CITY OF OPA-LOCKA

"The Great City"

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

1. **CALL TO ORDER:**

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

2. **ROLL CALL:**

   The following members of the City Commission were present: Commissioner Chris Davis, Commissioner John H. Taylor Jr., and Mayor Matthew A. Pigatt. Vice Mayor Veronica J. Williams arrived at 7:12 PM. Also, in attendance were: Assistant City Manager George Ellis, City Attorney Burnadette Norris-Weeks, Assistant City Attorney Candice Cobb and City Clerk Joanna Flores. Commissioner Alvin Burke was not in attendance.

3. **INVOCATION:**

   The Invocation was delivered by Commissioner Taylor.

4. **PLEDGE OF ALLEGIANCE:**

   The Pledge of Allegiance was recited in unison.

5. **AWARDS/PROCLAMATIONS/ACKNOWLEDGMENTS:**

   Human Resources Director Kierra Ward honored the children of City of Opa-locka employees who graduated as members of the Class of 2021.

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

   Mayor Pigatt pulled Consent Agenda Items 13-1 and 13-3 from the Consent Agenda.

   Commissioner Davis pulled Consent Agenda Item 13-9.

   It was moved by Commissioner Davis, seconded by Commissioner Taylor to approve the Consent Agenda.

The motion to approve the Consent Agenda passed by a 3-0 vote.

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

7. APPROVAL OF AGENDA:

It was moved by Commissioner Taylor, seconded by Commissioner Davis to approve the Agenda.

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

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

8. APPROVAL OF MINUTES:

Regular Commission Meeting Minutes – June 23, 2021

It was moved by Commissioner Taylor, seconded by Commissioner Davis to approve the minutes of the Regular Commission Meeting on June 23, 2021.

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

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

Special Commission Meeting Minutes – July 9, 2021

It was moved by Commissioner Taylor, seconded by Commissioner Davis to approve the minutes of the Special Commission Meeting on July 9, 2021.

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

Commissioner Burke	Not Present
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:

Donna Grace, P.E. of EAC Consulting presented the stormwater master plan to the Commission.

Commissioner Davis noted that many cities are taking advantage of the voluntary community rating process, and in consideration of the recent change in national flood insurance legislation that resulted in increases in premiums, he asked about the potential impact that the plan and process can have on residents' ability to obtain and maintain flood insurance.

Mr. Herman Tirado of EAC Consulting explained that the stormwater master plan will be a springboard to be able to complete the analysis for the comprehensive community rating process. Mr. Tirado added that the assessment could be brought before the City of Opa-locka, and Miami-Dade County as a floodplain manager.

Mayor Pigatt asked whether the online survey that EAC Consulting described in their presentation, was up on the Opa-locka website and asked that it be provided to the Commission and City officials so that it is promoted to engage residents.

Mr. Herman Tirado of EAC Consulting stated that the forms for the online survey should be available on the website for citizens.

Mayor Pigatt also asked when the Commission will get the anticipated cost of the projects and when the projects will be seen moving forward.

Mr. Michael Adeife of EAC Consulting informed the Commission that the projects will be identified in the next phase of the process, and that he anticipates that the projects will be conceptually identified and prioritized for the Commission by the 2nd of September. Mr. Adeife added that once the projects are approved to go into the design process, which will include getting the engineering plans done and the projects bid out to a contractor who will do the actual construction, the estimation is that construction would start by June of 2022.

He also said that some of the projects that he anticipates will be part of the master plan, are already in design and should start construction before the end of June of next year.

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

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

Mayor Pigatt opened the Citizens' Forum.

Ms. Audrey Dominguez of 1147 Jann Avenue provided the Commission with a chart of the millage rate that was adopted in 2020 by the municipalities of Miami-Dade County. Pointing out that the City of Opa-locka has had the highest millage rate at 9.80 for several years, she urged the Commission to lower the rate, even beyond the 0.15 reduction that had been proposed. She also thanked the Chief of Police for having Police vehicles in key areas where there is a high rate of crime and speeding, noting that she has seen a change in her area.

Mr. Brian Dennis of 2140 York Street shared that he had told Commissioner Alvin Burke that he would help support the coach and gave him a check to get the equipment they need. Mr. Dennis also expressed that he wants to see the stormwater master plan because he said that a plan to put in water drains across the City had been seen before and shared his concern that money could be paid for the same thing again. He also noted that the budget meeting was the longest one he has ever seen in his life. Mr. Dennis said that he felt Vice Mayor Williams was doing a great job and urged the Commission to do something better than what is being proposed to deal with the challenge of parking within new developments.

Ms. Dottie Johnson of 13724 NW 22nd Place congratulated the grant writer and City staff for receiving the grant from the Department of Economic Development in Tallahassee. Ms. Johnson expressed concerns about the $25,000 proposed budget for the Commission, and because she doesn't think they have the funds to do multiple events, she reminded them that a multicultural celebration was suggested. She also said that she hoped there is not a strategy to defund the Police Department. Ms. Johnson concluded by asking for clarification on the deferring of agenda items, stating that she believes continued dialogue on deferred items is not right according to Robert's Rules of Order.

