

CITY OF OPA-LOCKA
“The Great City”

CLERK’S ACTION SUMMARY MINUTES
SPECIAL COMMISSION MEETING

August 18, 2021
5:30 P.M.

1. CALL TO ORDER:

Mayor Matthew A. Pigatt called the meeting to order at 5:40 p.m. on Wednesday, August 18, 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., Vice Mayor Veronica J. Williams and Mayor Matthew A. Pigatt. Also, in attendance were: City Manager John E. Pate, City Attorney Burnadette Norris-Weeks, City Clerk Joanna Flores and Assistant City Attorney Candace Cobb.

3. INVOCATION:

The Invocation was delivered by Commissioner John H. Taylor Jr.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. PUBLIC INPUT:

Clerk Flores announced the protocols for public participation at city commission meetings.

Former Commissioner Dorothy Johnson of 13724 NW 22nd Place, Opa-locka, Florida, appeared virtually through zoom and expressed her concerns as it relates to the cost of having a special election to fill the unexpired term as of result of the passing of Commissioner Alvin Burke. She suggested that the Commission appoint the next individual who received the highest votes from the November 2020 City of Opa-locka General Election.

Clerk Flores advised that a representative from the Florida League of Cities was virtually present should there be any questions from the dais relating to agenda item 6(d).

There being no additional persons to speak, Mayor Pigatt closed the floor for public input.

6. RESOLUTIONS:

A motion was made by Mayor Pigatt, seconded by Commissioner Davis to change the order of the resolutions to consider agenda items 6(a) and 6(b) as the last resolutions under agenda item 6.

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

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

Agenda items 6(a) and 6(b) were taken out of order and can be viewed as the last items under agenda item 6 – Resolutions.

c) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO RENEWAL INSURANCE CONTRACTS WITH AVMED, INC. AND METLIFE FOR MEDICAL, DENTAL, AND VISION INSURANCE FOR CITY EMPLOYEES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

The above resolution was read by Attorney Cobbs.

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

City Manager Pate briefly introduced the item and requested that the Commission support this item.

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

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

d) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A RENEWAL INSURANCE AGREEMENT WITH THE FLORIDA LEAGUE OF CITIES, INC. (ADMINISTRATOR OF THE FLORIDA MUNICIPAL INSURANCE TRUST) FOR PROPERTY, LIABILITY AND WORKERS COMPENSATION INSURANCE FOR FISCAL YEAR 2021-2022; ACCEPTING AND IMPLEMENTING THE REQUIRED CONDITIONS AT A COST OF TWO MILLION, SIX HUNDRED NINETY-EIGHT THOUSAND, NINETY-EIGHT DOLLARS (\$2,698,098.00); AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTS BY THE PROPER CITY OFFICIALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

The above resolution was read by Attorney Cobbs.

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

City Manager Pate briefly introduced the item and stated that the city's liability insurance increased by approximately \$200,000.00 due to the increased headcount within the police department, proper headcount within the police department and the fact that the city has newer vehicles within the police fleet.

Mayor Pigatt requested an explanation relating to the high renewal quote of \$2.6 million dollar for the city's general professional liability insurance and workers compensation when compared to other municipalities.

City Manager Pate explained that the city has had significant litigation activity prior to his time so the level of risk increased. The \$200,000 increase is not related to any general liability with lawsuit related activity. As far as workers compensation, there were employees classified incorrectly as high risk to the insurance carrier and the city through risk management has since made sure the classifications were reported properly. Manager Pate said he foresees a rebate being provided for workers compensation.

Following further brief discussion, the motion passed by a 4-0 vote.

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

e) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE CITY MANAGER'S EXPENDITURE TO WRIGHT AND YOUNG FUNERAL HOME, INC. TO COVER A PORTION OF THE FUNERAL EXPENSES FOR COMMISSIONER ALVIN BURKE, IN AN AMOUNT OF TWELVE THOUSAND, FIVE HUNDRED DOLLARS (\$12,500.00); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.
Sponsored by City Manager

The above resolution was read by Attorney Cobbs.

It was moved by Commissioner Taylor, seconded by Commissioner Davis for discussion.

