CITY OF OPA-LOCKA

"The Great City"

CLERK'S ACTION SUMMARY MINUTES
REGULAR COMMISSION MEETING
May 26, 2021
7:00 P.M.

1. CALL TO ORDER:

Mayor Matthew A. Pigatt called the meeting to order at 7:00 p.m. on May 26, 2021 at Sherbondy Village, 215 Perviz Avenue, Opa-locka, Florida.

2. ROLL CALL:

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

3. INVOCATION:

The Invocation was delivered by Vice Mayor Williams.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. AWARDS/PROCLAMATIONS/ACKNOWLEDGMENTS:

Vice Mayor Williams joined by the Mayor and City Commission presented an award to Jeffrey Ramirez as a part of her I Am Opa-locka initiative.

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

Mayor Pigatt pulled item 13-1.

It was moved by Commissioner Davis, seconded by Commissioner Taylor to pass the consent agenda (agenda item 13-2).

The motion passed by a 5-0 vote.

Commissioner Davis	Yes
Commissioner Taylor	Yes
Vice Mayor Williams	Yes
Commissioner Burke	Yes
Mayor Pigatt	Yes

7. APPROVAL OF AGENDA:

It was moved by Commissioner Burke, seconded by Commissioner Taylor to approve the agenda.

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

Commissioner Taylor	Yes
Vice Mayor Williams	Yes
Commissioner Burke	Yes
Commissioner Davis	Yes
Mayor Pigatt	Yes

8. APPROVAL OF MINUTES:

Commission Priorities Workshop Meeting Minutes – April 12, 2021

It was moved by Commissioner Burke, seconded by Commissioner Davis to approve the minutes of the Commission Priorities Workshop Meeting on April 12, 2021.

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

Vice Mayor Williams	Yes
Commissioner Burke	Yes
Commissioner Davis	Yes
Commissioner Taylor	Yes
Mayor Pigatt	Yes

Regular Commission Meeting Minutes – April 28, 2021

It was moved by Commissioner Williams, seconded by Commissioner Taylor to approve the minutes of the Regular Commission Meeting on April 28, 2021.

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

Commissioner Burke	Yes
Commissioner Davis	Yes
Commissioner Taylor	Yes

Vice Mayor Williams	Yes
Mayor Pigatt	Yes

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

There were none.

10. PUBLIC PRESENTATIONS:

Florida State Representative Dr. James Bush III of House District 109 reported that he is planning an in-person town hall meeting to provide an update on the district, including the Opa-locka area, where he offered to answer questions on some of the major substantive legislation that was passed during this legislative session. Representative Bush stated that he is honored to have the privilege to serve the great people and City of Opa-locka, noting that there are great things ahead that he is looking forward to being a part of. He recalled that his history goes back almost forty-five years with the late Mayor Helen Miller, the late Mayor Bob Ingram, Mayor John Riley, Mayor Myra Taylor, Mayor Joseph Kelley and Mother Kelley who has gone on to be with our Lord. Expressing great pleasure to be able to address the citizens of the City and provide a brief report on some of the appropriations that were put forth in the legislature, he reported that this year, the passage of the $101.5 billion budget was the largest and most historic budget in his thirteen years as a state representative. He pointed out that the federal government put in some dollars to make the budget that big, and some things were done that will benefit the City, education and other areas throughout the County and the State. The Representative shared that he was able to put a couple of appropriation items into the House of Representatives general appropriations bill, which was HB 5001, to bring back some funding for Opa-locka. Of those appropriations, the Representative explained that one of them included $1,125,000 for the new police station in Opa-locka. The Representative thanked City Manager Pate, Assistant City Manager Ellis and Public Works Director Airia Austin who provided him with all of the necessary documentation and assisted in putting the package together to be presented before the appropriations committees. He explained that at the beginning, $3.6 million was asked for, but the full appropriations committee recommended fifty percent of that during the negotiations, which was $1.8 million, and then in the conference committee it was negotiated down to the final amount. The Representative said that he was with the Governor over the past three days and has been keeping in touch with his office and stated that once the Governor makes his final decision, he hopes the City will receive the appropriation. He also reported on the bill that was approved to assist the Parks & Recreation Department which included $100,000 to help with fencing and security. Noting that those two items are key, he said that he has been working for the past three years to try and get a police station for the City of Opa-locka and asked for the Commission's prayers as he goes back next legislative session to ask for more money so that the City can possibly one day have a new police station, in addition to funding other projects. Representative Bush also reported that he has worked very closely with Manager Pate dealing with other issues in the City, including moving very swiftly to address the flooding situation at the Glorieta Gardens Apartments. He stated that they are getting closer to being able to have thirty-seven families return to Glorieta Gardens, who are now in hotels because of the major flooding several months ago. He thanked the City Manager and the owners of Glorieta Gardens, and the entire team involved in bringing the issue to a closure and stated that he will come back to discuss the progress that is being made. Representative Bush reminded everyone that he is located in the great City of Opa-locka at 13300 NW 27th Avenue and can be reached at 305.953.3086 or via email at james.bush@myfloridahouse.gov, urging constituents to contact

his office if they would like to discuss any issues. The Representative also encouraged everyone to contact his office about the additional bills that were passed this legislative session, offering to provide them copies of the bills and answer any questions that they had. Representative Bush thanked the Commission for the opportunity to come before the people of the great City of Opa-locka and stated that he is looking forward to continuing representing them in the 109th District of the Florida House of Representatives.

Commissioner Burke thanked Representative Bush from the bottom of his heart for all of the great work that he has been doing on behalf of the City of Opa-locka. Recognizing that the Representative has always had a connection to the City's Police Department, he expressed appreciation for the great job with what he was able to get for the police. The Commissioner also shared his appreciation for all of the work that the Representative has done on behalf of the people of the great City of Opa-locka, stating that over all of the years that he has been on the Commission, the City has never had a representative work as hard as Representative Bush.

Vice Mayor Williams thanked Representative Bush wholeheartedly for all of the tremendous work he accomplished this legislative season. Noting that the Representative has a track record over the years of making things happen, she extended gratitude and appreciation on behalf of Opa-locka for bringing as much money as he did into the City, that will allow the Commission to see the fruits of their labor for years to come. The Vice Mayor committed to continue forging the partnership with the Representative, acknowledging that he has always told her that his door is open and phone lines are available.

Commissioner Davis thanked Representative Bush and recognized him as a mentor and advocate of the great City of Opa-locka. The Commissioner stated that he is sure that residents will benefit extremely from a new police headquarters, in addition to the benefits from the funds that were pledged for the Parks & Recreation Department to aid senior services. From the bottom of his heart in the sincerest manner, on behalf of residents and his colleagues on the Commission and those who run the day-to-day operations of the City, the Commissioner expressed appreciation for the Representative's push and fight that has been years in the making. The Commissioner thanked the Representative for all of the work he does and urged him to continue being a light.

Commissioner Taylor thanked Representative Bush for everything he is doing and that he is going to do for the City of Opa-locka.

Mayor Pigatt echoed the sentiments of his colleagues who he said had already stated everything that needs to be said on behalf of the City. The Mayor recognized Representative Bush's constant day-to-day fight in Tallahassee for the City's residents to bring home the funds that are needed to move Opa-locka forward. He stated that this is the first time in quite a few years that Opa-locka receives funds from Tallahassee and acknowledged that it is largely due to the Representative's work to build relationships and connections on behalf of the City. The Mayor noted that Representative Bush's success in securing funds for Opa-locka was thanks to his years of experience over the decades as a Representative of the district. He also pointed out that the work that the Representative is doing in Glorieta Gardens Apartments to address the flooding on behalf of the people, is impacting the lives of hundreds of families in preparation for this flooding season. The Mayor stated that the Commission is thankful and happy that the Representative is going above and beyond the call of duty to assist Opa-locka.

Representative Bush thanked Mayor Pigatt and stated that he is quite sure that Helen Miller, Bob Ingram and all of the rest of Opa-locka's deceased leaders, are smiling in Heaven seeing the Commission taking care of business on the dais. The Representative urged the Commission to continue to do good work.

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 informed those who connected to the meeting on Zoom, to use the "raise your hand" function if they wish to speak and he opened the floor for the Citizens' Forum.

There being no persons to speak, the public input portion of Citizen's Forum was closed.

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

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BEA ARCHITECTS, INC. FOR CONTINUING PROFESSIONAL ARCHITECTURAL AND ENGINEERING CONSULTING SERVICES FOR THE RESTORATION DESIGN OF THE HISTORIC FIRE STATION AND FORMER HUMAN RESOURCES BUILDING WITHIN THE CITY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

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

It was moved by Commissioner Burke, seconded by Vice Mayor Williams to discuss the resolution.

Mayor Pigatt asked City Manager Pate to introduce the item.

City Manager Pate asked Capital Improvement Program Director Airia Austin to present the item.

Capital Improvement Program Director Airia Austin explained that the item provides for the assessment of the structural integrity of the historic Fire Station and former human resources building within the City, and the development of plans, should the facility warrant moving forward with construction. Mr. Austin added that the item is also going to provide a dollar value for the construction work ahead, as it is put out for a bid. He stated that he would be happy to answer any questions that the Commission had.

Mayor Pigatt opened the floor for discussion and questions on the item and stated that he pulled the item, noting that he thinks it is an amazing item. The Mayor asserted that as the Commission looks to develop the historic City Hall complex, it is very important that the historic firefighter building, and the human resources building be taken into consideration. In looking at the

documents, the Mayor said he wanted to get a clear understanding of the purpose that the buildings will be used for, considering how they are going to work with the City Hall restoration. Specifically, he asked what the end use will be for the two facilities that are going to be assessed and developed.

Capital Improvement Program Director Airia Austin explained that the immediate use of the former human resources building will be support of the field operations for the Parks Department and an ancillary facility for any functions at the historic City Hall. Mr. Austin also stated that several individuals were interested in utilizing the Fire Station as a Firefighters museum.

Mayor Pigatt asked if there was a museum association or group that is involved who would manage the Firefighters museum.

Capital Improvement Program Director Airia Austin informed the Commission that the Black Firefighters have expressed interest in creating a museum.

Mayor Pigatt asked where the funding for the assessment of the historic Fire Station and human resources building will be coming from.

Capital Improvement Program Director Airia Austin explained that the funding for this aspect of the project is going to be coming from a grant until it is taken out of the City coffers.

Commissioner Davis pointed out that the item is just ratifying the agreement between BEA Architects and the City but asked if this project will be done simultaneously with the rehabilitation of City Hall.

Capital Improvement Program Director Airia Austin stated that he is hopeful for the project to be done simultaneously with the rehabilitation of City Hall. Mr. Austin explained that the process allows them to have a cost ready set of drawings, making it a shovel ready project should they need to apply for a grant.

Commissioner Davis asked if the historical designation that the State of Florida has granted to Historic City Hall, also extends to the Fire Station and to the Human Resources building.

Capital Improvement Program Director Airia Austin explained that the state has designated the Fire Station as a historic building but has not granted that designation to the Human Resources building.

Commissioner Davis asked Capital Improvement Program Director Airia Austin if there is anything the City can do to have the state designate a building as historic.

Capital Improvement Program Director Airia Austin said that he had not researched the process for having the state designate a building as historic but committed to doing so.

Commissioner Davis pointed out that historic designation brings many benefits and made a formal request for Capital Improvement Program Director Airia Austin to determine what the options are to have the state grant historic designation to a building, and how it could potentially have a long-term impact on the project.

Vice Mayor Williams asked Capital Improvement Program Director Airia Austin what costs the grant will cover.

Capital Improvement Program Director Airia Austin explained that the grant will just cover the engineering study. Once design and construction drawings have been produced, Mr. Austin stated that the application for construction will move forward.

Vice Mayor Williams asked Capital Improvement Program Director Airia Austin if the City of Opa-locka will have to finance the project through its budget, after the grant pays for the engineering.

Capital Improvement Program Director Airia Austin explained that after the grant pays for the engineering, the project will need to be put out to bid and a determination on how it will be funded would be made at that time.

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

Commissioner Davis	Yes
Commissioner Taylor	Yes
Vice Mayor Williams	Yes
Commissioner Burke	Yes
Mayor Pigatt	Yes

Mayor Pigatt reminded City Attorney Norris-Weeks that the Commission passed consent agenda item 13-2 and noted that it had to be modified at last night's Community Redevelopment Agency meeting, so that it could be a joint application with the City. The Mayor asked the City Attorney for additional guidance on the item.

City Attorney Norris-Weeks recommended that the item be pulled and have the appropriate motion made to include what was done at the Community Redevelopment Agency meeting, and then said her office will make the change and provide it to Clerk Flores so that it can be a joint application.

Mayor Pigatt asked if there was a motion to amend the Commission meeting agenda to pull item 13-2 from the consent agenda.

It was moved by Commissioner Davis, seconded by Commissioner Taylor to amend the agenda and pull Item 13-2 from the Consent Agenda.

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

Commissioner Taylor	Yes
Vice Mayor Williams	Yes
Commissioner Burke	Yes
Commissioner Davis	Yes
Mayor Pigatt	Yes

2. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR PARTICIPATION IN THE FLORIDA MAIN STREET PROGRAM; PROVIDING FOR REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

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

It was moved by Commissioner Burke, seconded by Commissioner Davis to discuss the resolution.

Mayor Pigatt asked City Manager Pate to introduce the item.

City Manager Pate asked Planning & Community Development Director Gregory Gay to present the item.

Planning & Community Development Director Gregory Gay stated that the item authorizes the City Manager to submit an application for Opa-locka to be part of the Florida Main Street Program, focusing on the downtown area and opportunities, retain historical properties as well as exploring economic opportunities for development. Mr. Gay explained that the application was looked at last year, but all of the documentation and support was not in place. He informed the Commission that his department was afforded the opportunity to be a part of the application process this year, which begins on June 1st. With the approval of the Commission, Mr. Gay stated that it is his department's intention is to move forward with the joint application between the City of Opa-locka and the Opa-locka Community Redevelopment Agency. Mr. Gay reported that the application is due September 1st, providing two months to put everything in place to move the application forward. He offered to address any questions the Commission had.

Mayor Pigatt, noting that the item is sponsored by City Manager Pate, asked if he would agree to a friendly amendment, to make the changes necessary so that the resolution reflects the joint application for the Florida Main Street Program, between the City of Opa-locka and the Opa-locka Community Redevelopment Agency.

City Manager Pate agreed to amend the item to reflect a joint application for the Florida Main Street Program, between the City of Opa-locka and the Opa-locka Community Redevelopment Agency.

Mayor Pigatt asked City Attorney Norris-Weeks what exact change needed to be made to the item.