Mr. Robert Barnett of 779 Atlantic Avenue informed the Commission that he is a graduate of Florida Memorial University in the field of biology and urged them to consider the environmental impacts of the stormwater master plan projects. Mr. Barnett also informed the Commission that he has had extensive problems with code enforcement about keeping his boat at his house and requested a variance for his property.

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

Commissioner Davis assured Ms. Audrey Dominguez that the Commission will be discussing the City's millage rate and asserted that he agrees it should be lowered in consideration of the fact that Opa-locka has the highest millage and poverty rate in Miami-Dade County. The Commissioner also thanked Mr. Robert Barnett for addressing the potential of having stormwater runoff, recognizing that because of Opa-locka's industrial nature many properties are considered contaminated, and he stated that he will ensure environmental protections are incorporated into the stormwater master plan.

Mayor Pigatt thanked everyone who addressed the Commission. The Mayor stated that the millage rate would be addressed during the Commission's budget conversation. He also suggested that Mr. Robert Barnett get assistance from Legislative Aide Randy Grice and City Manager Pate to address his question about obtaining a zoning variance.

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

1. **(13-1) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING AND ESTABLISHING A CITY SPECIAL EVENTS LIST FOR THE 2021-2022 FISCAL YEAR AND A BUDGET; ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by City Manager* **Deferred from RCM 07/14/2021**

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

Mayor Pigatt asked if there was a motion to discuss Agenda Item 12-1.

It was moved by Vice Mayor Williams, seconded by Commissioner Taylor to discuss Agenda Item 12-1.

Mayor Pigatt asked Assistant City Manager George Ellis to introduce Agenda Item 12-1.

Assistant City Manager George Ellis asked Parks & Recreation Director Delven Patterson to introduce Agenda Item 12-1.

Parks & Recreation Director Delven Patterson explained that the special events calendar being proposed in Agenda Item 12-1, is what had been brought before the Commission during their workshops in the past month.

Vice Mayor Williams asked Parks & Recreation Director Delven Patterson if Agenda Item 12-1 was proposing for the Commission to vote on the full special events calendar, because she was only seeing Parks & Recreation events and none of the Commission sponsored events.

Parks & Recreation Director Delven Patterson stated that the agenda packet should have included the full special events calendar and offered to get it for the Commission quickly.

Vice Mayor Williams asked Assistant City Manager George Ellis if what is being proposed to the Commission for the special events budget, includes the budget for just the Parks & Recreation Department events, or if it also includes the Commission events as well.

Assistant City Manager George Ellis asked Budget Administrator Bob Anathan if Parks & Recreation Director Delven Patterson was correct on the information provided about the budgeting for special events.

Budget Administrator Bob Anathan stated that the special events line item in the budget includes both annual events in addition to the funding for the Commission's discretionary events, and he said that the total should be $46,000. He added that even if it was not stipulated under Agenda Item 12-1, that when they look at the budget, the $46,000 amount will be included as a line item for special events.

Commissioner Taylor pointed out that some of the special events listed in the documentation provided to the Commission, don't have a total cost included and that the budget says one thing, while the documentation included in the packet for Agenda Item 12-1 says something totally different.

Parks & Recreation Director Delven Patterson explained that the special events that don't have a total cost included are those which don't represent a cost to the City. He also assured the Commission that they would be provided with the updated documentation for Agenda Item 12-1.

Vice Mayor Williams asked City Attorney Norris-Weeks if the Commission's vote would be on what they see in front of them in the agenda.

City Attorney Norris-Weeks informed the Commission that they can vote on Agenda Item 12-1 based on the explanation provided by Parks & Recreation staff, with the caveat that corrections be made to the documents that were provided. Attorney Norris-Weeks also pointed out that the Commission could also just delay the item and come back to it once the appropriate documents are provided.

Assistant City Manager George Ellis proposed that Agenda Item 12-1 be deferred until September so that more information can be provided to the Commission.

Commissioner Davis asked that Agenda Item 12-1 be updated to reflect the City Manager's changes.

Mayor Pigatt asked Assistant City Manager George Ellis how deferring Agenda Item 12-1 would line up with the City budget that is anticipated to be passed, considering that the special events policy specifically states that these events should be part of the budget conversation.

Assistant City Manager George Ellis reminded the Commission that the City's final budget is not approved until September and the budget being sent to the state may not include specific event information until the budget is finalized.

Mayor Pigatt confirmed that Agenda Item 12-1 was being deferred.

2. **(13-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, SETTING THE PROPOSED BUDGET FOR THE CITY OF OPA-LOCKA, FLORIDA AS REQUIRED BY THE STATE AND LOCAL AGREEMENT OF COOPERATION BETWEEN THE GOVERNOR AND THE CITY OF OPA-LOCKA, FOR FISCAL YEAR (FY) 2021-2022; ESTABLISHING REQUIREMENTS FOR THE APPROVAL OF THE CITY BUDGET ON OR BEFORE AUGUST 1st AND FORWARDING TO THE GOVERNOR THE PROPOSED ANNUAL BUDGET OF THE CITY AS PRELIMINARILY APPROVED BY THE CITY COMMISSION FOR FY 2021- 2022; AND DIRECTING THE CITY MANAGER TO FORWARD A COPY OF THIS RESOLUTION AND APPROVED PROPOSED BUDGET TO THE GOVERNOR; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by City Manager*

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

Mayor Pigatt asked if there was a motion to discuss Agenda Item 12-2.

