtually via Zoom. Ms. Dominguez recalled that a year and a half ago, the City of Opa-locka went through a national search for a City Manager that she said the Mayor was in favor of. After pointing out that the City spent \$25,000 on a headhunter in addition to the salary to hire Mr. Pate, she suggested that Mayor Pigatt now wants to throw out the residents and taxpayers dollars, because his ego was hurt and he doesn't have control of everything. She reminded the Commission that we're not living in a communist country in a small city like Opa-locka. Ms. Dominguez said that Mayor Pigatt is alleging that Mr. Pate broke his contract by not calling in when he was going to be out or not be in a meeting, but asked if Assistant City Manager George Ellis hadn't been available to take the Manager's place. She reported that since Mr. Pate was appointed as City Manager, she has noticed the roads are paved, the trees are cut and the sidewalks are repaired. Ms. Dominguez also shared that every time she has contacted the City Manager regarding illegal dumping, he responds immediately, and the site is cleared in less than two days. She said that in the real world, if an employee is not following policies and procedures, the first step is to contact the Human Resources Department to meet with the employee and a supervisor and discuss the matter, in addition to issuing a verbal warning or email to have it in writing, and asked if those steps were ever taken. Suggesting that the Mayor speak with the City Attorney before taking such drastic measures, she expressed concern that it may cost residents a lot more of their tax dollars. She urged Mayor Pigatt and Manager Pate to work diplomatically, stating that they don't have to like each other, but said they need to work together as a team, and reminded them there's no "I" in "team". Ms. Dominguez stated that this is not personal and is just business, but she said that the Mayor takes everything personally and said that the City cannot function that way. She asserted that this is not only the Mayor's City, but that it is our City. Ms. Dominguez added that she hopes and prays that the Mayor is not trying to bring his friend and campaign manager Willis Howard to take over the City. Reminding the

Commission that 2022 is right around the corner, she said that she knows the Mayor will seek re-election and said that this is not going to look good in the eyes of the residents, once they find out that the Mayor is behind it. In closing, Ms. Dominguez said that she hopes the Commission makes the right decision, reminding them that their names will be on this. Ms. Dominguez told the Commission that if they decide to approve the item, she will personally contact the oversight board including Jim Jordan and DeSantis, to urge them to complete an internal investigation on why Opa-locka is constantly firing each and every City Manager.

Andrew Axelrad, the general counsel of the South Florida Police Benevolent Association who resides at 10680 NW 25th Street, Doral, FL 33172 appeared virtually via Zoom. Counsel Axelrad reported that he sent a letter yesterday that he hoped was distributed to each Commissioner and the Mayor regarding his organization's position on this. He reported that the PBA has worked with City Manager Pate since he was hired as the collective bargaining representative for the men and women who put their lives on the line for the citizens. Stating that while they don't agree with what Mr. Pate does every time, Mr. Axelrad acknowledged that no union and city manager are going to always agree. Mr. Axelrad asserted that he and the PBA absolutely believes that Mr. Pate has conducted himself professionally and has improved the morale of the department. He added that they believe if City Manager Pate is terminated, that it will do a disservice to the community, including the men and women of the Police Department who put their lives on the line for the City every day. He said that he does not want to get into the politics and doesn't know what's going on behind the scenes, but that he has been representing Opa-locka's police officers for the past 20 years and assured the Commission that Mr. Pate is finally moving the Police Department in the right direction. Therefore, Mr. Axelrad declared that he would truly oppose any effort to terminate City Manager Pate's employment.

Dottie Johnson of 13724 NW 22nd Place stated that she is very disappointed to see this sort of legislation coming into the community. Ms. Johnson reminded the Commission that she is not a renter, has been a taxpayer since 1978 and loves her City. Recalling that while she did not agree with the \$25,000 national search for a City Manager, she stated that she was pleased with the Commission's selection. She said that she has observed knowledge, skill and competency in the City to move it forward. Recalling that the Commission that sat on the dais in 2016 never did the audit work that is being done now, she commended the current Commission for what they're doing through the City. Ms. Johnson reported seeing the sponsor disrespect the City Manager publicly and said it was a shame. Identifying herself as a senior human resource manager, Ms. Johnson asked where the annual report was that the Commission talked about, asserting that it needs to be documented. She stressed that this leadership has created a domino effect of a hostile and stressful environment for employees who are scared to talk and can be seen with tears in their eyes. While stating that to some it may be on the job training, she urged the others to get the facts, research and analyze. She said that truth be told, the promises made during the campaign will not be promises kept. Ms. Johnson ended asking God to look at each and every one of the members of the Commission and expressed shame towards the sponsor.

Eric Redmond of Villa Francine located at 2766 NW 131 Street also expressed disappointment in the sponsor. Mr. Redmon shared that when the sponsor was first elected, they had their battles, but he thought he would have changed somewhere along the line. He said that just like some thought when Trump was a Democrat that he would change, but didn't, the sponsor hasn't changed either. Mr. Redmon said that to him all of this is because of one employee getting fired, with one Commissioner in day-to-day operations, and because City Manager Pate would not rehire the employee who was rightfully fired according to Mr. Redmon. He said that as a result, the City has gotten amended contracts without permission from the Manager. Acknowledging that he is not a lawyer, he informed the Commission that he is a paralegal and stated that there are contract laws that protect the Manager. Recalling that after never asking Opa-locka for anything including a bag of ice when the city was impacted by hurricanes, when he got out of the hospital with nothing, he found that the Manager, the Commissioner and the Clerk worked out something with Publix to feed the City for the holidays. Mr. Redmon expressed that the City had finally gotten a Manager that cares about us and now there is an effort to get rid of him because the sponsor and the other Commissioner are upset about the employee who was rightfully fired. He asserted that this is ridiculous and needs to stop. Additionally he stated that he likes the direction that Vice Mayor Williams is taking the City in. Addressing the entire Commission, especially the one Commissioner that Mr. Redmon said goes around the City talking bad about the other three Commissioners, he said to keep doing what is being done. He also said that he didn't care if they didn't know the Vice Mayor, and shared that while he didn't vote for her because he did not know her; if he had to vote tomorrow he would vote for her.