City Attorney Norris-Weeks explained that the item needed to be changed to reflect the joint application between the Opa-locka Community Redevelopment Agency and the City of Opa-locka. If a member of the Commission ensured that the change is included in an amendment, Attorney Norris-Weeks said that her office will make the change to the item.

Mayor Pigatt stated that the item had been amended by City Manager Pate to reflect a joint application between the City of Opa-locka and the Opa-locka Community Redevelopment Agency for the Florida Main Street Program. The Mayor asked the Commission if they had any comments. He reported that he met with the director of the program, and said that it is an amazing opportunity, requesting that she present to the Commission. He explained that one of the key components of the program to establish a historic district in the City, will be to have an engaged community that will continue the program beyond the initial five-to-ten-year process, with a community board that will make sure the program moves forward. The Mayor characterized it as a historic preservation and economic development plan that needs the support of the community. He strongly encouraged those interested to be a part of this development in the City as the application process moves forward. Offering much respect for Planning & Community Development Director Gregory Gay and all those involved in making sure the program was brought forth, the Mayor said that he looks forward to hearing more.

There being no further discussion, the amended resolution passed by a 5-0 vote.

Vice Mayor Williams	Yes
Commissioner Burke	Yes
Commissioner Davis	Yes
Commissioner Taylor	Yes
Mayor Pigatt	Yes

13. ADMINISTRATION:

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* **Deferred from RCM 04/28/2021**

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

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

Community Development Director Gregory Gay stated that items 15-A-1, 15-A-2 and 16-B-1 are companion items. Mr. Gay explained that item 15-A-1 deals with the site plan for the project. He stated that presently the site is being utilized as a truck parking facility and the property owners are looking to expand their operations to include a construction and demolition waste processing facility. Mr. Gay informed the Commission that the property owners intend to build a 40,000 square foot structure on the 4.7-acre site, where construction and demolition materials will be processed within a wholly enclosed building. Some of the features that are a part of the site plan described by Mr. Gay include the proper stacking of the vehicles coming in, accommodating approximately fifteen vehicles within their que at one time to unload the construction and demolition debris for processing. He said that the property owners assured his department that they will not have any vehicles off of the property and provided an updated study to address the traffic issues. In consideration of the fact that the roadway adjacent to the area is somewhat prone to flooding during heavy rain events, Mr. Gay said that his department has been assured that they have enough French drains on the site to accommodate a major storm and adequately address stormwater retention on their site. Mr. Gay reported that as part of the permitting process, the project is subject to impact fees associated with water and sewer, public safety, storm water and roadway improvements. He asked the Commission to also allow him to speak on the second item regarding the development agreement and stated that it basically addresses many of the concerns related to the development process itself, including the timing of the permitting process as well as the requirements that the Miami-Dade County Department of Environmental Resource Management has placed on the site for approval through their permitting process. Mr. Gay explained that the last item deals with the zoning change to have the property changed from I-3 to I-2, to allow the processing facility to operate on the site. He reminded the Commission that the item passed on first reading and his department is bringing it before the Commission on second reading. Mr. Gay stated that he and the consultant are available to address any particular concerns the Commission has.

Mayor Pigatt opened the public hearing on the item.

Marc Cooper of 25th Avenue Warehouse LLC, located at 15060 NW 22nd Avenue, Opa-locka, FL 33054 thanked the Commission for the effort they put in, acknowledging that his family benefits from all their great work. Mr. Cooper voiced his opposition to the project and stated that he had dropped off a packet for each member of the Commission. He shared that his Mother was

sick with cancer back in May and he flew her into town from Peru, and she passed away on July 6th. It was during that time that he reported that someone had dumped garbage in front of his business and Miami-Dade County cited him for $500. Because he was dealing with his Mom's situation, Mr. Cooper said that by the time he finally got around to paying it, the citation had grown to $5,000 in addition to the garbage invoice he paid that totaled $480. He explained that in dealing with Miami-Dade County, he learned that commercial property owners have no right to fight this and are responsible for the swales in front of their properties, having to make sure no one dumps garbage. Mr. Cooper asserted that Opa-locka has an epidemic of illegal dumping, noting that the area was better policed when the Police Department was on Ali Baba Avenue, but now that they are at City Hall, the area from 147th Street to 150th Street has become a dumping site and he provided the Commission with pictures illustrating that. He said that in his opinion it doesn't make sense to change the zoning to allow a property owner to use twenty percent of their property to build a building while sucking up the municipal resources with the garbage that is brought into the City, rather than maximizing the tax base and forcing them to build a bigger building. Mr. Cooper pointed out that there is no way to police illegal dumping because it is a crime of opportunity, calling himself a vigilante dealing with garbage that is dumped outside his place when he leaves his business on the weekends and returns on Monday. Pointing out that zoning is supposed to bring to the City the best use of a property, Mr. Cooper lamented that the proposed item would allow the owner to build a 40,000 sq. ft. building when they could build a 120,000 sq. ft. building that would generate $30,000 in additional taxes annually for the City. Recalling that Vice Mayor Williams had asked Community Development Director Gregory Gay what the benefit to the City was from the proposal and that Mr. Gay had stated that the company would pay impact fees, Mr. Cooper stated that impact fees are paid one time and go to the County. Also recalling that Mr. Gay suggested the company might bring employment, Mr. Cooper pointed out that the property next door is already a dump site that is run by three people and thus setting aside 5% or 10% of six employees would provide nothing in benefit to the City. He stressed that in his opinion, the City will just get inundated with more garbage. Mr. Cooper said that he included a map in the packet he provided to the Commission which showed that the property is located right on 37th Avenue and suggested that the business be allowed to develop a warehouse and have the City use the funding to help repair the sewers in the area, where he acknowledged he owns property.

There being no additional members of the public to make comments, Mayor Pigatt closed the public hearing.

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

Commissioner Burke reminded the Commission that Opa-locka has a big waste property on the west side of the City that probably won't be able to be used for years. Asserting that the Commission has to stop letting people think that Opa-locka is a dumping site, the Commissioner stated that he can't support any more businesses of this type coming to the City. Noting that the

demolition from old buildings will bring asbestos and all kinds of garbage into the City, Commissioner Burke said that he is sure that the Community Development Department could have come up with something better to be done with the property.

Vice Mayor Williams stated that in the six months she has been on the Commission, she has been very clear on beautification projects and illegal dumping and said that she cannot support the item. The Vice Mayor said that she has been very clear during agenda briefings, meetings with the City Manager's Office and the Community Redevelopment Agency that the Commission has to see something different. She expressed that she feels it is ridiculous to continue seeing these types of resolutions come across the Commission's table. The Vice Mayor reminded everyone that the members of the Commission live in Opa-locka and said that she believes that if those that proposed the item also lived in Opa-locka, these items would not be seen. Asserting that those who proposed the item should ask themselves if they would want this in their backyard, she guaranteed their answer would be "No" and asked them not to bring it into her backyard.

Commissioner Davis recalled that when the item was first brought before the Commission, his colleagues brought up concerns about the businesses' environmental impact as well as bringing an oversaturation of certain businesses like junk yards, salvage yards, gas stations and other car businesses. The Commissioner stated that he is in line with his colleagues and said that he doesn't feel that the City would profit from another junk business. He asserted that he believes the residents of Opa-locka deserve better, and that they placed the members of the Commission in office to give them better. Commissioner Davis said that being presented as is, he just can't support the project.

City Manager Pate asked to have Community Development Director Gregory Gay speak on some of the concerns that were brought up by the Commission, prior to the vote on the item.

Community Development Director Gregory Gay stated that his department provided the Commission with a memo to address many of their concerns. Mr. Gay noted that some of the concerns the Commission had are within the control of his department, but he reminded them that what the zoning code allows has to be taken into consideration. He pointed out that it is not a matter of his department bringing a project to the Commission, but rather that if the zoning code allows a project to go through the process, it has to be presented to the Commission. Mr. Gay reiterated that the site is currently and will probably continue being used to park trucks that normally move construction and demolition debris, because the company has the right within the zoning code to do so. He explained that the developer is seeking to process the demolition debris that those trucks are already moving around within the community and Miami-Dade County. Mr. Gay asked the Commission to take into consideration that the zoning is what it is until the Commission decides to change it. He acknowledged that there may be opportunities for the building of a larger warehouse facility if the property owner decided to do so, and it would go through the same process that is being presented before the Commission. Mr. Gay also stated that

the company is looking to hire between five and seven employees in addition to the ones that currently drive the trucks. He said that the company looked at the environmental, storm water and traffic concerns, and reminded the Commission that a traffic study was provided to give them a better understanding of how the traffic will respond to the vehicles that are already on the site and would now be coming to and from the site. Mr. Gay also reiterated that he and the consultants are available and can address the Commission's concerns more specifically.

City Attorney Norris-Weeks suggested that the Commission have as much information as they can before they vote. She cautioned that if a piece of property is zoned for a certain use, the Commission should understand what could happen if they deny the special exception and what else the property owner can do. Attorney Norris-Weeks pointed out that what the zoning code allows must be considered, despite what the Commission wants. She stated that there are certain things that the Commission can do that will not infringe on the applicant's property rights. Attorney Norris-Weeks recommended that the Commission invite the professionals that Community Development Director Gregory Gay said were available to educate them on their options.

Commissioner Davis asked City Attorney Norris-Weeks if the Commission should refer the request to her, considering that she is the City's legal counsel and is familiar with the zoning code, as opposed to an outside entity.

City Attorney Norris-Weeks pointed out that while she can check if there is a certain issue with the zoning code, because it is all the Community Development Department does, they will be most familiar with the code. Attorney Norris-Weeks explained that the legal issue is denying something that the zoning code allows and said that she thinks the experts will be able to speak to that, once again suggesting that the Commission allow for it to take place.

Commissioner Davis reminded the Commission that he sat on the Zoning Board and stated that when an entity requires a variance or a special exception, it is usually a decision of the zoning board or in this instance, is a decision of the Commission. The Commissioner asked what the legal ramifications were for the special exception.

Community Development Director Gregory Gay clarified that because of the way the agenda is organized, the zoning change by ordinance on the second reading comes after the two resolutions to approve the site plan and the development agreement. Mr. Gay explained that it is the zoning change that will allow the construction and demolition operation to occur at the site. He said that if he could present them as a package, he would present the zoning change ordinance first because it pretty much determines if the other two items should proceed forward. Mr. Gay explained that what is proposed in the site plan is allowed because it is basically a 40,000 sq. ft. warehouse facility on a 4.7-acre site and what it is used for is not determined by the site plan. He also explained that the second item addresses the development agreement, including going through the Miami-Dade County Department of Environmental Resource Management review process, in addition to the

City's permitting process. Mr. Gay reiterated that the environmental engineering consultant Bala Somasundaram was available if the Commission wanted more specific information, being that she was the person who shepherded the project through the process.

Commissioner Davis stated his understanding that the Commission's hands are pretty much tied because the company can ultimately operate within the zoning code.

Community Development Director Gregory Gay clarified that what is being designed for the site is within the zoning code, and the development agreement is an agreement on the process for what is being built on the site. Mr. Gay reiterated that the main component that the Commission needs to make a decision on regarding the construction and demolition processing facility, is the zoning change.

Commissioner Davis asked what the legal ramifications were for not approving the special exception zoning change.

City Attorney Norris-Weeks explained that the items that are on the agenda are in a legal form, and everything is as it is supposed to be. Noting that the Commission has not yet reached the special zoning exception on the agenda yet, Attorney Norris-Weeks stated that the current code allows for the proposed site plan, which the Commission needs to be aware of if their decision is to deny the first item. She pointed out that the Commission does have control over certain things, suggesting that they can look at the special exception issues or something could be renegotiated, but does not want them to walk into an issue with something that the code allows for.

Commissioner Davis restated his understanding that based on how he heard the information presented, the company can legally operate based on the site plan. The Commissioner stated that he didn't hear a clear answer on whether or not the City can be sued or have any action taken against it, if the site plan wasn't approved.

City Attorney Norris-Weeks stated that she would prefer not to put something on the record saying that the City can be sued or not, pointing out that she represents the City and thus is being very careful with the words she is using, so that nothing she says is used against the City.

Commissioner Davis stated he understood.

Commissioner Burke asked City Attorney Norris-Weeks if something is allowed in the City's code, if the Commission has to allow it. The Commissioner stated that he is sure that some cities have things that are allowed in their code, but they pick and choose what they want to come into their city.

City Attorney Norris-Weeks explained that the zoning district is industrial which allows for the use being proposed. Attorney Norris-Weeks stated that she is saying that if something is allowed in the City's code, that the Commission has to allow it.

Community Development Director Gregory Gay recalled that a while back the Commission asked for information regarding the I-2 and I-3 designations. Mr. Gay explained that I-2 is a liberal industrial use which allows for construction and demolition operations, outdoor storage and a variety of different things that are industrial related uses. He went on to explain that the I-3 designation is for planned industrial uses, more oriented toward warehousing, allowing for the parking of vehicles and logistical uses that are appropriate within the City. Mr. Gay reminded the Commission that the property in question is zoned with an I-3 designation, allowing for the parking of the trucks. As he previously stated, Mr. Gay explained that the property owner is looking to expand his operation to have a construction and demolition processing facility, which the I-2 designation allows only if it is within a wholly enclosed building. Mr. Gay acknowledged that the City has some situations but assured the Commission that this is one particular situation where the property owner is looking at following the City's code. As he explained, the property owner's request would be appropriate for the use that he is seeking to expand into. Hoping that he provided a little bit more clarity, Mr. Gay pointed out that as long as a property is within an industrial area, there will be industrial uses based on the way the zoning code is crafted.

Commissioner Taylor asked Community Development Director Gregory Gay if the site is currently being used as a parking lot.

Community Development Director Gregory Gay confirmed that the site is used as a parking lot for heavy vehicles and trucks, which are just parking there at this time.

Commissioner Taylor asked Community Development Director Gregory Gay if the proposal included the construction of an enclosed dumping site.

Community Development Director Gregory Gay explained that the proposal is for an enclosed facility to process construction and demolition debris on the site. Mr. Gay reiterated that the trucks would no longer be just parking on the site but would be bringing materials to the site to be processed.

Commissioner Taylor asked Community Development Director Gregory Gay to clarify if the City's zoning code allows for the proposed use as a construction and demolition debris processing site at this moment.

Community Development Director Gregory Gay confirmed that the City's zoning code allows for the site to be used for construction and demolition debris processing, with the zoning change that is before the Commission which would change the property's designation from I-3 to I-2.

Commissioner Davis stated his understanding that what is before the Commission are the items for the property's site plan, development agreement and a special exception.