It was moved by Commissioner Taylor, seconded by Commissioner Davis to discuss Agenda Item 12-2.

Mayor Pigatt asked Assistant City Manager George Ellis to introduce Agenda Item 12-2.

City Clerk Joanna Flores informed the Commission that there was a substitute resolution provided with some changes.

Mayor Pigatt asked if the Commission had to adopt the substitute item.

City Attorney Norris-Weeks informed the Commission that because the substitute resolution does not change the nature of what is being proposed in Agenda Item 12-2, it is proper for it to be voted on.

Assistant City Manager George Ellis asked Budget Administrator Bob Anathan to introduce the item.

Budget Administrator Bob Anathan reviewed his FY 22 Budget Preliminary Approval presentation for the Commission.

Commissioner Davis asked if the funds from the American Rescue Plan were included in the budget for the coming fiscal year.

Budget Administrator Bob Anathan informed the Commission that the representatives of the State of Florida have seen a total of $7.5 million in funds available from the American Rescue Plan, but because there is no precise number and the ground rules for utilization of those funds are not known, a budget amendment will be needed once the funds become fully available.

Mayor Pigatt asked if the proposed budget aligns with the 5-year recovery plan that was submitted last year.

Budget Administrator Bob Anathan stated that the fund balance is in much better shape than it was in the 5-year plan, but he also noted that staffing is up over what was in the plan.

Mayor Pigatt asked if the proposed budget accounted for a timetable for the elimination of all outstanding deficits.

Budget Administrator Bob Anathan said that the City has eliminated the deficit in the general fund and the stormwater fund. Mr. Anathan cautioned that despite his recommendations, there is no immediate action plan for the deficit in the water & sewer fund.

Mayor Pigatt asked if current expenditures and revenues are balanced in the proposed budget.

Budget Administrator Bob Anathan stated that expenditures and revenues are balanced in the general fund and stormwater fund, but not in the water and sewer fund.

Mayor Pigatt asked if all operating revenue included in the proposed budget is sufficient to cover all costs of operation, including depreciation.

Budget Administrator Bob Anathan explained that depreciation is not appropriate for this purpose, but once again reminded the Commission that the water and sewer fund is problematic while the storm water fund is very healthy.

Mayor Pigatt asked if improved collection of debts and revenues is accounted for in the proposed budget.

Budget Administrator Bob Anathan explained that collections have suffered because the City agreed to not turn off the services being provided to residents during the pandemic, but he assured the Commission that those collections are on the road to recovery and that the proposed budget accounts for two additional staff members to improve the collection of debts and revenues.

Mayor Pigatt asked if a capital improvement plan had been developed for the City, to be updated annually.

Budget Administrator Bob Anathan stated that there is currently a 1-year plan and that the stormwater plan will make it possible to develop a 5-year plan.

Mayor Pigatt expressed concern that based on the answers provided by Budget Administrator Bob Anathan, the proposed budget is not abiding by the agreement required by the City's financial oversight. The Mayor also recalled that since he has been on the dais, the budget has been submitted to the State of Florida, which makes changes to it as a final budget for the Commission to approve, and he asked if that had changed for this year.

Budget Administrator Bob Anathan assured the Commission that the State of Florida has made it very clear in every conversation he's had with them, that any changes the Commission makes to the proposed budget after the State reviews it, would just have to be resubmitted.

Mayor Pigatt asked if the State would have another 20 days to review the proposed budget, if any additional changes are made after their initial review, noting that the City is in a position to have to resubmit the proposed budget.

Budget Administrator Bob Anathan offered assurances that because the representatives of the State of Florida will have reviewed the City's entire proposed budget, they'll be able to focus on any changes that are made, and if those changes lower expenditures, he believes the review will be expedited and completed much quicker than 20 business days.

Mayor Pigatt addressed the City's four major challenges and asked how the proposed budget addresses the financial challenges, by making sure outstanding debts are paid within five years.

Budget Administrator Bob Anathan explained that because Miami-Dade County is considering adding debt to the current debt that the City is already paying, for the meter installation in the middle of next year, that debt is going to be owed slightly beyond the five-year period. Mr. Anathan also noted that the assumption is that the yearly payments will continue, and the debt would be paid off in another 3 ½ years. He also said that either the building will be refinanced or a balloon payment in the range of $3 million would be made in FY '26, on the debt associated with 780 Fisherman Street, which would not be quite within the 5-year period. Mr. Anathan also informed the Commission that the debt for the City's red-light cameras has not been addressed and said that the City must determine exactly how much is owed, to then begin discussions about repayment for the debt which the representatives of the State said they have no authority to waive outright.