City Manager Pate briefly introduced the item. He explained that research was conducted and in 1996 there was ordinance authorizing \$7,500 towards funeral expenses of elected officials, both current and past, however, the ordinance was repealed in 2008. The request was submitted to the state of Florida for the appropriateness of the expense. Manager Pate stated that at 5:00 p.m. today, he was informed that in 2003 there was litigation filed against the city with regards to gratuities of elected officials and that the \$550 salary and funeral expenses was challenged and upheld by the court, thus the reason of the repeal. When this expenditure was made, the state of Florida requested ratification by the City Commission since there was a previous ordinance in

1996 and due to the repeal in 2008. The state thought it would be fitting to bring before this Commission for ratification.

He further requested the Commission's support in ratification of this expense.

Vice Mayor Williams stated that in reading the ordinance there should have been a special commission meeting called to seek permission from the Commission.

City Attorney Norris-Weeks said that the ordinance the Vice Mayor is referring to is a repealed ordinance, however, there would have been an ordinance passed in 1996 allowing for funeral expenses for dignitaries. The ordinance was later repealed in 2008. In the repealed ordinance, it did allow for expenses of up to \$7,000 for dignitaries and deceased commissioners, however, there was a process as Vice Mayor pointed out and the process was for the manager to have an immediate meeting to ask for authorization to exercise the expenses.

City Manager reiterated that the necessary research was conducted, and the ordinances were sent to the state of Florida for review regarding the emergency expenditure. Also, the City Attorney requested and was provided with a copy of both ordinances and the documentation from the state of Florida. He said that the expense falls under his authority of under \$25,000.

He further said that as he spoke to the Commission with regards to the repeal of the ordinance in 2008, there was no reasoning provided and in saying that he acted accordingly. Manager Pate advised the state approved the emergency expenditure, the expenditure was made, and ratification is being requested.

Attorney Norris-Weeks clarified that she only reviewed the documents in preparation for the commission item and her question to the City Manager was how can this be a public purpose.

City Manager Pate clarified that the approval for emergency expenditure was approved, and it was requested after the expenditure was made, that the Commission ratify the expense.

Commissioner Davis questioned the process for ratifying the item since this was a point of concern at the last Financial Emergency Meeting in terms of certain expenditures being submitted without proper legislation.

City Manager Pate explained that the state was speaking in terms of getting ratification for expenditures that exceed \$25,000.00 and what occurred was that the transaction was made and prematurely sent to the state before the ratification.

Commissioner Davis asked, would this expenditure apply since it is within the scope of the City Manager's spending limit?

City Manager Pate replied, correct.

Although Commissioner Taylor appreciated what the city did in honor of Commissioner Burke, he asked, if the Commission was going to ratify the expenditure tonight and whether there would be any collateral damage going forward?

City Manager Pate deferred the question to the City Attorney to provide a response on the collateral damage and then he would provide his response.

City Attorney Norris-Weeks stated that she didn't know what the lawsuit was previously that caused the repeal of the ordinance in 2008 but she suspects what it may have been about is whether it is a public purpose because the City Manager's right to pay under his authority is not just to pay for anything, it is to pay for things that are "a public purpose" and there is case law. She said she would be interested in seeing the lawsuit, but honestly, she could not predict the collateral damage.

City Manager Pate explained that the litigation filed in the early 2000's argued that the paying of funeral expenses was considered as additional compensation for Commission members and it went against the Charter. The thought process was to ensure a city commissioner was honored in the appropriate way and he doesn't find the expenditure to be overly expensive.

Vice Mayor Williams voiced her concerns relating to the comments from the City Manager on this matter. She said that a simple conversation or phone call would have been great.

City Manager Pate apologized to the Vice Mayor and explained his rationale for the expenditure.

Mayor Pigatt echoed the concerns of his colleagues and said this is a very difficult situation for the Commission to be in. As a Commission, they must decide based upon the policies and procedures and rules and regulations of the city especially since the city is amid an operational audit and financial oversight. Understanding that the City Manager's Office has a cap of \$25,000 that can be used for public purpose, the Mayor asked, why is this item being presented to the Commission and why does the Commission have to ratify this decision?

City Manager Pate explained that it was not his recommendation to have the Commission ratify this expenditure, however, the expenditure was sent to the state of Florida as an emergency; the state approved the emergency expenditure with a caveat that the expenditure is ratified at the next available commission meeting.