Community Development Director Gregory Gay clarified that there is no special exception being proposed for the property and that the item before the Commission is a zoning change.

Commissioner Davis asked Community Development Director Gregory Gay what would happen if the Commission approved the items for the property's site plan and development agreement but do not approve the item for the property's zoning change.

Community Development Director Gregory Gay explained that if the Commission would approve the items for the property's site plan and development agreement but do not approve the item for the property's zoning change, the company would be able to build a building on the property but said he did not know what the building would be utilized for and said it could be another warehouse facility. Mr. Gay added that the truck parking would most likely continue to operate, but there would be no processing of the construction and demolition debris, which he pointed out would be the sole purpose of the building being developed on the site.

Commissioner Davis stated that his understanding is that if the Commission goes forward with the proposed site plan and development agreement for the property, but the zoning change is not established to recognize the use that is being applied for, the company will be able to develop the building, but the construction and demolition processing would not be permitted.

Community Development Director Gregory Gay confirmed that if the Commission does not approve the proposed zoning change for the property, the construction and demolition processing would not be permitted. Mr. Gay added that there are other uses that are allowed under the I-3 zoning designation, which the company could do, but he does not know if it is something within the company's form of operation.

Vice Mayor Williams noted that the findings provided to the Commission stated that the Planning and Community Development Department was verbally informed by the applicant that petitions were submitted to the surrounding businesses for signatures, comments or possible opposition, though those findings indicated that the department had not received any. The Vice Mayor asked Community Development Director Gregory Gay if his department had received any of the petitions after the printing of the agenda.

Community Development Director Gregory Gay stated that his department has not received any of the petitions. Mr. Gay explained that the applicant notifying adjacent property owners, is part of the notification process whenever there is a proposal for a project or zoning change, adding that in some cases it is just the immediate property owners while in others it must include the property owners within a five-hundred-foot radius of the property. He assured the Vice Mayor that the applicant did submit the information to the adjacent property owners for comment, but he is unaware that any comments have been received. Mr. Gay stated that usually that information must be provided within a certain time period, and if it is provided in a timely manner, it would be submitted as part of the packet provided to the Commission.

Vice Mayor Williams asked Community Development Director Gregory Gay if he knows for a fact that the petitions went out to the businesses surrounding the applicant's property, noting that the finding states that it was indicated by the applicant.

Community Development Director Gregory Gay stated that the applicant provided his department with a list of all of the adjacent property owners to whom they sent the notification out to.

There being no further discussion, the resolution passed by a 3-2 vote.

Commissioner Burke	No
Commissioner Davis	Yes
Commissioner Taylor	Yes
Vice Mayor Williams	No
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* **Deferred from RCM 04/28/2021**

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

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

Community Development Director Gregory Gay stated that the item is a companion item to the item that the Commission just addressed, dealing with the development agreement. Mr. Gay explained that modifications were made within Sections 9 and 10 to speak to the operation of the site as a construction and demolition debris processing facility. He reported that his department included some of the requirements as prescribed by the Miami-Dade County Department of Environmental Resource Management, in addition to information relating to the job prospects. Mr. Gay assured the Commission that while the job numbers might be viewed as somewhat limited, there are job opportunities with the applicant intending to hire five to seven people beyond the number of people that they have on the site. He stated that the applicant is looking into posting two job fairs, with one being for the construction of the new facility and one being for the continued operation of the construction and demolition debris processing facility. Everything else is standard language in the City's development agreements. Mr. Gay said that he and the consultant would

answer any questions the Commission had related to the things added onto the development agreement.

Mayor Pigatt opened the public hearing on the item.

Marc Cooper of 25th Avenue Warehouse LLC, located at 15060 NW 22nd Avenue, Opa-locka, FL 33054 brought the map he included in the packet that was provided to the Commission, to their attention. Mr. Cooper pointed out that Frank Vega's property on 135th Street has a development agreement with the City of Opa-locka, but nothing has happened on the property for about four or five years. He stated that if you drive up and down 135th Street and just get a mouthful of dust because it is just parking on sand and the street is a dust bowl. Mr. Cooper said that he doesn't think Opa-locka does a very good job with development agreements. He acknowledged that he is not sure about the applicant being considered by the Commission and said that there is nothing about him. Mr. Cooper urged the Commission to be aware of the City's history with development agreements.

Mayor Pigatt stated that if the consultants or developers for the proposed project want to say any words, this is the time for them to do so.

Ed Tapper of 990 Biscayne Boulevard identified himself as the attorney for the developer Mr. Armando de Leon who he stated was present at the meeting. In an effort to provide Commissioner Burke and Vice Mayor Williams a quick understanding, he stated that construction and demolition debris is not garbage, and the property will not be a waste site. He added that the site will be environmentally friendly with a process that is approved by the Environmental Protection Agency. Explaining that the debris would be recycled for construction purposes, rather than going to landfills where it would be incinerated and wasted, he said that trucks would come in with anything coming out of the demolition of a building to have the debris separated and recycled. He asserted that the proposed facility would not make Opa-locka a dumpster but rather it would have Opa-locka advance the future of a green planet. Expressing that he thinks there is a misconception being brought to the Commission about the garbage, he said he understands what Mr. Marc Cooper said about illegal dumping of garbage because his Mom has a business too and is responsible whenever garbage is dumped in front of her fiber glass company. According to him, the proposed facility will actually prevent illegal dumping. In addition to the employment benefits and Mr. De Leon dumping another $500,000 into the property to redevelop it in addition to the $1 million he already put into it to set up the drains, he said that when a hurricane hits Opa-locka the debris stays in Opa-locka while other cities have trucks taking their debris to facilities for recycling. He asked the City to reconsider based on the fact that he said it will be a benefit to Opa-locka especially during a hurricane and asked the Commission to dig a little bit into what construction and demolition debris is and how the Environmental Protection Agency uses it.

Ms. Bala Somasundaram of 556 NW 53rd Street in Boca Raton introduced herself as a consultant to Mr. Armando De Leon. Addressing Commissioner Burke's concern about asbestos, she stated

that whenever any structure is going to be demolished, a permit is pulled which requires the determination of whether there is asbestos in the building, serving as a filter. Stating that asbestos will not necessarily come to the site, she explained that demolition debris material comes with a disposal manifest so that the origin is known. She offered to answer any other questions about asbestos or environmental concerns.

There being no additional members of the public to make comments, Mayor Pigatt closed the public hearing.

It was moved by Commissioner Burke, seconded by Commissioner Davis to discuss the resolution.

Commissioner Burke asked City Manager Page which department is responsible for enforcing the City's development agreements.

City Manager Pate explained that any matter that requires the enforcement of a development agreement, would be forwarded to his office through the Community Development Department.

Commissioner Burke stated that the development agreements that are approved on almost every project are not enforced. As an example, the Commissioner said that when developers agree to hire Opa-locka residents, nobody checks to ensure that the hiring takes place. He asked who will enforce the current development agreement that is before the Commission.

Mayor Pigatt echoed Commissioner Burke's sentiments about the development agreement. The Mayor noted that under the development agreement before the Commission, the business owner agreed to host job fairs. The Mayor recalled that at the last Commission meeting, the Commission discussed the push for developers to give the community the first shot at the jobs. He noted that the development agreement indicates that the company will be participating with Career Source but said that he has not seen any job fairs despite the Commission passing quite a few development agreements. Mayor Pigatt asked the City Manager and Community Development Director how developers are being held accountable to ensure that job fairs are organized, and how the City is promoting the jobs to the community.

City Manager Pate thanked Mayor Pigatt for his comments and stated that he thinks it is essential that checks and balances are put in place for development agreements, to hold the entities accountable. Pointing out that he has been City Manager for over a year and a half, Mr. Pate stated that he has noted some of the input provided by the Commission in regard to development agreements, including the comments that were made at this meeting. Mr. Pate stated that it is prudent for the City to do its due diligence to make sure that the requirements in the development agreements are actually adhered to, by holding the employer's feet to the fire to provide documentation of their attempts to recruit Opa-locka residents as employees through Career Source or any other means.

Mayor Pigatt asked exactly how the developers are being required to abide by their development agreement, and how the City is promoting the jobs to the community.

City Manager Pate asked Community Development Director Gregory Gay if he could speak about the current process that the City is using for the accountability of development agreements.

Community Development Director Gregory Gay reminded the Commission that the development process does not take place over night. Mr. Gay explained that the development agreements that have been approved by the Commission over the last year and a half are still going through a permitting process and thus have not gotten to the point where they are looking to hire people for construction or as end service providers. He reported that a couple of projects have gone through the process, including CenterPoint which received their certificate of occupancy today after having started as a different project and then going through the process of hiring through Career Source. Mr. Gay said that he did not have the information about how the numbers that were hired, but he said that the company is looking at having the end user hire for their project. He stated that his department tries to monitor how development agreements are addressed, as best as they can. Acknowledging that there are some projects that are still going through the permit process after four years, Mr. Gay said that once the process begins, the owner is on the developer to move the project through the permitting process as quickly as possible. He also explained that over the years, executive orders from Florida's Governor have had an impact on the language of development agreements and can suspend the agreement while the order is in place. As an example, Mr. Gay said that the Governor's COVID-19 executive order affected development agreements by suspending them for the past fourteen months. He said that it is up to the developer to use the suspension of the development agreement to give them some relief or go into the permitting process as aggressively as possible. Pointing out that time is money for the developers, he said that some of them didn't want to wait for months for the pandemic to end and needed to get the project moving forward. After providing both perspectives of the development agreement, Mr. Gay said that his department tries to be as aggressive as possible in getting information from the developers and property owners to address all of the concerns related to their development agreement. In attempting to provide a better understanding to the Commission, he said that in most cases a development agreement is a thirty-year agreement to address certain terms under particular timelines. Despite some developers moving forward aggressively while others lag behind, Mr. Gay stated that his department is trying to do his best to move the developments forward as quickly as possible.

Mayor Pigatt stated that as elected officials who campaigned around the City, one of the key thing residents ask for are jobs. As he sits on the dais and continues to advocate for policies and processes to ensure that the community is hired, the Mayor said it is extremely frustrating to not be able to get clear answers on how to make that happen. He recalled that the last time the item was before the Commission, they presented some ideas for Management to figure out such as tying the submission of job opportunities to the development permits. The Mayor asked why none of

that was in the item and if the permits and certificate of occupancy can be tied to the submission of jobs to the City.

Community Development Director Gregory Gay stated that when it comes to job placement, there are legal matters such as not showing a preference for color, age and religious background. Mr. Gay said that his department added language to the item since the last Commission meeting and offered to take the Commission's suggestions but warned that the legal matters would need to be addressed specifically and then bring the document back to the Commission.

Mayor Pigatt recalled that last time, the same conversation was had about tying permits and the certificate of use to the hiring of Opa-locka residents. In particular, the Mayor asked if Community Development Director Gregory Gay can add a requirement for a list of jobs in addition to the date and flyer of a job fair to the development agreement. He pointed out that the development agreement already states that the owner agrees to host a job fair and asked if that language could be amended to say that the owner agrees to submit a flyer with a date and location for a job fair.

Community Development Director Gregory Gay stated that he believed the language of the item could be amended to include additional requirements for the job fair but deferred to City Attorney Norris-Weeks.

City Attorney Norris-Weeks confirmed that if the applicant agreed to amend the language in the item to include additional requirements for the job fair, then the item could be amended based on Mayor Pigatt's request.

City Manager Pate also confirmed that the language in the item could be amended to include additional requirements for the job fair.

Mayor Pigatt expressed that this is what is being talked about when referring to the frustrations of the Commission, stating that tying jobs to the project is something that they want to see happen and asked the professionals to figure it out for them. The Mayor said that if they have those documents, the Commission can advocate for new developments to come into the City, knowing that residents are going to get hired.

City Attorney Norris-Weeks asked Mayor Pigatt to put his proposal on the record again, so that everyone knows what they are agreeing to and so that staff knows what to put in the document.

Mayor Pigatt stated that while he is unsure of the exact language, his proposal is to tie the issuing of permits and certificate of occupancy to the submission of job descriptions and a date for the job fair. The Mayor asked if his Commission colleagues had anything else to add.

Vice Mayor Williams reminded Community Development Director Gregory Gay that at the last Commission meeting, she spoke about adding an environmental clause to the item and asked if it was in there.

Mayor Pigatt said that the Commission would come back to Vice Mayor Williams' question about the adding of the environmental clause to the item, because he didn't want to confuse it with the jobs clause. The Mayor asked his colleagues on the Commission if he got his proposal right.

Commissioner Davis stated that he agrees with the amendment as is and asserted that it is important to have the submission of job descriptions and more detailed information about those sorts of opportunities from developers.

Vice Mayor Williams thanked Mayor Pigatt for keeping her on track. The Vice Mayor stated that she agrees with the Mayor because it is essential to know the job descriptions as well as the date and location for the job fair that a developer is planning. Pointing out that a business can have a job fair but may not hire local residents, she added that she'd like to take it a step further to ensure accountability. She proposed that the agreement should have something in it that identifies employment status for residents.

Mayor Pigatt recapped the Commission request to have the item amended to include the job descriptions, the job fair flyer and the residency of those that are hired so that the Commission is aware and has that data.

Vice Mayor Williams stated that she thinks what she is asking is not to have the requirement to provide employee residency information in the development agreement, but rather to have staff to report back to the Commission with their findings on who the developers are actually hiring.

Mayor Pigatt recognized City Attorney Norris-Weeks who indicated she wanted to weigh in on Vice Mayor Williams' proposal to have a report on the residency of those employed by the developer.

City Attorney Norris-Weeks pointed out that the development agreement which the applicant has already seen, includes the memorandum of understanding that the City has with Career Source South Florida. Attorney Norris-Weeks explained that City staff works with them as a third-party entity that is supposed to ensure that Opa-locka residents are being filtered to the applicant. She added that if the item was for a proposal on City property and the Commission had a preference for local residents to be hired it is different, but the proposal before the Commission is on the developer's private property and they are agreeing to make good faith efforts. Attorney Norris-Weeks explained that the City would be unable to close down the business if they don't have a certain number of residents hired but did offer to go back and see if any other cities have advanced on this since the time it was looked at. She also noted that she doesn't know if there are any other development agreements that the Commission signed that has gotten as far as the point to hire, as was also pointed out by Community Development Director Gregory Gay, because the process is so long.