Chris Roberts of 540 Sharar Avenue addressed the dais and stated that respectfully we don't need Redmond coming in here playing these games that he plays with everybody. Ms. Roberts asserted that it is a circle of a game and it needs to stop. She said that she agrees to disagree with a lot of things that go on in this great City, but that firing a City Manager is not one and that she had spoken with Mayor Pigatt about the same thing. Ms. Robert acknowledged that everyone has an opinion for everything, but said that they should not bash people on the things you know you are doing wrong when you are the main person in the community creating an uproar with the Assistant City Manager. Addressing everybody in the City, Ms. Roberts declared that the administration needs a cleanup. While she does not think it should be the City Manager, she stated that a lot of people below the Manager need to go. From her perspective, the circle has been here for 20 years and the City is getting the same thing every year. She concluded by reporting that Eric told her and Natasha Irving that he got paid to come.

Mayor Pigatt noted that the Sergeant at Arms was present and that there are quite a few officers in the room and called for decorum. The Mayor cited City of Opa-locka Code Section 2-58, reminding everyone that no slander is permitted and that anyone providing public input must address the Commission as a whole.

Brian Dennis of 821 NW 54 Street stated that he felt that last night it was made to appear as if he was telling a lie. Mr. Dennis held up a binder and said it was the charter and that he has been coming to the Commission meetings since June of 1997. He asserted that everything Mayor Pigatt laid out does not come into the charter and that the Mayor negotiated the contract. Mr. Dennis stated that instead of getting rid of Mr. Daughtrey, Mr. Pate should have been brought in to sit under Mr. Daughtrey and then moved him in. He said that it looks bad to move to fire the Manager when Tallahassee is in session and the City's State Representative and State Senator are trying to get money for the City. Recalling that he wrote a column in November of 2017 about the number 2 shell game in the City of Opa-locka, he offered to give the Commission copies of it. He said that when Mr. David Chiverton became the City Manager, he put safeguards in place by putting his auntie Harold there as a lawyer and it stopped the foolishness in the Police Department, the Manager's office and the Attorney's office, so the City was running smoothly. Reminding the Commission that former Mayor Taylor put him on the Charter Board, he said that when you examine the contract and see what Mayor Pigatt has laid out, he asserted that it's a bad case. Referring back to the number two shell game, he said that it is the same game with new faces. He shared that he wrote the column four years ago, has been out here since 1997 and is moving back into the City permanently next month. As much as he said he loves Willis Howard, Mr. Dennis stressed that the City is not going to play those types of political favors. He said that in the midst of chaos, there is an opportunity, and said there is an opportunity for the Commission to do the right thing and stop firing City Managers. In closing, Mr. Dennis said that Mayor Pigatt wants to be the former Mayor Myra Taylor and that he doesn't have that type of pull and will never get that type of respect from him.

Natasha Ervin of 670 Dunad Avenue identified herself as a homeowner, business owner and property owner in Opa-locka. Ms. Ervin expressed that she was very excited that Mr. Pate had made it to a year and a half in the City and it is her vote that he remain in the City. She noted that she doesn't see anything happening right now that is any different from the last three City Managers. Stating that the Mayor had an issue with all of them, and said it would only be right for him to have an issue with the current Manager. Suggesting that the differences should be worked out, and recalling that last night she said she thought it was personal, Ms. Ervin asserted that the personal stuff needs to be let go in Opa-locka. She said that she doesn't care if she doesn't like you, because she is paid to do a job that she has to do. Ms. Ervin urged everyone to respect each other and keep things moving. She stated that the reason the City is so far behind is because every time a new City Manager is hired, they have to start over. As a resident and taxpayer, she asserted that she is sick of getting the same results over and over. Ms. Ervin concluded by stating that Chris Roberts was right.

There being no further persons to speak, public input was closed.

Mayor Pigatt stated that as always, he opened the floor to allow for any comments on the public forum before the Commission gets into the items on the agenda.

There being no comments from the Commission, Mayor Pigatt asked for the City Attorney to read the first resolution on the agenda.

6. RESOLUTIONS:

(a) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TERMINATING CITY MANAGER JOHN E. PATE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by Mayor Pigatt

The above resolution was read by Assistant City Attorney Candice Cobbs.

There being no motion for discussion of the item, Mayor Pigatt asked the City Attorney to read the second resolution on the agenda.

(b) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, SUSPENDING CITY MANAGER JOHN E. PATE, PENDING AN INVESTIGATION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Mayor Pigatt*

There being no motion for discussion of the item, Mayor Pigatt asked the City Attorney to read the third resolution on the agenda.

(c) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN CITY MANAGER JOHN E. PATE AND THE CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Mayor Pigatt*

There being no motion for discussion of the item, Mayor Pigatt asked for a motion to adjourn the meeting.

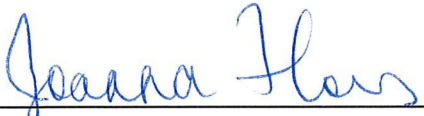
7. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Burke, seconded by Commissioner Taylor to adjourn the meeting at 5:57 p.m.



Matthew A. Pigatt
Mayor

Attest:



Joanna Flores, CMC
City Clerk