Mayor Pigatt asked for clarification on the process and inquired as to whether the state approved the expenditure before or after the expenditure was made.

City Manager Pate said that the state approved the expenditure before the expenditure was made.

Mayor Pigatt asked whether the state had the repealed legislation?

City Manager Pate replied, yes.

Mayor Pigatt asked, and the state approved that knowing that it was not within our laws to do so?

City Manager Pate stated that the answer is yes, but he doesn't think that was the thought process. The thought process was that there was an ordinance in place in 1996 which was repealed in 2008. When the city commissioner passed away, he requested the expenditure to be made on an emergency basis which means the vendor gets paid. Prior to ratification it was approved and in a caveat of approval, the state requested for the City Commission to ratify the expenditure.

Mayor Pigatt asked if that was legal advice?

City Manager Pate said he would not call that legal advice. Manager Pate explained that he nor the state was aware that there was a lawsuit until 5:00 p.m. today which is when he had knowledge. He said he could have easily deferred or pulled the item from the agenda, but he is a person of integrity, so he kept the item on the agenda.

Mayor Pigatt expressed his concerns with regards to not being comfortable with the information he had to be able to move the item forward. He said that the Commission needs a legal opinion on this matter to be clear about whether the Commission has the ability and authority to do this. One of the first things that was done when the city first went into financial oversight was the review of the compensation of the Commission and some of the compensation was removed. Additionally, there were operational findings relating to the compensation. The Mayor said he was hesitant to vote/approve an item that goes down that lane.

He further requested that the item be removed from the agenda and that the Commission is provided with more information before the item is presented again.

Commissioner Davis said he didn't have a problem with the expenditure given that it falls within the City Manager's authority as outlined by the Charter. However, his only concern is the liability the Commission may face. The Commissioner shared some of the Mayor's sentiments and said he was in favor of deferring the item until the Commission can receive a legal opinion on the matter.

City Manager Pate requested that the item be deferred until the next regularly scheduled commission meeting or special commission meeting.

- Resolutions 6(a) and 6(b) were taken out of order

a) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPOINTING _____ AS A MEMBER OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO FILL THE VACANCY ON THE CITY COMMISSION CREATED BY THE PASSING OF COMMISSIONER ALVIN BURKE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Commissioner Taylor and Vice Mayor Williams*

The above resolution was read by Attorney Cobbs.

It was moved by Vice Mayor Williams, seconded by Commissioner Taylor for discussion.

Commissioner Taylor explained that he sponsored the following two items to give the Commission both options to fill the vacancy pursuant to the Charter. This item provides for an appointment to fill the vacancy on the Commission and the following item provides for a special election to fill the vacancy.

Commissioner Davis spoke in favor of the resolution to appoint a member of the Commission to fill the vacancy because it is a better option from a cost benefit perspective.

It was moved by Commissioner Taylor, seconded by Vice Mayor Williams to pass the above resolution appointing former Commissioner Sherelean Bass as a member of the City Commission to fill the vacancy on the City Commission created by the passing of Commissioner Alvin Burke.

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

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

b) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, CALLING FOR A SPECIAL ELECTION TO BE HELD IN AND FOR THE CITY OF OPA-LOCKA, FLORIDA, ON _____, TO FILL COMMISSIONER ALVIN BURKE'S UNEXPIRED CITY COMMISSION TERM ENDING NOVEMBER 2022; PROVIDING AUTHORIZATION FOR THE CITY CLERK TO PUBLISH THE APPROPRIATE NOTICE OF THE SPECIAL ELECTION IN A NEWSPAPER OF GENERAL CIRCULATION AS SET FORTH IN SECTION 8.5-3 OF THE CODE OF ORDINANCES OF THE CITY OF OPA-LOCKA, FLORIDA; FURTHER DIRECTING THE CITY CLERK TO CAUSE A CERTIFIED COPY OF THE RESOLUTION HEREIN TO BE DELIVERED TO THE SUPERVISOR OF ELECTIONS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by Commissioner Taylor and Vice Mayor Williams

No action was taken on agenda item 6(b) due to the passage of agenda item 6(a).