Mayor Pigatt stated that he appreciated City Attorney Norris-Weeks pointing out the relationship with Career Source, which he said he is very familiar with. The Mayor shared that when he first got back home, he worked as a community organizer to help get the first source ordinance passed by the Board of Miami-Dade County Commissioners, and that Career Source is the organization that all contractors are encouraged to use to hire County residents. Noting that the item stipulates that the owner agrees to employ City residents through the assistance of Career Source and that there is very little the City can do to hold a business accountable once a project is built because they have property rights; the Mayor asserted that the intent of the Commission is for there to be a little more accountability in making sure that the jobs spoken of in the agreement are actually promoted to residents by tying the issuance of permits for the development to simply submitting a flyer for their anticipated job fair in addition to job descriptions. Mayor Pigatt asked what language is needed to make it a policy of this agreement and future ones as well, in consideration of the fact that the developers have agreed to it.

City Attorney Norris-Weeks asked if Mayor Pigatt would be asking the developer to provide specific dates for their job fair, pointing out that they may not know the dates.

Mayor Pigatt stated that the company would develop their project and will have to hire people once the facility is up. The Mayor said that he is proposing for the developer to let the City know what employment needs they will have, so that it can be promoted. He added that submitting the flyer would not hold the developer to a specific date or number but would provide the information to the City when they are getting ready to open up and need to hire people. Whether it is provided with Career Source or not, the Mayor said he would like to have the developer provide the list of job opportunities on the site and when they plan to host the job fair.

City Attorney Norris-Weeks informed Mayor Pigatt that the Commission can say that in conjunction with Career Source, the developer shall submit a hiring plan to the City including the number of employees anticipated to be hired and their positions.

Mayor Pigatt acknowledged that the language suggested by City Attorney Norris-Weeks addresses one of his concerns about the list of job descriptions but asked what language can be used to have the developer let the City know about their job fairs.

City Attorney Norris-Weeks stated that she thinks the language about job fairs is already in the proposed item.

Mayor Pigatt pointed out that the current language in the item does not require the developer to inform the City when their planned job fair will happen.

City Attorney Norris-Weeks suggested adding to the development agreement, that the developer will notify the City about their planned job fairs.

Mayor Pigatt put on the floor the amendment to add the job description and job fair language to the item.

Commissioner Burke stated that he doesn't think the problem is the development agreement but rather the City of Opa-locka's enforcement of the agreement. He said that the Commission will pass the development agreement and then once it is signed, it doesn't come up again and nothing is heard from Career Source. As an example, he pointed out that the truck place that was finished off of 37th Avenue is finished now, and he is sure that a development agreement was done with them, but the Commission doesn't know how many Opa-locka residents they hired. The Commissioner asserted that until they designate a department or person to enforce development agreements, there is no sense in having them and putting effort into it if it is not going to be enforced. He said that they have not been enforced for years and are just passed by the Commission and are wasting their time.

Commissioner Davis asked to be recognized.

Mayor Pigatt asked Commissioner Davis to allow him to address the comments made by Commissioner Burke, agreeing with him that action must be taken to hold Management accountable for the enforcement of development agreements. The Mayor pointed out that based upon the item as it is before the Commission, there is no language that requires the developer to tell the City when their job fairs will happen or which jobs, they will put out there. Despite acknowledging that the item encourages the developer to work with Career Source, he said that the City can't take any action if there are no commitments from the developer to provide the information that is needed. He reminded the Commission that if this is passed as a proposed amendment with a motion, a second and a vote, they can move on.

It was moved by Commissioner Burke, seconded by Commissioner Davis to amend the resolution.

There being no further discussion, the amendment to the resolution passed by a 5-0 vote.

Commissioner Taylor	Yes
Vice Mayor Williams	Yes
Commissioner Burke	Yes
Commissioner Davis	Yes
Mayor Pigatt	Yes

Mayor Pigatt told Vice Mayor Williams that he would get to her environmental concerns on this item, but first he wanted to be clear about the traffic study. Recalling that during the last Commission meeting, it was reported that over one hundred trucks would potentially be coming into the City, the Mayor asked what the traffic study found and if there will be trucks lined up on the streets around the facility.

Community Development Director Gregory Gay reported that his department received the traffic study for the proposed development site. Based on the traffic study information, Mr. Gay stated that there will be approximately thirty-one one traffic trips coming into the facility in the morning and twenty-eight in the evening time, for an average of sixty traffic trips on a daily basis. He also said that the facility is designed to accommodate up to fifteen trucks at one time without any spillover of trucks parked on the public right-of-way, being designed so that as much of the truck traffic as possible occurs on the site itself. Additionally, Mr. Gay explained that there are approximately twenty parking spaces, so that vehicles can park there on a temporary basis until the que is cleared, in the event that an overflow situation does occur.

Vice Mayor Williams recalled that at the last Commission meeting, an environmental clause being added to the item was discussed. The Vice Mayor said that Community Development Director Gregory Gay had assured her that it would be placed in the development agreement, not just for this company, but also moving forward. She asked Mr. Gay if that was done.

Community Development Director Gregory Gay stated that the company will have to complete an application with the Miami-Dade County Department of Environmental Resources Management. Mr. Gay said that he believes it was referenced in the development agreement.

Vice Mayor Williams pointed out that Community Development Director Gregory Gay gave the same answer last time and asserted that she would like to see the environmental clause in Opa-locka's development agreement. The Vice Mayor asked if a clause had been created, separate from the Miami-Dade County Department of Environmental Resources Management.

Community Development Director Gregory Gay explained that the development agreement addresses environmental protection, including long term impacts to the air, ground water and soil, also addressing the requirement for the construction and demolition debris processing to be done in a wholly enclosed building to reduce the possibility of contamination, in addition to including the Miami-Dade County Department of Environmental Resource Management requirements.

Vice Mayor Williams thanked Community Development Director Gregory Gay for reading the info from the Miami-Dade County Department of Environmental Resource Management. The Vice Mayor asked once again if an environmental clause can be placed in the development agreement for the City of Opa-locka.

Community Development Director Gregory Gay stated that he doesn't think there would be a problem with placing an environmental clause within the environmental agreement. Mr. Gay pointed out that some of the language from the Miami-Dade County Department of Environmental Resource Management requirements has already been utilized and said that he would just have to identify what the clause would look like and make sure that it will not be in conflict.

Vice Mayor Williams asked City Attorney Norris-Weeks to provide her insight.

City Attorney Norris-Weeks stated that the City of Opa-locka does not regulate environmental requirements because there are Federal, State and County agencies that do that. Attorney Norris-Weeks offered to see what is in Opa-locka's code, stating that she does not think there is anything specific about environmental requirements as is the case for most municipal codes. She suggested that the Commission could change its code but cautioned that the City does not want to have anything that is inconsistent with what the developer would already have to do anyway. Pointing out that the City does not have a special department that is charged with going out to look for environmental violations because there are already other government agencies doing so. She said that the City's code could be amended to state that developers must abide by all County, State and Federal requirements, but pointed out that they have to do that anyways to get their operational permits and thus won't impact the City of Opa-locka at all.

Vice Mayor Williams asked Community Development Director Gregory Gay if the traffic study is conducted by City staff or the developer.

Community Development Director Gregory Gay stated that the developer provides the traffic study that is conducted for a project.

Vice Mayor Williams asked her colleagues if they are OK with the staff not doing the traffic study and allowing the developer to do it. Noting that she is the new kid on the block, the Vice Mayor asserted that she has a problem with it.

Commissioner Davis stated that he shared Vice Mayor Williams' concerns, noting that at the last meeting he asked if a traffic study had been done. In his experience as a Commissioner, he acknowledged that traffic studies are usually paid for by the developer. The Commissioner explained that the response he has received from staff is that the decision to have the developer pay for the traffic study instead of the City, is based on a budgetary matter. He stated that in his opinion, if a developer pays for a traffic study, it will more than likely favor the developer over the City.

Community Development Director Gregory Gay stated that traffic studies are important to his department, giving them insight into what the demands will be on infrastructure. Mr. Gay explained that the traffic study was forwarded to Public Works Director Airia Austin immediately upon receipt, to make sure that it met the engineering requirements. He said that while the City may not have the staffing to conduct the City's own traffic study, the Public Works Department does have the staffing to at least review what has been provided by the consultant.

City Attorney Norris-Weeks pointed out that traffic studies are generally done by the applicant and that the City does not pay for that. Attorney Norris-Weeks assured the Commission that Opa-locka is acting consistently with other cities by having the applicant pay for the traffic study that gets reviewed by the City. She also pointed out that the traffic study, which is paid for by the developers, is conducted by professionals who complete the study according to certain guidelines,

calculations and specifications that are generally understood and should not vary depending on who does the study. Attorney Norris-Weeks stated that the Commission ought to rely upon the findings of the traffic study because those who complete the study are professionals, stamping their seal of approval on it. She also informed Vice Mayor Williams that she looked at the City's code and noted that it simply says "environment" and "reserved" under 8.2 as a placeholder, leading her to believe that the City may have had something in the code that was inconsistent with the County, State or Federal government and just took it out, leaving it as a reserved section. Attorney Norris-Weeks said that it made sense, because the City does not want to have something in its code that is already done by other agencies.

Commissioner Davis acknowledged that the Commission has to tread carefully when it comes to asking a company to include jobs for residents in the development agreement and he shared his understanding that they can encourage but not force any business to hire residents. Considering what the Commission wants to do to leverage job opportunities in the City, he asked if it can be tied to an incentive.

City Attorney Norris-Weeks explained that incentives to hire City residents would be appropriately proposed through the Community Redevelopment Agency. Attorney Norris-Weeks stated that there are different kinds of programs that Community Redevelopment Agencies have in place that may facilitate something like an incentive for hiring local residents.

Community Development Director Gregory Gay reminded the Commission that there are some properties and projects that are not within the Community Redevelopment Agency, and thus suggested that incentives could be put forth citywide in addition to incentives with the Community Redevelopment Agency.

Commissioner Davis pointed out that the development agreement is an agreement and asked why the City can't require businesses to hire a certain percentage of residents through encouragement in the language, wondering what the legal ramifications are.

City Attorney Norris-Weeks informed the Commission that there have been lawsuits when including hiring requirements in a development agreement has been attempted, and it is not something she would recommend to the City. Attorney Norris-Weeks offered to revisit the development agreement with staff to see what other things could possibly be added. She acknowledged that Commissioner Davis was right on target when he stated earlier that the development agreements have to be worded carefully and assured the Commission that they tried to be as aggressive with the wording as they could.

Commissioner Davis suggested that the Commission can workshop their ideas for the development agreements and can meet with City Attorney Norris-Weeks individually to share their concerns.

There being no further discussion, the resolution passed by a 3-2 vote.

Commissioner Davis	Yes
Commissioner Taylor	Yes
Vice Mayor Williams	No
Commissioner Burke	No
Mayor Pigatt	Yes

3. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING THE SPECIAL EXCEPTION SITE PLAN REVIEW REQUEST FOR THE OPERATION OF A CONCRETE BATCHING PLANT AND FINISHED CONCRETE PRODUCTION COMPANY FACILITY ON THE PROPERTY LOCATED AT 13050 NW 30TH AVENUE AND IDENTIFIED BY FOLIOS 08-2128-002-0020, 08-2128-002-0030, 08-2128-002-0040, 08-2128-002-0050, 08-2128-002-0060, 08-2128-002-0090, 08-2128-004-0380, AND 08-2128-004-0330, IN THE I-2 ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

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

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

Community Development Director Gregory Gay stated that agenda items 15-A-3, 15-A-4, 15-A-5 and 15-A-6 are companion items. Mr. Gay explained that item 15-A-3 is for the special exception to allow for the operation of the concrete batching facility, item 15-A-4 is for the variance because of the operation's proximity to a residential development, item 15-A-5 is for the tentative plat that is being proffered to unify the properties and item 15-A-6 is for the development agreement. He informed the Commission that the operation has been in existence for several years, but he did not know what kind of development it was originally, reporting that the first development on the property occurred in 1966 and was likely industrial because of the area it is in. Mr. Gay explained that the reason the items are being brought before the Commission is because the property experienced a change in ownership in July of 2018, and through the regulatory process of the Miami-Dade County Department of Environmental Resources Management it was determined that there was not sufficient documentation, with no record of the concrete batching facility going through any review process in Opa-locka. With the new owners of the property being challenged to go through the process, the Community Development Department is bringing the items before the Commission, including the replatting of the property that includes the vacation of a street right of way in the middle of the property. In his estimation, Mr. Gay said he thinks that the concrete facility probably predates a number of residential developments that are in close proximity to the site. Mr. Gay reported that the items have been presented before the Planning & Zoning Board, which recommended approval, as is also

recommended by the staff of his department. He offered to answer any questions the Commission had.

Mayor Pigatt opened the public hearing on the item.

Ms. Hope Calhoun identified herself as the attorney for the property owner being considered under the item. Ms. Calhoun stated that she thought the property had been in existence for fifteen or twenty years, but Community Development Director Gregory Gay's report that the property has been in existence since the 1960s is longer than she knew. She explained that her client recently obtained the property, having started the process in 2019 by meeting with City staff to get the required approvals. Ms. Calhoun said that they are doing what she believes the Commission is looking for by bringing an existing business that has been in the City for quite a long time, up to today's standards. She said that is why they are requesting a special exception approval based on the City's current code, requesting variances to bring the property into compliance with the code, applying for the tentative plat which would unify the parcel on the property and make it easier for her client to operate, in addition to requesting the approval of the standard development agreement. She noted that Mr. Gay had suggested that the vacation of the street right of way could be addressed later and assured the Commission that it will all improve the property's operations for a facility that has been in existence for a very long time in the industrial zoning district. Ms. Calhoun stated that she and the project engineer are available to answer any questions that the Commission has.

There being no additional members of the public to make comments, Mayor Pigatt closed the public hearing.

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

Commissioner Burke recalled that the concrete batching facility has existed for a while and asked Community Development Director Gregory Gay if research had been done to determine when the company received a license from the City of Opa-locka.

Community Development Director Gregory Gay stated that he has not done any research on the licensure of the property and said that it is his belief that the property probably did have licensure at some time. Mr. Gay explained that it was potentially because of the change in ownership that the property was flagged for a review process to update their licensure.

Mayor Pigatt said that he thinks Commissioner Burke's question is for the Building & Licensing Department. The Mayor asked when the last time was that the property had an occupational license approved.

Community Development Director Gregory Gay stated that the approval of occupational licenses is done by the Building & Licensing Department and suggested that the Commission can ask Mr. Esin Daniel Abia to address it.

City Manager Pate explained that the question being asked about when the occupational license was approved for the property, will require research. Mr. Pate stated that he would be remiss to bring the Building & Licensing Director up to answer a question that he may not be prepared to answer.