Mayor Pigatt asked if the proposed budget included any changes to the Finance Department's salaries, to address the issues in that department.

Budget Administrator Bob Anathan informed the Commission that the proposed budget includes an increase in salary for the City's Finance Director to $125,000 which he said has been deemed to be competitive. Mr. Anathan also said that the salaries for the other positions in the Finance Department have not been deemed to be uncompetitive.

Mayor Pigatt asked if the proposed budget included anything to increase the ability to recruit the people needed to address the City's finances.

Budget Administrator Bob Anathan said that the City has a request for proposals out that is looking to outsource the Finance Department.

Mayor Pigatt addressed the City's challenge with water billing, and he asked if the proposed budget included funding to complete a study to reduce water rates.

Budget Administrator Bob Anathan informed the Commission that funding for a water rate study is not included in the proposed budget and pointed out that with the water and sewer fund's debt service being roughly 25% of revenue, reducing water rates would exacerbate the problem. Mr. Anthan assured the Commission that through his own analysis of the operation of other utilities, he determined that the City's cost structure is favorable.

Mayor Pigatt addressed the City's challenge with the DERM moratorium and asked if the proposed budget included any funding to help address the annual review of occupational licensing.

Budget Administrator Bob Anathan said that while he was unaware of a requirement for an annual review of occupational licensing, nor the workload involved, he believes that it is meant to be addressed by the change in leadership of the department.

Mayor Pigatt asked what major projects are being anticipated in the coming year for the City's roads and streets.

Budget Administrator Bob Anathan informed the Commission that only about a mile and half of road is included in the proposed budget because of the pending stormwater projects, to avoid resurfacing streets that then must have additional work be done on them when the new stormwater system is ready to be installed.

Mayor Pigatt asked how the Commission priorities are reflected in the proposed budget.

Budget Administrator Bob Anathan stated that the proposed budget includes items within each division that are responsive to the Commission's priorities.

Mayor Pigatt asked if the proposed budget includes funding for a city-wide deep cleaning.

Budget Administrator Bob Anathan explained that the proposed budget includes funding for the doubling of the people who will be on the road daily to pick up all the illegal dumping that's occurring throughout the City, in addition to tree trimming, and the painting of some of the City's buildings.

Mayor Pigatt asked if the proposed budget included funding for the creation of a special taxing district.

Budget Administrator Bob Anathan stated that the funding needed for the creation of a special taxing district has not directly been identified.

Mayor Pigatt stated that he wanted to have everything on the record because it is uncommon for him as Mayor to vote no on the annual budget, but he said that the issues he raised were the reasons why he cannot support the budget at this moment. The Mayor noted that the Commission received the documentation for the budget last week, the day before a Budget Workshop. He asserted that he wants to make sure that the Commission is in alignment with the City's financial oversight board. The Mayor said that he believed the millage rate could be dropped even further if so much was not being spent within the budget, in consideration of being over budget by $5.6 million and using the City's fund balances while in financial crisis.

Vice Mayor Williams stated that some of the questions that were asked of Budget Administrator Bob Anathan seemed to be more related to specific departments, and she asked if he is supposed to know the answer to all the questions that were asked of him.

Budget Administrator Bob Anathan expressed that while the Public Works Director would probably have given crisper answers than he did, to do his job correctly, he should know the answers to the questions that were asked of him.

Vice Mayor Williams expressed that she would not want the Commission to make a judgement based on Budget Administrator Bob Anathan not knowing why a particular department put certain line items into their budget.

Budget Administrator Bob Anathan explained that the operational audit put him about 3 months behind his schedule and apologized that the Commission had only received the budget document 10 days ago.

Mayor Pigatt assured Budget Administrator Bob Anathan that his work is unquestioned because it has outshone anything he has personally ever seen since he has been sitting on the dais. The Mayor said that Mr. Anathan is one person, and that the work is done by the entire team of departments and management. He added that the questions which were asked, have been brought up in prior Commission workshops and his number one goal is to make sure that the City is getting out of financial oversight and addressing the major challenges.

Commissioner Taylor asked if the proposed budget is passed by the Commission, if it would go to the State of Florida for them to let the City know if there is an issue with it.

Budget Administrator Bob Anathan explained that based on the Commission's vote, the proposed budget would be sent to the State of Florida for a first pass approval and comments, which could include recommended adjustments.

Commissioner Davis asked if after the feedback on the proposed budget is received from the State of Florida, if the Commission can change line items in the budget, or if they can only increase or decrease specific values.

Budget Administrator Bob Anathan informed the Commission that they have the right to change any line item they want except the millage rate, because if they try to raise that, it's going to be expensive.

Mayor Pigatt pointed out that the Commission can make changes to the proposed budget once they receive feedback from the State of Florida, but they would have to resubmit it to the State. The Mayor reminded his colleagues that in previous years, the Commission has had to pass a budget every month because they were delayed in submitting the budget and getting it approved by the State. He also pointed out that last year was the first time the State of Florida didn't recommend any changes.

There being no further discussion on Agenda Item 12-3, the resolution passed by a 3-1 vote.