7. DISCUSSION ITEM:

a) CITY COMMISSION PRIORITIES

Mayor Pigatt explained that he placed the City Commission Priorities discussion item on the agenda so that the Commission always have an opportunity to discuss items that are pertinent. The Mayor said that there were some recent events that occurred, and he would like to get the

Commission thoughts in this public setting. The first one is the uptick in shootings and the Commission priorities moving forward with the budget and beautification.

He further requested that the City Manager provide an understanding of what the city is doing to address the recent shootings over the past few weeks.

City Manager Pate provided a brief update as it relates to the recent shootings.

Mayor Pigatt stated that in the city's budget that was sent to the state, during the meeting he noticed that there was a lack of the City Commission priorities in the actual budget especially the number one priority in terms of the beautification of the city. He asked, what is the plan to make sure that a deep cleaning is done, signs are repaired, landscaping is done on a regular basis, and trash is picked-up. He asked, what is in place to make sure that happens this year.

Airia Austin, Director of Public Works came forward and provided a brief overview as it relates to the beautification of the city.

Of concern to Mayor Pigatt was the beautification of the city which has a very noticeable difference when compared to other communities. He noted that other communities have people picking up trash, cleaning up, maintaining, and other things of that nature on a regular basis and when he looks at the city, he has not seen that to the level that would make the city look just as beautiful or even more beautiful than others. In reviewing the budget, he noticed that there is going to be a 6 Million Dollar surplus and he is concerned that the number one challenge and issue of the residents isn't being addressed. In hearing the explanation, it didn't address the funds that will be allocated to people who will maintain, landscape, pressure clean/deep clean, and maintain signage in this city. As a government, their ability as a Commission to do that is within the budget by ensuring that the funds are allocated so that they have the resources and the people that can do so.

He asked for clarification as to whether the city's beautification would be addressed in next year's budget.

Mr. Austin said that as of July 2021, the City Manager has authorized an increase in staffing to address the city's beautification to include trimming trees, spraying of weeds on sidewalks, and elimination of overgrowth around the city. This is a systematic operation which is reflected in the bi-weekly report. He offered to provide the presentation as to what they are doing daily to address these items of concern.

City Manager Pate advised that the city's employees are out pressure cleaning sidewalks systematically and reassured the Commission that beautification is a top priority. However, he cannot budget for something initially until the proper RFP is done and pricing is in place. The city will be doing an RFP to ensure they have other vendors to supplement staffing. He requested that Mr. Austin provide the Commission with a comprehensive report with pictures to show the work that is being done. He said that the city is doing the best that they can and will always strive to do better. He asked that the Commission provide any specific recommendations that the

Commission would like to see in the budget or specific dollars amounts that should go towards beautification.

Mayor Pigatt stated, with all due respect, the reports are good for those sitting on the dais to see, but the Commission represents the thousands of residents in the city and those residents need to see; they need to feel good when they come home from work, when they leave, when family comes visit; they need to see that level of respect. Many employees live in surrounding communities and there's a level of standard and the Commission wants that standard here in Opa-locka. The Mayor said that he wants to be confident that the city has the monies and that the beautification plan is budgeted for in the upcoming budget.

Commissioner Taylor asked for an update on the structural analysis for Historic City Hall.

Mr. Austin advised that the item is still ongoing, and the timeline is four months from the award which was three months ago.

Commissioner Taylor suggested that the city is inspected because the COVID-19 vaccination signs were still visible throughout the city and the vaccination site is no longer in the city. He went to request a routine maintenance clean-up plan for the city and provided several areas throughout the city that needed attention. The Commissioner stated that he would like the city to be proactive and not reactive because the only time they seem to be moving is when there is a concern mentioned by the City Manager or Commission member.

Vice Mayor Williams said that illegal dumping has been a systemic problem in Opa-locka for many, many years. She asked, what is the breakdown that the city has not been able to fix when it comes to illegal dumping and the systemic issue of it.

Mr. Austin stated that systemic illegal dumping became more prevalent in Opa-locka with the termination of the transfer station. Now that residents must drive outside the city limits to utilize a county facility for bulky waste, they find it easier to dump on the sides of the streets. The city has had discussions with the county and at this time they are not interested in restarting a collection site in the city of Opa-locka, but he is looking at other methodologies. The city will be conducting daily collection of illegal dumping in the commercial corridors and the roll out of cameras coupled with the Vice Mayor's initiative for people to report illegal dumpers.