Mayor Pigatt stated that it is very interesting that the Building & Licensing Director rarely comes up to address the Commission. The Mayor also noted that the cover memo for the item states that it will bring the operation into compliance and asked if the property is currently operating out of compliance.

City Manager Pate explained that when there was a change of ownership of the property, a flag came up and his office is attempting to rectify the issue. Mr. Pate asked Ms. Hope Calhoun if she is prepared to answer Mayor Pigatt's question about the compliance of the property's operations.

Mayor Pigatt stated that he asked the question about the compliance of the property's operations because the cover memo for the item states that "the property site is currently being used for the concrete batching plant operation, however the review and approval of the requests will bring this operation into compliance with City land development regulations and Miami-Dade County code of ordinances". In reading the memo, the Mayor said that it seems the property's operations are out of compliance with the City's land development regulations and asked whether or not they are currently in compliance.

Ms. Hope Calhoun asked if she may answer the Mayor's question about the compliance of the property's operations.

Mayor Pigatt asked if he could get an answer from City staff about the compliance of the property's operations.

City Manager Pate stated that the project engineer may be able to provide more insight on the compliance of the property's operations, as the subject matter expert on the flagging process that the company has gone through with the Miami-Dade County Department of Environmental Resources Management and the City of Opa-locka.

Community Development Director Gregory Gay restated that the Miami-Dade County Department of Environmental Resources Management flagged the property to bring it into compliance after the change in ownership and noted that there are several steps that it needs to take. Mr. Gay said that whether they have licensure with the City, is a matter that needs to be researched and added

that they may be operational at this time. He explained that his department is bringing the legislation before the Commission to make corrections to its existing operation, going forward.

Mayor Pigatt pointed out that in the Planning & Zoning Board staff report, there is a Development Review Committee with eight people including Building & Licensing. The Mayor asked how the Committee works, if it was not researched whether or not the property was in compliance.

Community Development Director Gregory Gay explained that the Development Review Committee reviews projects as they come before his department and in most cases, it is put together for new developments. Because the operation in question already existed, Mr. Gay said that the Development Review Committee was not put in place, with the focus being the zoning criteria and the issues with it coming into compliance with the Miami-Dade County Department of Environmental Resources Management.

Vice Mayor Williams asked to be recognized.

Mayor Pigatt asked Vice Mayor Williams to hold on because he was trying to bring to light a few things. The Mayor pointed out that the property in question has literally closed off streets in the City to operate and asked City Manager Pate if he was incorrect.

City Manager Pate confirmed that Mayor Pigatt was correct in stating that the property in question had closed off streets in the City.

Mayor Pigatt pointed out that two streets are not even on Google Maps because the concrete facility on the property decided to block off those streets, despite them being included in the picture provided in the Commission's agenda packet. The Mayor stated that he believes one of them, specifically 131st Street, has opened back up, but it looks like 130th Street is still closed. He asked why the Commission is being asked to approve vacating the street that the concrete facility blocked off.

Community Development Director Gregory Gay explained that the purpose of bringing the items before the Commission is because of the actions taken by the Miami-Dade County Department of Environmental Resource Management, which required that the review process occur in order for the existing operation to receive licensure and permits to continue its operation. As a part of the review process and because they were looking at doing a replatting as required by the Miami-Dade County Department of Environmental Resources Management, it was determined that the street right of ways that went through the property had not been vacated in proper form. Mr. Gay stated that all of the legislation was brought before the Commission, to correct what had taken place in previous years by previous owners. He assured the Commission that the new owner of the property wants to start fresh, operating the concrete batching facility as it is supposed to be operated without any issues relating to the City or Miami-Dade County Department of Environmental Resources Management permitting process.

Mayor Pigatt expressed concerns that Community Development Director Gregory Gay continues to say that the Miami-Dade County Department of Environmental Resources Management let them know about the compliance issues. The Mayor stated that as a resident of Opa-locka, he knew that it wasn't right and asked if there were any Code Enforcement citations on the property.

Community Development Director Gregory Gay stated on the record that he is not aware of any Code Enforcement citations on the property in question.

Mayor Pigatt stated that at the moment the facility is operating out of compliance as reported by an outside entity and noted that the City is silent about it. The Mayor noted that Management is proposing that the Commission make changes, including the issuance of four variances and giving up a street to help the property get into compliance to get approval with the Miami-Dade County Department of Environmental Resources Management after that agency investigated and saw that they were operating out of compliance. Mayor Pigatt said it doesn't make sense to him and that he will not support any of the items that were presented before the Commission. He asserted that the property needs to get into compliance with the City's rules and regulations, let the right of way be a street within the City and stated that every business in the City must operate based upon the code and get a proper review of their occupational licenses. The Mayor reminded everyone that the City needs to make sure those things happen because it is their code and regulations.

Commissioner Davis stated that Mayor Pigatt was spot on, expressing that he shared the Mayor's sentiments. The Commissioner acknowledged that the business was already in existence before many of the residential properties in the area but noted that there are many concerns with the business because of the loud noises that residents constantly complain about and that there are many reasons not to support a project of this magnitude. He also acknowledged that the new owners want to see the property be brought up to speed so that they can operate, but he said that unfortunately at some point the Commission has to set the standards that Opa-locka is not a place to operate illegally nor is it a dump. Commissioner Davis said that not supporting a project like this sends a clear message that the Commission wants better for its residents and thus, he supports the Mayor.

Vice Mayor Williams stated that literally everything the Mayor said, she wrote. The Vice Mayor said she would like to hear from Ms. Hope Calhoun as the attorney for the business in question, giving her the opportunity to make her presentation to the Commission.

Ms. Hope Calhoun addressed Mayor Pigatt's statement about not wanting to approve the items before the Commission, until the property in question is brought into compliance, explaining that the Commission hearings are the first step to bring the property into compliance. Ms. Calhoun stated that her client purchased an existing property that has the buildings located where they are, not by the doing of her client. She assured the Commission that it is their intent and objective to make things better. Acknowledging that the vacation of the street right of ways is not part of the item currently being contemplated by the Commission, she recognized that there are two streets

that are currently closed but stated that they are proposing to allow cars to travel through the areas they will vacate. She pointed out that the portion of the road that has already been vacated is unimproved, so their proposal is to make it consistent so that cars don't drive down the road and get stuck because it is not safe. Addressing the variances, the business is seeking, Ms. Calhoun explained that it is also about bringing the property into compliance, pointing out that the building has been there for more than thirty years and existed before the residential areas were put into place. She explained that in order to make the property consistent with the code, the property owner has to seek a variance with regard to the setback, to address the distance from the residential area that came in after the property was originally built. Ms. Calhoun restated that their goal is to make the property compliant with the City's code to the best of their ability so that Code Enforcement can hold the company accountable after the standard for the property is set. She also reported that there is one parcel on the property that already has licensure from the Miami-Dade County Department of Environmental Resources Management, and they are before the Commission to unify all of the parcels to be in compliance and have all of the same licensure and requirements. Ms. Calhoun asserted that the property owner is really just trying to do the right thing, not knowing that the property had issues when he purchased it. She said that when he became aware of the property's issues, he immediately contacted the engineer and counsel to begin the process in 2018, but then was delayed by everything that happened last year. She stated that City staff has indicated that they have satisfied the criteria for granting the variances and that the Planning & Zoning Board also recommended approval, asking the Commission to follow that recommendation. With regard to the special exception for the site plan, Ms. Calhoun said that it is also an effort to bring it into compliance. She recapped the items before the Commission, explaining that approving item 15-A-3 would grant a special exception for the property's site plan to provide a standard by which to judge the existing facility that is already there; approving 15-A-5 would unify the site to be in compliance with rules and regulations; approving the development agreement would be standard; and approving 16-A-1 would make the site safer by vacating the areas they are proposing for vehicular traffic to travel through. Ms. Calhoun recognized the Commission's frustration but pointed out that the business is her client's livelihood, having bought what he thought was a thriving and great business without realizing that there were issues. She characterized the business owner as a good guy who is trying to do the right thing. Ms. Calhoun thanked the Commission for allowing her to make her presentation and stated that she and the project engineer would be available to answer any questions.

Vice Mayor Williams asked if buying a business and not knowing that there were issues was the same as her buying a house without seeing a title or consulting an appraiser. The Vice Mayor said that it seems like something shady to her because she does not understand how property is purchased without any investigation. The Vice Mayor expressed that she was confused about how that happened.

Ms. Hope Calhoun stated that mistakes happen. Ms. Calhoun informed the Commission that she is not a real estate attorney and that neither she nor the engineer were part of the business

transaction to purchase the property in question. She pointed out that it is wonderful that in America, there is the opportunity to correct mistakes, and that if a house with issues was purchased, the owner would have recourse against the title company, insurance company and the prior owner to correct whatever is wrong, and she asked for the same consideration to be given to her client. Ms. Calhoun asked that the small business, which is in existence, be given an opportunity to thrive in the City.

Vice Mayor Williams asked City Manager Pate to have Community Development Director Gregory Gay disclose all information in the beginning, noting that if Mayor Pigatt had not disclosed it, the Commission would not be having the conversation.

Mayor Pigatt stated that Ms. Hope Calhoun is excellent at what she does.

Ms. Hope Calhoun said that is a bad way to start and reminded the Mayor and Commissioners that they have to come back before them.

Mayor Pigatt gave Ms. Hope Calhoun props for being on point with how she laid out her case, doing a great job representing her client.

City Attorney Norris-Weeks agreed that Ms. Hope Calhoun is very good at what she does. Attorney Norris-Weeks stated that she understood what Ms. Calhoun was saying when she laid out the variance issue, saying that she assumed the developer and City staff have already looked at whether the business meets the requirements of the code including hardship. She warned that if the business does meet the requirements of the code and the City denies their application for the variance, it could be problematic. Attorney Norris-Weeks suggested that the Commission may want to have City staff explain what they did and whether a variance is warranted under the requirements of the code. She said that she raised it as a red flag so that the Commission can focus on that issue when they get to it on the agenda.

Mayor Pigatt thanked City Attorney Norris-Weeks for bringing her concerns about the variance being warranted under the requirements of the City's code but pointed out that the Commission is discussing the item for the approval of a special exception to the property's site plan. The Mayor stated that it is clear that the property is out of compliance and that he hopes Management does its due diligence to ensure that companies are in compliance. Expressing his understanding that the items being proffered before the Commission would give the property owner an exception and a variance to the City's regulations, he stated that it has to be decided by the representatives of the people in the community. The Mayor asserted that he does not support the item in any way, shape or form, suggesting that Management could defer the item and do what they should be doing to ensure that properties are in compliance.

City Manager Pate requested to defer the item and all companion items.

Mayor Pigatt noted that agenda item 15-A-3 had been deferred.

4. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING A VARIANCE REQUEST FOR THE OPERATION OF A CONCRETE BATCHING PLANT AND FINISHED CONCRETE PRODUCTION COMPANY FACILITY ON THE PROPERTY LOCATED AT 13050 NW 30TH AVENUE AND IDENTIFIED BY FOLIOS 08-2128-002-0020; 08-2128-002-0030; 08-2128-002-0040; 08-2128-002-0050; 08-2128-002-0060; 08-2128-002-0090; 08-2128-004-0380; AND 08-2128-004-0330, IN THE I-2 ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by City Manager

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

Mayor Pigatt asked City Manager Pate to introduce the item.

City Manager Pate asked Community Development Director Gregory Gay to introduce the item, despite the request to have the item be deferred.

Mayor Pigatt stated that because the Commission approved the agenda, each item must be at least considered for a motion. The Mayor added that any item can die if there is a lack of a motion but can also be deferred if so moved. He asked City Attorney Norris-Weeks to correct him if he was wrong but said that the item has to go through a presentation from Management and a public hearing.

Community Development Director Gregory Gay explained that the item is requesting a variance for the distance requirement from adjacent residential properties for the concrete batching plant. Mr. Gay stated that his department would like for the Commission to consider it.

Mayor Pigatt opened the public hearing on the item.

Ms. Hope Calhoun asked that the item and the companion items be deferred to the next Commission meeting. For the record, Ms. Calhoun stated that just as they met the criteria for the site plan special exception, she said that they have also met the criteria for granting the variance request, pursuant to the City's staff report.

Marc Cooper of 25th Avenue Warehouse LLC, located at 15060 NW 22nd Avenue, Opa-locka, FL 33054 said that he was not trying to get a certificate for knowing Opa-locka, but told the Commission that he knows the property in question and said there was a bit of information they were missing. Mr. Cooper stated that the new owner is Mr. Frank Vega's previous tenant. He speculated that while he can't testify to it, perhaps the buildings in question were erected by the tenant and not the owner. Having looked it up himself, Mr. Cooper said that the property's purchase totaled $3.4 million which he said was financed by Bank of America, and he added that

he believed that the new owner should have known that there was a street or avenue going through the property. Mr. Cooper urged the Commission to investigate the information he provided.

There being no additional members of the public to make comments, Mayor Pigatt closed the public hearing.

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

Mayor Pigatt asserted that he will not be supporting the item, even if it comes up again. The Mayor expressed his hope that if it is going to be deferred to the next meeting, when the item comes up, he would like to see Code Enforcement on the site as well as a report on the licensing.

City Manager Pate requested that the item be deferred to the next regularly scheduled Commission meeting.

Mayor Pigatt noted that agenda item 15-A-4 had been deferred.

5. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING A TENTATIVE PLAT REVIEW REQUEST FOR THE OPERATION OF A CONCRETE BATCHING PLANT AND FINISHED CONCRETE PRODUCTION COMPANY FACILITY ON THE PROPERTY LOCATED AT 13050 NW 30TH AVENUE AND IDENTIFIED BY FOLIOS 08-2128-002-0020; 08-2128-002-0030; 08-2128-002-0040; 08-2128-002-0050; 08-2128-002-0060; 08-2128-002-0090; 08-2128-004-0380; AND 08-2128-004-0330, IN THE I-2 ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

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

Mayor Pigatt asked City Manager Pate to introduce the item.

City Manager Pate asked Community Development Director Gregory Gay to introduce the item.

Community Development Director Gregory Gay stated that the purpose of the item is to unify the entire site under a tentative plat so that it will be operated in its proper form. Mr. Gay said that the information was submitted to his department and after reviewed accordingly, he informed the Commission that it was presented in its proper format.

Mayor Pigatt opened the public hearing on the item.

Ms. Hope Calhoun stated that they have satisfied all of the criteria required to move the tentative plat agreement forward. On behalf of the property owner and applicant who Ms. Calhoun said was not present but was listening, she raised concerns about how the property will be treated going

forward. Ms. Calhoun pointed out that they are exerting their rights under the City's code to correct previous actions, but the Commission's failure to approve the items before them puts the company in jeopardy. She warned that other issues could arise as a result of the Commission not approving their effort to bring the property into compliance and asked that the next steps be discussed very carefully before any punitive actions are taken on her client's property. Ms. Calhoun concluded with her request that the Commission approve the item.