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

3. **(13-9) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE STATE OF FLORIDA, DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO), AND EXECUTE CORRESPONDING AGREEMENT HL136, ATTACHED HERETO; 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.

Mayor Pigatt asked if there was a motion to discuss Agenda Item 12-3.

It was moved by Commissioner Taylor, seconded by Vice Mayor Williams to discuss Agenda Item 12-3.

Mayor Pigatt asked Assistant City Manager Ellis to introduce Agenda Item 12-9.

Assistant City Manager Ellis stated that Agenda Item 12-3 is proposing that the Commission accept the money obtained through legislation sponsored by State Representative James Bush, for the fencing needed by the Parks & Recreation Department.

Commissioner Davis stated that the reason he pulled Agenda Item 12-3 was to formally acknowledge Representative James Bush for his help in securing the funding needed for Opa-locka's parks. The Commissioner shared that he worked intimately in the development of Kaboom Park in Magnolia North, and he noted that because of the funding, it will also be receiving fencing that will help curb some of the illegal activity that has been going on.

Mayor Pigatt echoed his colleagues' sentiments, thanking Representative James Bush and all those in Tallahassee who helped make sure the funding came to the City. The Mayor also invited everyone to the Police Station groundbreaking on Friday at 1:00 PM.

There being no further discussion on Agenda Item 12-9, the resolution passed by a 4-0 vote.

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

13. ADMINISTRATION:

CONSENT AGENDA:

Consent agenda items 1, 3 and 9 were pulled from the consent agenda. Vote taken on these items can be viewed under Agenda Item 12 – Action Items.

2. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, SETTING THE PROPOSED MILLAGE RATE OF 9.6500 MILLS FOR COMPUTATION OF AD VALOREM TAXES FOR THE CITY OF OPA-LOCKA, FLORIDA AS REQUIRED BY LAW FOR THE BUDGET FOR FISCAL YEAR (FY) 2021-2022; ESTABLISHING THE DATE, TIME AND PLACE FOR THE FIRST HEARING TO CONSIDER THE PROPOSED MILLAGE RATE AND PROPOSED BUDGET FOR FY 2021-2022; DIRECTING THE CITY MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF REVENUE, PROPERTY TAX OVERSIGHT, TRIM COMPLIANCE SECTION; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by City Manager*

4. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS (RFP) FOR REMOVAL OF UNDERGROUND STORAGE TANKS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by City Manager*

5. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE PROPOSAL AND EXECUTION BY THE CITY MANAGER OF AN AGREEMENT BETWEEN THE CITY OF OPA-LOCKA AND LEXIPOL, LLC; AUTHORIZING PAYMENT IN THE AMOUNT OF FIFTY-THREE THOUSAND NINE HUNDRED SIXTY-TWO DOLLARS AND THIRTY-FIVE CENTS ($53,962.35); PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by City Manager*

6. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO PIGGYBACK AN EXISTING CONTRACT WITH THE CITY OF NORTH MIAMI FOR SURPLUS AUCTION SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by City Manager*

7. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO PIGGYBACK THE MIAMI DADE COUNTY CONTRACT WITH H&R PAVING, INC. FOR QUALIFIED PROFESSIONAL SERVICES FOR THE INSTALLATION OF A NEW SIDEWALK IN THE TOWN CENTER AREA, IN THE CITY OF OPA-LOCKA, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY-SEVEN THOUSAND TWO HUNDRED NINE DOLLARS ($257,209); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. Sponsored by City Manager**

8. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE ASSESSMENT AND EVALUATION PROJECT AGREEMENT FOR CAIRO LANE, NW 127TH STREET AND ALEXANDRIA DRIVE TO INCREASE THE PROJECT SCOPE OF WORK, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED NINETY THOUSAND DOLLARS ($290,000.00); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by City Manager*

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

14. NEW ITEMS:

There were none.

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 REQUEST FOR THE CONSTRUCTION AND OPERATION OF A RESIDENTIAL MIXED-USE BUILDING LOCATED AT 2050 ALI BABA AVENUE, IDENTIFIED BY FOLIOS 08-2122-003-2140, 08-2122-003-2150, 08-2122-003-2160; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager* **Deferred from RCM 07/14/2021**

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

Mayor Pigatt asked the Planning & Community Development Department Director Gregory Gay to introduce Agenda Item 15-A-1.

Planning & Community Development Director Gregory Gay stated that the development proposed in Agenda Item 15-A-1 would be in the Magnolia North area, built on a site that is approximately 12,500 square feet. Mr. Gay said that the Planning and Zoning Board offered their approval of the development with 30 units and 32 parking spaces, subject to parking modifications. He reported that the developer made modifications, while keeping the building envelope the same, going from a standard parking garage configuration to an automated parking facility with 66 parking spaces and 2 additional handicapped parking spaces, to meet the minimum requirements for the number of units within the development. He explained that modifying the plan from a standard parking garage to an automated parking facility, made it possible to add eight additional units. Mr. Gay informed the Commission that his department's staff recommends approval of the site plan as well as the complimentary development agreement item. He said that the proposed project's development team was available to make a presentation, and to address any questions or concerns.