Vice Mayor Williams informed the City Manager that her question had not been answered in terms of the systemic and why this has been a problem, but that could be a long-term range or something that needs to be figured out. She thanked Mr. Austin for his response, however, she didn't think that deploying more trash pick-ups would be the answer. Although the city does need to pick up the trash, it's going to keep coming back and the city has to ask the question "why? Why does it keep coming back?". The Vice Mayor said that the illegal trash was not only commercial but residential as well. As a resident, she said she must speak up and be passionate about the issue because this has been something that she has personally witnessed.

She further said that she didn't know what it would take or who is going to study the issue, but other municipalities have figured it out.

Mr. Austin said that as a part of the new ruling by the county reference illegal dumping, rather than a 14-day window in the residential area, it is going to be addressed in three days. The county has ramped up their efforts in addressing illegal dumping in the residential area, unfortunately that does not carry over to the commercial corridors and that's why the city is going to take on that challenge. He mentioned that one of the city's historically bad areas for illegal dumping was 31st Avenue between 129 and 132 Street and since the city has beautified that area, the problem is gone.

Mayor Pigatt said that is the point he is making, the moment they beautify and do their part as a city to make these areas look beautiful and maintain them, there will be a significant reduction in illegal dumping. The Mayor said he wants to make sure the city is doing its part as a city to invest in beautifying the 4.5 square miles.

Mr. Austin added that the city is addressing it systematically.

Mayor Pigatt acknowledged hearing what is being said, however, he is looking for the dollars, the plan, and the maintenance schedule.

Commissioner Davis recalled during a previous meeting with Miami-Dade stormwater that they offered advice relevant to the city's waterways and how the city keeps those waterways clean. As the Mayor alluded to, they drive through the community all day and see the pictures of the work that Public Works is doing. When the city's waterways were clean it was a beautiful sight to see, but here we are weeks later, and the city is back at ground zero. Ultimately what came out of Miami-Dade County was that you can't tackle illegal dumping, trash and blight in the community in silos; you must have support from the community. In speaking about waterways, often the trash comes from trash that is left on the banks, the shores, the parks, public spaces which ends up in the waterways. In that analysis with Miami-Dade County, it appears the city must have robust communication with the residents. With the "I am Opa-locka" campaign and marketing materials, Commissioner Davis said it would be prudent to inform the community of the illegal dumping program or provide the city's plan in the next fiscal year to address illegal dumping, along with the slum and blighted areas within the community. It is important to let the community know what the city's position is, and although everyone may not agree or follow the rules, there will be some sort of momentum and movement in the right direction. Miami-Dade County stormwater has been willing to work with the city to get that information out to the community and he would like to see some sort of education and public campaign centered around that to aid the movement. It is imperative for the city to get the support of the community and he would like to see it move forth with whatever marketing strategy necessary.

Mayor Pigatt asked City Manager Pate to provide a breakdown as to how his leave time is being accounted for.

City Manager Pate advised that he is not comfortable bringing up this matter on the dais as he didn't feel it was appropriate especially in this venue in that the Commission is aware he has legal counsel regarding addressing various issues. The Manager advised that his legal counsel has been in communication with the City Attorney on various issues. The Manager said that he

felt he was being caught off guard with this and if this was a question that was posed to him, and he was prepared for then he would be more than happy to answer. At this point, he said he was at a loss for words, but he would make sure his legal counsel reaches out to the City Attorney regarding the matter.

Mayor Pigatt requested that the City Manager provide a memorandum or written documentation that would provide the Commission with a clear idea of the standard protocol because there are HR policies in terms of regular employees. The Mayor said he just wants to make sure that the Commission is very clear about the protocols.

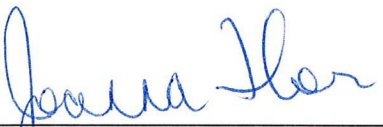
8. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Taylor, seconded by Commissioner Davis to adjourn the meeting at 7:24 p.m.



Matthew A. Pigatt
Mayor

ATTEST:



Joanna Flores, CMC
City Clerk