There being no additional members of the public to make comments, Mayor Pigatt closed the public hearing.

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

City Manager Pate requested that the item be deferred to the next regularly scheduled Commission meeting.

Mayor Pigatt noted that agenda item 15-A-5 had been deferred.

6. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA APPROVING A DEVELOPMENT AGREEMENT FOR THE OPERATION OF A CONCRETE BATCHING PLANT AND FINISHED CONCRETE PRODUCTION COMPANY FACILITY ON THE PROPERTY LOCATED AT 13050 NW 30TH AVENUE AND IDENTIFIED BY FOLIOS 08-2128-002-0020; 08-2128-002-0030; 08-2128-002-0040; 08-2128-002-0050; 08-2128-002-0060; 08-2128-002-0090; 08-2128-004-0380; AND 08-2128-004-0330, IN THE I-2 ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

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

Mayor Pigatt asked City Manager Pate to introduce the item.

City Manager Pate asked Community Development Director Gregory Gay to introduce the item.

Community Development Director Gregory Gay stated the item is for the development agreement for the property in question. Mr. Gay explained that the development agreement addresses all of the criteria from items 15-A-3, 15-A-4 and 15-A-5 in addition to any additional criteria that is suggested for the operation and further development of the concrete batching facility. He reported that it was presented before the Planning & Zoning Board for approval and is also recommended by his department's staff.

Mayor Pigatt opened the public hearing on the item.

Ms. Hope Calhoun asked that the request to approve the development agreement be granted. Ms. Calhoun said that if the approval is not granted, they would request deferral of the item for consideration at the next available City Commission meeting.

There being no additional members of the public to make comments, Mayor Pigatt closed the public hearing.

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

City Manager Pate requested that the item be deferred to the next regularly scheduled Commission meeting.

Mayor Pigatt noted that agenda item 15-A-6 had been deferred.

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 A REQUEST FROM AMDI USA, INC. TO CLOSE, VACATE AND ABANDON A PORTION OF NW 130TH STREET BETWEEN NW 30TH AVENUE AND NW 30TH COURT AND A PORTION OF NW 30TH COURT BETWEEN NW 130TH STREET AND NW 131ST STREET FOR THE OPERATION OF A CONCRETE BATCHING PLANT AND FINISHED CONCRETE PRODUCTION COMPANY FACILITY ON THE PROPERTY LOCATED AT 13050 NW 30TH AVENUE AND IDENTIFIED BY FOLIOS 08-2128-002-0020; 08-2128-002-0030; 08-2128-002-0040; 08-2128-002-0050; 08-2128-002-0060; 08-2128-002-0090; 08-2128-004-0380; AND 08-2128-004-0330, IN THE I-2 ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

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

Mayor Pigatt opened the public hearing on the item.

Ms. Hope Calhoun stated that the item before the Commission is for the vacation of two rights of way within the City of Opa-locka. Having presented the item during other public hearing items, Ms. Calhoun reminded the Commission that their agenda includes the map they showed earlier. Recognizing the frustrations that go along with having a business of this sort in the City, she said that they are asking that the rights of way be vacated so that the business can operate in a cohesive manner. Ms. Calhoun also informed the Commission that they have satisfied all of the criteria for vacating as laid out in the City's code. She asked that the Commission approve the item on its first reading so that it can move to second reading and possibly have all of the applications heard

at the second meeting. Short of granting their request, Ms. Calhoun asked for a deferral of the item to the next meeting.

Marc Cooper of 25th Avenue Warehouse LLC, located at 15060 NW 22nd Avenue, Opa-locka, FL 33054 stated that the value of an acre of unimproved industrial land is about $800,000. Mr. Cooper asked the Commission to keep in mind that if they are going to give away two streets, there is a value there.

There being no additional members of the public to make comments, Mayor Pigatt closed the public hearing.

Mayor Pigatt stated that this is the third or fourth time that the Commission receives a vacation of land from property owners that took City-owned land, recalling that for the other properties, an appraisal of the cost of the land was requested. The Mayor asked if there has been any discussion about the company in question paying for the land that the City owns.

City Manager Pate assured Mayor Pigatt that it is the intent of the City to sell the land, but the vacation process has to be done first and then there must be an appraisal process, with the Commission setting their expectations for what they desire moving forward.

Mayor Pigatt asked when the City intended to sell the land that would be vacated by the approval of the item. The Mayor said that it seemed to him that the intent was to just give away the land.

City Manager Pate stated that the sales transaction would occur after the vacationing of the land on the property in question.

Ms. Hope Calhoun said that the City Manager is right.

Mayor Pigatt reminded Ms. Hope Calhoun that he has to recognize those who speak during the Commission meeting, and he asked her to give them a moment. The Mayor asked City Manager Pate how much the City would get for vacating the land if the Commission passed the item.

City Manager Pate asked Community Development Director Gregory Gay to address Mayor Pigatt's question about the amount the City would receive from the sale if the vacation of the land were approved.

Community Development Director Gregory Gay stated that in most vacation cases, his staff calculates a ballpark estimate based on adjacent property owners. Mr. Gay explained that because the property was purchased in July of 2018 at an approximate cost of $3.5 million, their ballpark calculation determined a value of about $20-$25 per square foot. He pointed out that because the sale was three years ago, property values may have changed. Mr. Gay said that the City would have to show the intent to vacate the property in order to take the next step for acquisition, which would include obtaining an appraisal of the property. He added that the area covered by the street

right away is approximately 10,000 square feet, and thus he assured the Commission that they would be looking at a significant amount of money but said he would not want to lock them into a specific amount.

Mayor Pigatt expressed that he is very concerned with Community Development Director Gregory Gay's answer. The Mayor stated that Management has gone through a due diligence process, the item has gone through attorney review, and it was prepared for the Commission to vote upon as something that was complete, and he pointed out that if none of the issues had been raised, it might have passed. He asked if it was to pass today, how much the City would receive from the sale of the right of way that would be vacated by the approval of the item.

Community Development Director Gregory Gay explained that if the Commission was to pass the item to vacate the right of way at the property in question, his department has guesstimate that the right-of-way would range between $200,000 - $300,000. Asserting that he did not want to lock the Commission to a specific dollar amount, Mr. Gay stated that the exact amount would have to be based on the appraisal. He said that the appraisal would be done once the legislation piece is decided upon because if the Commission decides not to move on the legislation, the appraisal is mute.

Mayor Pigatt asked City Attorney Norris-Weeks if the property owner has to give the City any funding after the Commission passes the ordinance to close, vacate and abandon the streets running through the property in question.

City Attorney Norris-Weeks stated that she doesn't think the Commission is at that point yet. Attorney Norris-Weeks reminded the Commission that there is a section in the code about the vacation of streets and what has to happen as a part of the process. She recalled that Community Development Director Gregory Gay and his department had done their due diligence on the matter of vacating the streets because they had talked about it but offered to make sure it is clearer on the record if the property owner agrees to it.

Mayor Pigatt stated that he recalled the last time the Commission vacated some alleyways, there was backup documentation in the City Manager's memo, with the appraisal and cost of the land as well as how much the City would get. The Mayor said that he is trying to figure out what the difference is now that he doesn't see that information included with the vacation item before the Commission.

City Attorney Norris-Weeks stated that part of the process is to have the applicant pay for the value of the vacated land based on the average between the assessed value obtained from the Miami-Dade County Property Appraiser's Office and the market value obtained from a private professional property appraiser. She recalled speaking about this issue with Community Development Director Gregory Gay, and said that she knows his staff has already done their due diligence on the issue.

Community Development Director Gregory Gay explained that his department has done its due diligence by looking at the value of the properties adjacent to the right of way. Mr. Gay acknowledged that there has not been an appraisal of the property, stating that the first step that needs to occur is the vacation of the property, after which the Commission has an obligation to have the property considered as surplus, at which time the appraisal of the property and offer letters are introduced as part of the process. He pointed out that the Commission has two more steps to take before the process is complete and assured them that vacating the property does not mean it is being given up. By vacating the property, Mr. Gay said that the Commission is basically initiating the process to look at opportunities to either transact the property or use it for something else.

Mayor Pigatt expressed that he felt it didn't smell right.

Commissioner Davis stated that he thinks he has been one of the most vocal members of the Commission about surplussing the public right aways. The Commissioner acknowledged that the surplus process does bring value by taking public land that no taxes are being paid on and selling it to bring additional revenue to the City. He expressed that his problem with those transactions is that ultimately the City's property is being given away and asserted that if the Commission is going to do something like that, they should get something of significance in return that is impactful for residents. The Commissioner also acknowledged that his colleagues shared their individual concerns, and that Community Development Director Gregory Gay is just working to bring the property into compliance with the City's codes and ordinances. He asserted that moving forward, he is not in favor of handing over so many of the City's assets, whether it has a direct monetary value or not.

Mayor Pigatt asked City Manager Pate if he would be deferring the item.

City Manager Pate confirmed the request to defer the item to the next regularly scheduled Commission meeting.

Mayor Pigatt noted that agenda item 16-A-1 had been deferred and asked City Manager Pate if there was a time certain date for the deferral.

City Manager Pate stated that he was requesting the deferral of the item to the next regularly scheduled Commission meeting.

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING THE ANNUAL ADOPTED GENERAL, PROPRIETARY AND SPECIAL REVENUE FUNDS BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A"; PROVIDING FOR THE EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET;

AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS; PROVIDING FOR APPROPRIATION OF ALL BUDGETS AND EXPENDITURES; PROVIDING FOR FEES CONSISTENT WITH APPROPRIATIONS AND AMENDMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

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

Mayor Pigatt opened the public hearing on the item.

There being no members of the public to make comments, Mayor Pigatt closed the public hearing.

It was moved by Vice Mayor Williams, seconded by Commissioner Taylor to discuss the ordinance.

Mayor Pigatt asked City Manager Pate to introduce the item.

City Manager Pate deferred the introduction of the item to Budget Administrator Robert Anathan.

Budget Administrator Anathan reviewed his presentation titled "FY 21 Budget Amendment #3"

Mayor Pigatt asked if the proposed budget amendment included increases to the police budget.

Budget Administrator Anathan stated that the only increase to the police budget is $10,000 for the lease of a police vehicle that will replace the vehicle that is being converted into a K-9 unit.

Mayor Pigatt stated that there was new legislation passed by the State which requires changes to the police budget be sent to the state. The Mayor asked Budget Administrator Anathan to explain how any increase to the police budget may impact the City.

Budget Administrator Anathan stated that he was not aware of any legislation that has come down from the state and committed to looking into it. Mr. Anathan explained that any increase to the police budget would probably impact contingency funding.

Mayor Pigatt asked if anyone could give any guidance on the impact on the City caused by the bill which passed, affecting increases to police budgets. The Mayor recalled that the Florida League of Cities and the Miami-Dade League of Cities were against it because it ties the hands of the City in terms of any decreases.

Commissioner Davis asked if Mayor Pigatt was asking the administration to offer guidance on the Florida Legislature's bill on police budgets.

Mayor Pigatt said that Commissioner Davis can answer the question about the Florida Legislature's bill on police budgets, but he wants to make sure that Management also answers.

Commissioner Davis stated that he thinks Mayor Pigatt is referring to HB 1 and said that he is familiar with the bill. The Commissioner noted that people have been calling the legislation the anti-protest bill because it speaks to protests and how law enforcement and the general public will deal with public assemblies. Addressing the Mayor's main point of concern on the legislation, the Commissioner said that the bill gives the state the ability to preempt local law enforcement budgets, which is a home rule power. He reminded the Commission that the City's budgetary decisions are made by the board voting in unison, but the state is taking a different position to control those decisions and that power is being preempted. The Commissioner said he thinks all of the members of the Commission are aware of it, but don't know the full potential impact, considering it just passed this past legislative session.

City Manager Pate stated that he deferred to Commissioner Davis' response because he represents the City as a member of the League of Cities. The Manager explained that if there is an instance where the City is in violation of the state statute by failing to take action on rioting or other public disturbances, funding could be reduced and could affect the Police Department budget. He said that where the Commission now sees a surplus, the number could be reduced if something occurs down the line.

Budget Director Anathan stated that it also sounds like a concern about defunding and said that he would assume the trigger that involves the state, is if the City would take the budget down.

Mayor Pigatt stated that the concern from cities across the State of Florida along with the Florida League of Cities and the Miami-Dade League of Cities, was that if the City increases the police budget by any amount, no decreases can be made. The Mayor shared his concern that the budget amendment being proposed is making an increase to the police budget and speculated that perhaps next year, the police vehicle that is causing the increase in budget may no longer be needed, but the money would forever be locked into the Police Department. He pointed out that when the Commission is balancing the general budget, if an increase is needed somewhere in the budget, they take the amount needed away from somewhere else in the budget. With the new legislation, the Mayor suggested that if the Commission wants to be fiscally responsible, it will limit any general increases and instead make changes within the police budget to accommodate additional needs for the officers. He urged the Commission to be careful in consideration of the new legislation, which can set the City up to have the State withhold funds if increases are made based on needs and then later changes have to be made. The Mayor stated he wanted to know if this had been a consideration and said that it sounds like it probably wasn't and is one of the reasons, he said he is hesitant to move forward with the budget amendment. He also expressed that he has always been concerned about large budget changes since he has been on the dais and noted that the budget amendment being proposed is one of the largest changes to the budget that he has seen,

stating that he is hesitant to make so many significant changes at one time. The Mayor said that when he sees something in the budget funded for $24,000 or $24,900 it raises a red flag for him because anything below $25,000 gives the City Manager discretion to grant a contract without a request for proposals. He pointed out that there is one item in the proposed budget amendment that falls under that criteria, which is the proposal to hire a pay plan consultant. The Mayor recalled that the pay plan has been spoken about quite a bit from the dais since the financial oversight board submitted its findings, with the Human Resource Department Director coming before the Commission many times to state that the pay plan was done and was pending approval by Management. Now with a proposed budgeted item to approve $24,900 to hire a consultant without going through the bidding process, he asked why a consultant is needed to develop the pay plan.