Mayor Pigatt opened the Public Hearing for Agenda Item 15-A-1.

Mr. Robert Holland whose office is located at 3250 NE 1st Avenue, Suite #334, Miami, FL informed the Commission that the team working on the proposed development is made up of members who have decided to come back as young professionals to invest in Opa-locka. Mr. Holland offered assurances that the comments made by the board at the last meeting were heard, in addition to the insistence of the City Manager, and he asserted that he hoped everybody would be comfortable with the development based on what was hammered out. He outlined the details of the project proposed in Agenda Item 15-A-1, as described in the site plan and development agreement.

Mr. Eddie Seymour identified himself as the architect of record from Flux Architects, located at 1160 NW North River Drive, Miami, FL. Mr. Seymour reviewed the floor plans and renderings provided to the Commission in their agenda packets for Agenda Item 15-A-1.

Vice Mayor Williams stated that the Commission doesn't often get to see the faces of developers, and said she appreciated seeing Mr. Robert Holland as the developer of the project proposed in Agenda Item 15-A-1. The Vice Mayor asked Mr. Holland if some of the tenants will be able to apply for affordable housing through a voucher system from Miami-Dade County.

Mr. Robert Holland explained that while any resident in any City could qualify for Section 8 housing, he said that the aim for the 38 units that would be built in the development proposed in Agenda Item 15-A-1, is to have young professionals as tenants who could make it affordable with Miami-Dade County's gap financing.

Vice Mayor Williams asked for an example of the type of business that would be within the retail space being included in the project being proposed by Agenda Item 15-A-1 and expressed her concern that the business in the retail space would have to compete with the residents of the property for parking. She added that she wanted to put on the record that she wants to make sure that the Commission is not creating future parking issues for the next generation to fix.

Mr. Robert Holland stated that the 500 square foot retail space could be a convenience store, which he said would not attract major traffic because it would be for the people from the neighborhood, who would use the store as pedestrians. He added that after hearing the comments from the Commission about parking, they added another level to the parking.

Mayor Pigatt asked if the Commission was voting on the development proposed by Agenda Item 15-A-1, as it was presented in their agenda packet.

Planning & Community Development Director Gregory Gay informed the Commission that they are voting on the development proposed by Agenda Item 15-A-1, based on the supplemental plans that were provided at the end of the agenda packet. Mr. Gay explained that they were provided what the Planning & Zoning Board initially approved so that they would have a record of it, as the modifications were presented.

Mayor Pigatt stated that he loves the project that was presented as a space for young professionals that is needed, but he noted that what is before the Commission differs from what was presented. The Mayor recalled that it is the same challenge that was experienced at the last meeting.

Planning & Community Development Director Gregory Gay explained that the title for the project was created at the time it was presented before the Planning & Zoning Board, and that they could not make a modification to the title, but the information about how the project has evolved, has been provided to the Commission. Mr. Gay suggested that the Commission can amend the title of the resolution to reflect the change to 38 units and 68 parking spaces.

Mayor Pigatt asked what percentage of the units included in the development being proposed by Agenda Item 15-A-1, would be for affordable housing.

Planning & Community Development Director Gregory Gay informed the Commission that the development being proposed by Agenda Item 15-A-1 is dedicated to workforce housing, which he said is a new category of housing recognized by Miami-Dade County and is not viewed as affordable housing.

Mayor Pigatt pointed out that for the development being proposed by Agenda Item 15-A-1 to be built taller than what is permitted by the height restriction, it would have to be 20% for low-income residents, 50% for senior residents, be a public space or utilize the City's Moorish architecture.

Planning & Community Development Director Gregory Gay pointed out that the architect and team for the development being proposed by Agenda Item 15-A-1, have tried to replicate Moorish architecture within their designs, to reflect that it is a building within the Opa-locka community.

Vice Mayor Williams stated that she would like to hear from City Attorney Norris-Weeks about which way the Commission needs to move, to not keep deferring Agenda Item 15-A-1.

City Attorney Norris-Weeks offered to craft the language that the Commission is comfortable with and is also agreed to by the applicant who is requesting approval for the development being proposed in Agenda Item 15-A-1.

Commissioner Taylor stated that he is on the same page as Vice Mayor Williams because the language included in Agenda Item 15-A-1 states one thing, but they are hearing another, and he said he likes that it was referred to City Attorney Norris-Weeks, to see what the Commission can do during the meeting.

Planning & Community Development Director Gregory Gay offered to put together a substitute motion for Agenda Item 15-A-1, which would include the changes in the number of units and parking spaces.

Mayor Pigatt asked if there was a motion to call a 5-minute recess.

It was moved by Vice Mayor Williams, seconded by Commissioner Taylor to recess the meeting for 5 minutes.

There being no discussion, the motion to recess for 5 minutes passed by a 4-0 vote.

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

Mayor Pigatt recessed the Commission Meeting for 5 minutes.

After a 5-minute recess, Mayor Pigatt called the Commission Meeting back to order at 10:15 PM.