City Manager Pate thanked Mayor Pigatt for his question and stated that drastic changes have occurred through the process of developing pay plans. Mr. Pate stated that he felt it was prudent to have an outside consultant to get the pay plan done and presented. He suggested that the alternative is for work to be done that has to be reviewed by the state and then having an outdated plan that is three or four months old by the time it gets to the Commission, requiring the need to survey other municipalities again. Pointing out that Mayor Pigatt had championed ensuring that City employees have a fair wage, Mr. Pate stated that in order to try and get it done as expeditiously as possible, he recommends bringing in a consultant. Addressing the dollar amount included in the budget amendment on the Commission agenda, Mr. Pate assured the Commission that he has not received any solicitations, contracts or dollar amounts from prospective consultants. He pointed out that Mayor Pigatt expressed concerns about the proposal to amend the budget for $24,900 because the amount is below the City Manager's cap requiring the need for a request for proposals, and he said he feels the Mayor's statement was made as if the Manager already knew who would be awarded the contract, assuring the Commission that it is not true whatsoever. Mr. Pate stressed that he is trying to get things done efficiently, effectively and as quickly as possible. Pointing out that the City is currently negotiating two collective bargaining agreements, he asserted that the pay plan is needed now more than ever. Mr. Pate also informed the Commission that the State is requesting a professional study to be done on the pay plan as well.

Budget Director Anathan informed the Commission that the Human Resources Director did get three quotes, with the $24,900 being the lowest of the three. Mr. Anathan stated that he does not believe the amount of the quote was by design. He also pointed out that the City has tried to do pay plans in the past but stated that City staff is not really trained for it, while a consultant does it day in and day out.

Mayor Pigatt stated that he is a little confused because he doesn't know what allegations City Manager Pate is referring to but re-stated his question and asked why a consultant is needed to finalize the City's pay plan. The Mayor said he heard Mr. Pate say it was to speed up the process while he said he heard Mr. Anathan say it was because the City's staff does not have the capacity, and he asked which one it is.

Budget Director Anathan stated that the reason the consultant is needed to finalize the City's pay plan is probably both to speed up the process and because the City's staff does not have the capacity. Mr. Anathan explained that a consultant that develops pay plans for a living is much more adept at looking at neighboring communities in South Florida to normalize salaries for the wealth and size of the community, pointing out that the City's staff is not trained to do that despite them making the best effort to do so. As examples, he stated that Opa-locka would not want to design its pay plan based on the City of Aventura or even Miami Gardens because it is a much bigger city. Mr. Anathan asserted that a consultant will be able to finalize the pay plan much better than the City's staff can do.

Mayor Pigatt recalled that in the past pay plans were submitted by the Human Resources Department that included the analysis comparing the City of Opa-locka City staff salaries to similar cities like West Park and Sweetwater. The Mayor said that a public records request could be done to pull the document back up and also pointed out that it was put forth that the pay plan was under review, noting the difference in opinions over the years. He also reiterated his concern about the quote from the consultant coming in just under the $25,000 threshold that would trigger the need for a request for proposals, asking City Manager Pate if the quote for the consultant who completed the Police Chief search had also been $24,900.

City Manager Pate responded by confirming that it is what the Mayor recalled.

Budget Director Anathan also confirmed that the quoted amounts for the Police Chief search consultant and the pay plan consultant are the same amount.

Mayor Pigatt expressed that he is uncomfortable with the budget amendment request at the moment because of the number of items, in addition to the increases to the police budget and the pay plan issue with the Human Resources Department. The Mayor reported that he has been hearing about a lot of issues in the Human Resources Department and hasn't seen any resolution to them. He acknowledged that the proposal for a pay plan consultant looks like a resolution to the problem and said that he hopes it works out, indicating he would fully support it.

Budget Director Anathan asked the Commission if they would like for him to continue with his presentation on the proposed budget amendment.

Mayor Pigatt noted that the proposed budget amendment included $75,000 for the legal counsel for the City's utility billing.

Budget Director Anathan explained that based on the cost of the legal counsel for the City's utility billing over the first six months of the year, the budget amendment is being proposed out of an abundance of caution. Mr. Anathan pointed out that increasing the budget does not grant the authority to outright spend the funding, and if the legal counsel bills come in for a lower amount than what has been budgeted, the funds will go back to the Water & Sewer fund balance. He

reminded the Commission that originally $200,000 was included in the budget for the City's utility billing legal counsel but noted that if they continued going at the rate, they were in the first six months, it would probably be higher and therefore are trying to cover for it with the budget amendment.

Mayor Pigatt stated that as a member of the Commission, he would like to get a report from the City Manager or Attorney to understand what is happening with the City's utility billing that they may potentially go over the budget by as much as $75,000, before the increase is approved and it is taken from the City's contingency fund.

City Attorney Norris-Weeks informed Mayor Pigatt that a shade meeting will be announced to seek guidance from the Commission on the issue with the legal counsel for the City's utility billing, in addition to other issues.

Mayor Pigatt stated that before he votes on the proposed budget amendment to increase the funding for the City's utility billing legal counsel, he would like to hear what is said at the meeting that City Attorney Norris-Weeks mentioned will be scheduled. The Mayor also noted that the proposed budget amendment includes a $20,000 transfer of penalties from the Human Resources Department.

Budget Director Anathan explained that the $20,000 in the proposed budget amendment is just a budget shift, with it originally being charged to the Human Resource Department because it was thought to be a very general charge, but it was realized that it is related to one person. Mr. Anathan said that the decision was made to report it in the Police Department rather than the Human Resources Department.

Mayor Pigatt pointed out that the $20,000 in the proposed budget amendment would represent another increase to the Police budget. Noting that there are a lot of increases to the Police Department budget in the budget amendment proposal, including for vehicle purchases, Police dogs and $54,000 for an operational manual; the Mayor expressed concerns that the Commission won't be able to decrease all of the increases being made to the Police budget based on his understanding of the State's new legislation. Recalling that the Commission had discussed the policies and procedures in quite a few of the City's departments, he asked what is being done in those departments. The Mayor said those are the concerns he has with the proposed budget amendment.

Budget Director Anathan attempted to address Mayor Pigatt's concern about the proposed budget amendment for $54,000 that would fund an operational manual for the Police Department, explaining that the money does not come out of the general fund but comes out of the special law enforcement fund which can only be used for police projects. Mr. Anathan acknowledged that he does not know if it is part of the threshold that the state will use to evaluate the entire Police Department budget, but the $54,000 will come from a different source of revenue because it is

outside of the general fund. He asserted that if the money is not used for police matters, it can't be used and just sits in the special law enforcement fund.

Mayor Pigatt thanked Budget Director Anathan for his clarification on the $54,000 budget amendment for the Police Department operational manual and said that after sharing the concerns he had, there were no other comments he had to make.

Commissioner Davis acknowledged that there will be a later discussion about the legal counsel for the City's utility billing but asked for clarification on a way to have the outside legal counsel budgeted for or tracked. The Commissioner expressed his interest in ensuring that the City is not spending so much so frequently on legal fees, noting that the proposed budget amendment for the counsel is a significant amount of money.

City Attorney Norris-Weeks informed Commissioner Davis that at the shaded meeting she mentioned, a projected budget would be laid out for the Commission by the outside counsel for the City's utility billing.

Mayor Pigatt asked if there was any other discussion on the proposed budget amendment, stating that he thinks the item should be deferred.

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

Commissioner Burke	Not	Present
Commissioner Davis	Yes	
Commissioner Taylor	Yes	
Vice Mayor Williams	Yes	
Mayor Pigatt	No	

3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV ENTITLED PERSONNEL, TO CREATE DIVISION IV OF THE CITY OF OPA-LOCKA'S CODE OF ORDINANCES TO BE ENTITLED "CITY HOLIDAYS"; SPECIFICALLY RECOGNIZING JUNETEENTH INDEPENDENCE DAY AS A PAID CITY HOLIDAY AND SPECIFICALLY CITING ALL OTHER CITY HOLIDAYS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; CONFLICTS OF LAW, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Commissioner Davis and Mayor Pigatt*

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

Mayor Pigatt opened the public hearing on the item.

There being no members of the public to make comments, Mayor Pigatt closed the public hearing.

It was moved by Commissioner Taylor, seconded by Commissioner Davis to discuss the ordinance.

Mayor Pigatt asked Commissioner Davis to introduce the item.

Commissioner Davis thanked Mayor Pigatt for co-sponsoring the item, stating that he wanted to sponsor legislation that acknowledges Juneteenth as an observed and paid holiday that is acknowledged citywide. The Commissioner said that it is important to note that Juneteenth is sometimes referred to as America's true Independence Day because July 4, 1776 only represented a date that certain segments of the American population were considered free. He pointed out that for eighty-nine years, Independence Day was a promise unfulfilled, but on June 19, 1865 Major General Gordon Granger issued an order to the people of Texas and changed everything. In the spirit of June 19th or Juneteenth, the Commissioner proudly put forth the item in acknowledgement of those efforts, as a recognition of people of color in our country. The Commissioner said that he understood the item will have a fiscal impact on the City but asserted that he sees this designation as even more important than the current eleven paid holidays that the City supports. He pointed out that the holiday has been recognized by Miami-Dade County, the City of Miami, the City of South Miami and the City of North Miami Beach and expressed that in his opinion, it is only right to do the same for Opa-locka's employees and residents. The Commissioner stated that with a humble spirit of acknowledgement, he put the item forward.

Vice Mayor Williams reminded the Commission that she co-sponsored the item at the last Commission meeting and said it is still a very important item to have. The Vice Mayor said that she had some questions in regard to the fiscal impact of acknowledging Juneteenth as a paid City holiday, which City Manager Pate answered and said she was okay with. She stated that she would like to go back and co-sponsor the item again along with Mayor Pigatt and Commissioner Davis.

Commissioner Davis thanked Vice Mayor Williams and said he humbly accepted her co-sponsorship of the item. The Commissioner asked City Attorney Norris-Weeks to make note of Vice Mayor Williams as a co-sponsor of the item to acknowledge Juneteenth as a paid City holiday.

Mayor Pigatt informed Commissioner Davis that it would be Clerk Flores who would recognize Vice Mayor Williams as an additional co-sponsor on the item to acknowledge Juneteenth as a paid City holiday. The Mayor asked City Attorney Norris-Weeks if the addition of a co-sponsor to the item would require a motion from the Commission.

City Attorney Norris-Weeks stated that Clerk Flores can just add Vice Mayor Williams as a co-sponsor to the item acknowledging Juneteenth as a paid City holiday.

Commissioner Taylor recognized his colleagues for doing a good job by bringing forth the item to acknowledge Juneteenth as a paid City holiday, stating that it is a good look for the City.

Commissioner Davis thanked his colleagues on the Commission for supporting the item to acknowledge Juneteenth as a paid City holiday.

Mayor Pigatt thanked Commissioner Davis for spearheading the establishment of Juneteenth in the City of Opa-locka. The Mayor stated that it is very important as the day that American became America, where freedom, justice and liberty lived up to its duty to recognize all people as equal. He asserted that it is important that the holiday is respected as a holiday that is not just supported by one segment of the population, but by all. The Mayor once again thanked Commissioner Davis for making sure that Opa-locka does its due diligence as a government and urged everyone to learn a little bit about the significance of Juneteenth. He reflected upon the fact that people were enslaved for hundreds of years, with the majority of America's history having the country as a slave society, which was changed on Juneteenth. Acknowledging Juneteenth Independence Day as an amazing accomplishment, he thanked Commissioner Davis one more time for moving the item forward.

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

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

B. SECOND 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 (first reading/public hearing held on April 28, 2021). *Sponsored by City Manager*

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

Mayor Pigatt opened the public hearing on the item.

Marc Cooper of 25th Avenue Warehouse LLC, located at 15060 NW 22nd Avenue, Opa-locka, FL 33054 stated that the distinction that was made earlier in the meeting between construction and demolition material and garbage, in his opinion is a distinction without a difference when it comes

to illegal dumping. Mr. Cooper explained that what is being dumped on Opa-locka's streets is stuff that fits in a pickup truck that someone didn't want to pay to dump, and they just dump it on a vacant street. He said that he'd like to stop the stream of waste heading towards Opa-locka, so that if a facility is closed it is not dumped illegally, acknowledging that garbage is very difficult to manage. Mr. Cooper shared his experience as the owner of the property on the corner of Alexandria Drive and 127th Street, recalling seeing about four or five months ago on YouTube, that Alexandria Drive was cleaned up on an emergency basis by a contractor which he believed was hired by the City because of a requirement from the Miami-Dade County Department of Environmental Resources Management. He reported that he saw the contractor clean up Alexandria Drive with all of their machinery and then saw them take the same debris to Cairo Lane and put it in front of a nine-acre property. While he said that he took pictures and was going to bring it to someone's attention, he shared that he got sick with a heart condition and the matter fell off his radar. Having seen not long ago that the City passed an item to pay a contractor to clean up Cairo Lane and install cameras directly to the Police Department to try and stop illegal dumping, he pointed out that the property being considered in the item before the Commission, is one avenue west of Cairo Lane and is vacant at night. He stated that because illegal dumping happens very fast, he believes it is an impossible thing to regulate; sharing that even when he has called 9-1-1 and is transferred to the Opa-locka Police, by the time they do get out there, the person is gone. While he said that it is no one's fault and that he is sure the applicant doesn't want illegal dumping in the City, he stated that it is just the reality of things.

There being no additional members of the public to make comments, Mayor Pigatt closed the public hearing.

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

Mayor Pigatt asked City Manager Pate to introduce the item.

City Manager Pate asked Community Development Director Gregory Gay to introduce the item.

Community Development Director Gregory Gay stated that the item is for the rezoning of the construction and demolition waste processing facility property that was previously addressed on the agenda. Mr. Gay explained that the zoning for the property would need to be changed from I-3 which is for planned industrial uses to I-2 which is for a liberal industrial use. He informed the Commission that the item was presented before the Planning & Zoning board, which recommended approval. Mr. Gay also reported that the staff from his department also recommended the approval of the rezoning of the site and offered to address any questions the Commission has.

Mayor Pigatt opened the floor for the discussion of the item.

Commissioner Davis noted that the rezoning is a decision that is left fully up to the Commission, and he stated that he is not in support of any sort of rezoning of the property. The Commissioner also acknowledged that the proposed use for the property is a point of concern. He explained that the only reason he voted to approve the site plan and development agreement for the property was to steer clear of the legal liability that could present itself, considering that the City's code would have worked against them if the Commission had denied those applications. The Commissioner asserted that he will not vote to approve the item because he feels it does not positively impact the community.