There being no additional members of the public to address the Commission, Mayor Pigatt closed the public hearing on Agenda Item 15-A-1.

Community Development Director Gregory Gay informed the Commission that after a re-evaluation of the City code, it was determined that because of the mixed-use overlay for the development being proposed by Agenda Item 15-A-1, the height of the building can be increased to eight stories. Mr. Gay also recommended modifications to the third whereas within the resolution, to stipulate 38 units, 516 square feet of retail space, 962 square feet of leasing office space, and 68 parking spaces comprised of 66 automated parking spaces and 2 handicapped parking spaces.

Mayor Pigatt asked if the development proposed by Agenda Item 15-A-1 complies with the requirement in the City Code that developments are supposed to have 1.5 parking spaces per 2-bedroom unit and 2 parking spaces per 3-bedroom unit.

Planning & Community Development Director Gregory Gay informed the Commission that the development proposed by Agenda Item 15-A-1 includes 19 units that are being designed as 2-bedroom units and an additional 19 units that are being designed as 3-bedroom units, and thus it does comply with the requirements of the City Code.

Commissioner Davis asked what the parking requirements were for the commercial aspect of the project being proposed by Agenda Item 15-A-1.

Planning & Community Development Director Gregory Gay informed the Commission that the City's Code stipulates that 1 parking space is required for every 500 square feet of commercial space, and thus the development being proposed by Agenda Item 15-A-1, which includes 516 square feet of commercial space, only requires 1 additional parking space.

Mayor Pigatt asked City Attorney Norris-Weeks to guide him on how to lay out the motion to make the amendment to Agenda Item 15-A-1.

City Attorney Norris-Weeks informed the Commission that it would be fine to make a motion accepting the adjustments made to the resolution proposed by Agenda Item 15-A-1, as put forth by Planning & Community Development Director Gregory Gay.

It was moved by Commissioner Davis, seconded by Commissioner Taylor to amend Agenda Item 15-A-1.

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

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

Mayor Pigatt stated that he cannot support agenda items that make last minute changes and do not have things on point because of a lot of things that have required a lot of changes in the past. The Mayor expressed that despite his plan to vote "no" on Agenda Item 15-A-1, he would love to see something like the proposed development come to Opa-locka.

There being no further discussion on Agenda Item 15-A-1, the resolution passed by a 3-1 vote.

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

2. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING A DEVELOPMENT AGREEMENT FOR THE CONSTRUCTION AND OPERATION OF A RESIDENTIAL MIXED-USE BUILDING LOCATED AT 2050 ALI BABA AVENUE, IDENTIFIED BY FOLIOS 08-2122-003-2140, 08-2122-003-2150, AND 08-2122-003-2160; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.** *Sponsored by City Manager* **Deferred from RCM 07/14/2021**

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

Mayor Pigatt asked Assistant City Manager George Ellis to introduce Agenda Item 15-A-2.

Assistant City Manager George Ellis asked Planning & Community Development Department Director Gregory Gay to introduce Agenda Item 15-A-2.

Planning & Community Development Director Gregory Gay stated that Agenda Item 15-A-2 proposes the development agreement for the Alibaba Apartments project, whose site plan the Commission previously approved through Agenda Item 15-A-1. Mr. Gay informed the Commission that the development agreement includes provisions to encourage the developers to employ Opa-locka residents. He also reported that the Planning & Zoning Board recommends approval.

Mayor Pigatt opened the Public Hearing for Agenda Item 15-A-2.

There being no members of the public to address the Commission, Mayor Pigatt closed the public hearing on Agenda Item 15-A-2.

Mayor Pigatt asked Community Development Director Gregory Gay to read into the record, the modified resolution being proposed by Agenda Item 15-A-2.

Community Development Director Gregory Gay recommended that the following modifications be made to the resolution being proposed by Agenda Item 15-A-2, including changing the third whereas to state that the development will be comprised of 38 residential units, 516 square feet of retail space, 516 square feet of leasing office space and 68 parking spaces, including 2 handicapped spaces.

Commissioner Davis asked if the development agreement being proposed in Agenda Item 15-A-2, includes the language that was in the site plan for, which stipulated the requirement to have the building designed with Moorish architecture

Community Development Director Gregory Gay explained that the development agreement being proposed in Agenda Item 15-A-2, did not include any stipulations requiring the building to be designed with Moorish architecture, but he stated that it can be included.

Mr. Robert Holland stated that the team developing the project being proposed in Agenda Item 15-A-2, accepted the condition requiring the building to be designed with Moorish architecture.

Mayor Pigatt asked Community Development Director Gregory Gay to provide the Commission with the language that was being proposed to amend Agenda Item 15-A-2.

Community Development Director Gregory Gay recommended that within the development agreement for the project being proposed by Agenda Item 15-A-2, that under Item L and the final site plan, a clause should be added stipulating that the building will be designed with Moorish architecture.

It was moved by Commissioner Davis, seconded by Commissioner Taylor, to amend Section L of the developer agreement being proposed by Agenda Item 15-A-2.

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

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

Mayor Pigatt asked if Community Development Director Gregory Gay had to restate the earlier motion to further amend the developer agreement.

City Attorney Norris-Weeks informed the Commission that Community Development Director Gregory Gay put the suggested modifications into the document, and she offered to make the changes to the resolution.

It was moved by Commissioner Davis, seconded by Commissioner Taylor, to amend Section 3 of the developer agreement being proposed by Agenda Item 15-A-2.

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

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

There being no further discussion on Agenda Item 15-A-2, the resolution passed by a 3-1 vote.

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

B. APPEALS:

16. ORDINANCES/RESOLUTIONS/PUBLIC HEARINGS:

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

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

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH SFSE LLC. TO OCCUPY SPACE AT 780 FISHERMAN STREET; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; CONFLICTS OF LAW, SEVERABILITY; AND

PROVIDING FOR AN EFFECTIVE DATE (first reading/public hearing held on July 14, 2021). *Sponsored by City Manager*

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

Mayor Pigatt opened the Public Hearing for Agenda Item 16-B-1.

There being no members of the public to address the Commission, Mayor Pigatt closed the public hearing on Agenda Item 16-B-1.

It was moved by Commissioner Davis, seconded by Commissioner Taylor, to discuss Agenda Item 16-B-1.

Mayor Pigatt asked Assistant City Manager George Ellis to introduce Agenda Item 16-B-1.

Assistant City Manager George Ellis informed the Commission that Agenda Item 16-B-1 is the second reading of an ordinance dealing with the property on Fisherman Street and the lease agreement with the school that is trying to purchase more leasing space from the City.

Commissioner Davis recalled that during the first reading of Agenda Item 16-B-1, most of the discussion was centered around the tax penalty of $160,000 being imposed on the City for having a for-profit entity operating in the Town Center One building. The Commissioner expressed his opinion that the balance of the tax penalty should be addressed before the Commission moves forward with the agenda item.

Mayor Pigatt stated that he recorded his thoughts on Agenda Item 16-B-1 during the last Commission Meeting.

There being no further discussion on Agenda Item 16-B-1, the ordinance passed by a 3-1 vote.

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

C. RESOLUTION(S)/PUBLIC HEARING:

17. CITY MANAGER'S REPORT:

Mayor Pigatt asked Assistant City Manager George Ellis to deliver a report to the Commission.

Assistant City Manager George Ellis stated that a report was sent out to all the members of the City Commission and he offered to receive any questions that they may have.

Mayor Pigatt asked that reports be delivered to the public on the City's four major challenges. The Mayor shared that the Financial Oversight Board told him that the Commission needs to discuss the City's finances, and he said that during the City Manager's Report is the time to do so.

Assistant City Manager George Ellis stated that Mayor Pigatt is correct, and he offered assurances that the Commission will get a report on the City's four major challenges, including finances. Mr. Ellis added that there will be a Financial Oversight Board Meeting at Sherbondy Village on Friday at 9:30 AM to discuss the City's financial status and how Opa-locka is looking from the perspective of the State's representatives. He also shared that on Friday at 1:00 PM, the City will have a shovel ceremony with the monies that State Representative James Bush was able to secure for the new Police Department.

18. OFFICIAL BOARD REPORTS:

There were none.

19. FUTURE AGENDA ITEMS:

There were none.

20. MAYOR/COMMISSION REPORTS:

Vice Mayor Williams reported that on August 14th, she and Mayor Pigatt will be hosting a Unity in the Community event with the NAACP from 10 AM to 12 PM, followed by a book bag and school supply and uniform voucher giveaway for Opa-locka residents, at the Helen Miller Center from 12 to 2 PM. The Vice Mayor also shared that the "I Am Opa-locka" flags that have been placed around the City are an initiative of hers. She said that Opa-lockians embody pride and walk with confidence daily. Vice Mayor Williams added that the campaign will be a platform from which the City's residents, employees and businesses will be saluted.

Mayor Pigatt echoed Vice Mayor Williams and shared that he is happy to host the NAACP, which he said has been hosting Unity in the Community events across Miami-Dade County with other cities, bringing the public together with the Police Department and elected officials to make sure that Cities are being responsive to their residents. The Mayor also expressed that he feels it is good to see the "I Am Opa-locka" flags and the sidewalk repairs moving forward. He stated that when he first got elected in 2016, he committed to holding the City accountable and offered assurances that there is nothing personal about anything he does. Recalling that when he got on the dais, the decorum was completely different, the Mayor committed to continue making sure that the dais is very respectful. He stated that his focus is on the hard work that comes to the Mayor's Office and not on a lot of the events. While applauding his colleagues for organizing events, he asked for consideration for the items that he brings to the Commission for the people that he represents and urged that they not be distracted by the personal things that keep coming up.

21. OFFICIAL BOARD APPOINTMENTS:

There were none.

22. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Taylor, seconded by Vice Mayor Williams to adjourn the meeting at 10:47 p.m.

Matthew A. Pigatt
Mayor

Attest:

Joanna Flores, CMC
City Clerk