Mayor Pigatt stated for the record that he supported the site plan and development plan for the property because it will bring the development to the City and will no longer have a parking lot on the property. The Mayor recognized the point made by Mr. Marc Cooper during the public hearing and expressed a similar concern that Opa-locka may be seen as a place for construction debris, which may be dumped somewhere else if the facility is closed. He acknowledged that there is already a lot of debris that comes into the City and said that the property provides an opportunity to direct people to a place where they can properly dump that debris. The Mayor also said that he is very much in support of recycling materials instead of them going into landfills, recognizing the importance to the community and the planet. Expressing his support for the item as a great opportunity, the Mayor pointed out that with the direction his colleagues were taking and not having a full Commission on the dais, that the item may fail unless it is deferred or there is more of an understanding that could be provided.

Vice Mayor Williams stated that she understood what Mayor Pigatt was saying and admitted that she was back and forth with the waste facility item. The Vice Mayor expressed that a main concern of hers was what would be done with the waste when the facility is closed. She stated that she thinks everyone will believe that Opa-locka is the place where everything is dumped. Noting that the proposal for the facility is for it to process only construction and demolition debris, the Vice Mayor pointed out that one of the major things that are seen around Opa-locka are mattresses. She said she has questions, including whether or not the waste facility would walk over the mattresses or if they would go around Opa-locka and collect all of the illegally dumped construction material. The Vice Mayor said that is why she is not in support of the item.

Commissioner Taylor stated that he is torn but asserted that he would rather a development instead of a parking lot on the property, adding that it is an eyesore when you drive over there. The Commissioner pointed out that the property owner wants to develop the land and turn it into something that is worth something and he can support that, rather than leaving what is there now.

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

Commissioner Taylor	Yes
Vice Mayor Williams	No

Commissioner Burke	Not Present
Commissioner Davis	No
Mayor Pigatt	Yes

C. RESOLUTION(S):

17. CITY MANAGER'S REPORT:

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

City Manager Pate stated that he planned for the meeting to be two hours long and had prepared a twenty-seven-page slide show for the Commission. Mr. Pate noted that it was nearly 11 PM and asked the Commission if they would like him to go through all of the pages or highlights. Acknowledging the Commission's response, Mr. Pate offered to provide insight with his report. He acknowledged that some significant progress was made with appropriations from the State as was explained by State Representative James Bush and he is very excited to see what next year brings. The Manager also said he would ask City Clerk Flores to poll the Commission to determine the date for a closed session meeting to discuss collective bargaining, including the Police and AFSCME union contract negotiations. He also informed the Commission that he will ask the Clerk to poll the Commission to determine the date for the rescheduling of the Commission Priorities Workshop, which he hoped would be in June or July, spaced out enough to get more accomplished. Mr. Pate reminded the Commission that his twenty-seven-page presentation was provided to them, and they can contact him directly if they have any questions. He asserted that if any member of the Commission wants him to answer any questions publicly at the next meeting, he is okay with it because he said that he thinks transparency and exuding leadership values are key, and added that he always strives to do that no matter what position he is placed in. Mr. Pate shared that he has the same expectations of his staff, which he said report to him on a daily basis. He offered to take any questions from the Commission related to the City Manager's Office.

Vice Mayor Williams pointed out that the umbrella topic of the Commission meeting was illegal dumping and asked City Manager Pate how the illegal dumping initiative and cameras are moving forward.

City Manager Pate explained that because the illegal dumping initiative legislation has a fiscal impact, the City needs to wait for State approval. Mr. Pate informed the Commission that the State's cycle typically takes between thirty to forty-five days, and then the Governor's designee will render their opinion through their monthly memorandum with their mass approval of all of the legislation that has been passed. Once that occurs, he stated that the legislation will be executed, and a plan of action will be put in place. Mr. Pate committed to reaching out to the Governor's designee tomorrow to ask what the status is and said he would provide Vice Mayor Williams with a personal update.

Vice Mayor Williams recalled that within the illegal dumping legislation, the Commission approved the use of an app that will allow residents to report illegal dumping and asked if the app was connected to the budget or if the app could be launched now. The Vice Mayor reported that she has been getting calls left and right about massive illegal dumping in the City and those people are taking pictures but have nowhere to send them except to her phone. She stated that if the app could move forward, it would be great.

City Manager Pate confirmed that the app could be launched. Mr. Pate said that he thinks Information Technology Director Nelson Rodriguez heard Vice Mayor Williams loud and clear and he will make sure that the Click Fix app goes live.

Commissioner Davis requested that City Manager Pate forward the previous union agreements that were in place prior to the shaded collective bargaining meeting, so that the Commission has a background on the City's position related to negotiating union contracts.

City Manager Pate asked City Clerk Flores if she can facilitate getting the past union contracts to the Commission.

City Clerk Flores confirmed that she would forward the past union contracts to the Commission.

Mayor Pigatt pointed out that there has been a lot of media attention given to an employee in the Building Department stealing from the City, characterizing it as another challenge that has been brought to light in that department. The Mayor recalled that the department has also faced challenges with the cost to the City of the strip club litigation, in addition to the cost to the City of the moratorium from the Miami-Dade Department of Environmental Resources, and the issue with the liquor store which required the City to give up almost all of its residential surplus property. He lamented that it has become a theme with the department and expressed his concern about what is going on, not being able to believe that it is possible for that much money to be stolen from a City. The Mayor shared that there were people who checked cash and supervisors that make sure things are together in all of the other nonprofits and places he's worked with, and said he wants to know what Management has done to address the challenges and make sure there are checks and balances in the department.

City Manager Pate thanked Mayor Pigatt for bringing up the news reports about the theft from the City that occurred in 2017, 2018 and 2019. Mr. Pate reported to the Commission that when he came on as City Manager, he was well aware of the active criminal investigation within the Building & Licensing Department and thus the investigation by entities outside of Opa-locka is not new news, but he did acknowledge that someone going to jail is new news. He stated that he has been in meetings to look at different options to present to the Commission in regard to the Building & Licensing Department as well as Code Enforcement and reminded the Commission that he sent them an email with one of the options which would outsource one or both of the departments. Mr. Pate noted that his announcement of the option to outsource the departments came before the former employee was indicted for the nearly $250,000 that they allegedly took from the City of Opa-locka. He assured the Commission of his awareness of the challenges in the department and that all options are being looked at. With his understanding that the Commission wants to move quickly to resolve this, Mr. Pate asked the Commission for consensus on whether or not they would like for him to initiate a request for proposals process to outsource the department or if they would prefer that he piggyback the contract by finding firms that do business in other communities. Offering to be able to present the options to the Commission at the next meeting with their fiscal impact, he said that if they can share their thought process on the matter, it can assist him and his staff in determining how to proceed forward.

Mayor Pigatt stated that City Manager Pate mentioned a few things that raised some flags, including that he has been aware of the challenges in the Building & Licensing Department since he began serving as

Manager and also mentioned the things in the past that occurred, in addition to the things that are occurring. The Mayor asked Mr. Pate what is occurring now.

City Manager Pate assured Mayor Pigatt that there's nothing occurring at the moment.

Mayor Pigatt reminded City Manager Pate that the Commission hired him to make the tough decisions to manage day-to-day operations in the City. The Mayor expressed that he does not see the decision about potentially outsourcing the Building & Licensing Department as well as Code Enforcement as a policy discussion and thus he won't weigh in on it. He stated that Mr. Pate understands the details of those departments more than anyone on the dais and that he has the expertise, knowledge and resources needed, in addition to the opportunity to consult with other city managers to determine the best direction to move in. The Mayor said that he would personally like the recommendation on this matter from Mr. Pate. He noted that throughout the meeting, it was clear that problems are known but are not addressed and said he does not like being put in the position with the Commission not knowing what is going on and having questionable things brought up. The Mayor stated that he looks forward to something being done to address the issue because it does not look good, and the City does not want the image that things are not going right. He asserted that the Commission wants to be very clear that the City is making changes, addressing all of its issues and that there is no tolerance at all for wrongdoing. The Mayor also pointed out that the City received $1 million for the Police headquarters and asked what the plan was to act on that. He asked if they had the exact cost of the Police department, when it will be built, whether the $1 million will cover the entire cost and if not, how it will be part of the City's 5-year recovery plan, as well as what allocations need to be made to ensure that the Police Department has a headquarters as swiftly as possible.

City Manager Pate pointed out that Mayor Pigatt had just discussed the inflating Police budget and how it could affect the City not being able to drop expenditures next year based on State legislation that passed, but now he is not clear. Mr. Pate asked for a clear understanding of the Commission's intent, reminding them that he works for and takes guidance from the five of them. Based on some of the concerns that the Commission expressed, he wants to make sure that when he puts staff to task tomorrow, that the product being delivered to the Commission is going to happen. Mr. Pate reported that he has already been in conversation with City staff about the Police Department funding and stated that he is planning a multi-phased approach, since it will cost about $3.7 million to tear down and complete a proper remediation of the old site and then build up the new headquarters. He stated that the initial $1 million will be used to clear the site and he thinks that is more than enough to do so. Mr. Pate shared that he has already been in communication with State Representative James Bush about spreading out the funding and requesting additional monies from the Florida Legislature next year, in order to actually build the site. He informed the Commission that there are issues with the site which do require the remediation process, but he feels the funds that are currently allocated can be used for the process. Mr. Pate also pointed out that the funds have not yet been approved by Florida's Governor. In addressing the concerns about the City, he recalled that the Mayor has educated him on many concerns that he has observed prior to him being hired as Manager and even concerns he's had since he began serving as Manager. Mr. Pate acknowledged that the government moves slowly and that he hears about allegations every day, including wrongdoing that occurs in any department. He pointed out that the government took action and the individual who stole from the City was held accountable. Mr. Pate assured the Commission that he takes very seriously his responsibility to the residents and the people that sit on the dais. He committed to putting his staff on task tomorrow to

be able to bring his recommendation before the Commission, to transform the Building & Licensing Department and Code Enforcement Department.

Mayor Pigatt recalled that at the last Commission meeting, he requested a written report on the status of the plans for hurricane preparedness, the Glorieta Gardens Apartments Police Substation as well as the bus benches but the Commission has not received that yet and asked City Manager Pate to provide those reports. The Mayor made an additional request for a report on the Police headquarters and said that he hopes the Commission will actually get it. Specifically, he asked Mr. Pate to include in the report what he discussed at the Commission meeting as well as what the Police headquarters will look like, in addition to whether or not it will be the same building and have the same amenities, because the Commission wants to be able to showcase it and talk about the $1 million that the City received for the project.

City Manager Pate stated that he understood Mayor Pigatt's requests and that he usually gets a legislative check sheet after every Commission meeting and will put staff on task tomorrow to get everything the Commission needs.

18. OFFICIAL BOARD REPORTS:

There were none.

19. FUTURE AGENDA ITEMS:

There were none.

20. MAYOR/COMMISSION REPORTS:

Commissioner Taylor thanked everyone that supported the Bingo and Chill event that he sponsored. The Commissioner also thanked the Police Department that supported the Police appreciation breakfast. He also urged the Commission to consider the City's staff and themselves when they are conducting meetings and workshops. The Commissioner acknowledged the fact that this meeting had a long agenda but pointed out that there are times when the Commission has two agenda items, and the meeting goes on for two or three hours. The Commissioner also pointed out that the City's staff has been working all day and it is almost midnight. He asked that consideration be given of people's time when the Commission is doing these meetings, with it seeming like there are more workshops than Commission meetings and nothing is being accomplished beyond the conversations that are then continued at the next workshop. Commissioner Taylor concluded his report asking the Commission to be fair to the City's staff and each other.

Mayor Pigatt stated that he would like more details on a better strategy for Commission meetings and workshops. The Mayor recalled that when he was first on the dais, it was a normal occurrence and stated that the Commission has gotten a lot better but said that he wanted to discuss how they can do better.

Vice Mayor Williams reported that she recently sponsored a Firefighter recruitment fair that was extremely successful with over one hundred candidates in attendance. With the Firefighter applications opened, the Vice Mayor expressed excitement that the recruitment fair happened in Opa-locka. She thanked Captain Bell for coming into Opa-locka to make the recruitment fair happen, and she expressed her hope that the City gets a lot of job opportunities. The Vice Mayor also echoed Commissioner Taylor's sentiments,

suggesting that the Commission needs to re-visit their one-on-one meetings with City Manager Pate because she believes that their meetings would go faster.

Commissioner Davis acknowledged the first Citywide Juneteenth event which will take place on June 19th at the Arts & Recreation Center on Ali Baba Avenue. The Commissioner shared that the event will have food, music, and vendors as well as many cultural performances and experiences. He encouraged the community to celebrate the commemoration of Juneteenth in the great City of Opa-locka. The Commissioner acknowledged that time is of the essence and pointed out that how that time is managed, determines success. He reminded the Commission that because of the sunshine law, their hands are tied on how they interact as public officials. The Commissioner acknowledged that they can all meet with the Manager individually, which he said is a right that he is sure they all exercise but stated that it is difficult to gain consensus in those settings because they don't necessarily talk about the same subjects. He also pointed out that Commission workshops provide the opportunity for them to gain consensus on the agenda, making it easier to manage the Manager and accomplish their goals. Sharing that he works two jobs in addition to his responsibilities to the City, the Commissioner did acknowledge the strain that Commission meetings and workshops put on City staff and even the Commission, and said he understands his colleagues' concerns about time. The Commissioner concluded stating that he looks forward to any suggestions put forth to move things along at the Commission meetings and workshops.

Mayor Pigatt congratulated and recognized his colleagues for all of the events including the Bingo and Chill which celebrated Opa-locka's 95-year history, in addition to the amazing full room for the Firefighters session and the Juneteenth celebration. The Mayor acknowledged that there is definitely a change and he said that he is proud to be a part of it. He thanked each and every one of the City staff that is a part of the process, as working professionals who are moving the City forward. The Mayor then gave City Attorney Norris-Weeks' time to make an announcement.

City Attorney Norris-Weeks provided notice that a private closed door attorney client session will be held in the City Commission Chambers at the Sherbondy Village Auditorium on June 9, 2021 at 6 PM.

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 Davis, seconded by Vice Mayor Williams to adjourn the meeting at 11:35 p.m.

Matthew A. Pigatt
Mayor

Attest:

Joanna Flores, CMC
City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Taylor, John H.	City Commission
MAILING ADDRESS 780 Fisherman Street, 4th Floor	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Opa-locka COUNTY: Miami-Dade	NAME OF POLITICAL SUBDIVISION: City of Opa-locka
DATE ON WHICH VOTE OCCURRED June 9, 2021	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

RECEIVED
CITY OF OPA-LOCKA
OFFICE OF THE CITY CLERK
2021 JUN 22 PM 2:56

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, John H. Taylor Jr, hereby disclose that on June 9, 20 21 :

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____ ;

✓ inured to the special gain or loss of my relative, _____ ;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

It may seem that I have a personal interest in this matter.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

06/22/2021
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.