

CITY OF OPA-LOCKA

“The Great City”

CLERK’S ACTION SUMMARY MINUTES

REGULAR COMMISSION MEETING

September 8, 2021

7:00 P.M.

1. CALL TO ORDER:

Mayor Pigatt called the meeting to order at 7:07 p.m. on Wednesday, September 8, 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, Assistant City Attorney Candice Cobb and City Clerk Joanna Flores.

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:

Commissioner Bass was sworn-in by Dr. Isaiah Muskgrove. Following the swearing-in, Commissioner Bass joined the Commission on the dais. *Commissioner Bass was appointed to fill the unexpired term of the late Commissioner Alvin Burke.*

Monique Stevens identified herself as the Director for the Walk to End Alzheimer's in Miami, made a presentation to the Commission on Alzheimer's Awareness Month and invited them to their event on November 20th at Tropical Park.

Vice Mayor Williams presented the Director of the Walk to End Alzheimer's in Miami with a proclamation on behalf of the City of Opa-locka.

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

Commissioner Bass pulled Agenda Items 13-5 and 13-7.

Vice Mayor Williams pulled Agenda Item 13-14.

Mayor Pigatt pulled Agenda Item 13-1.

Commissioner Davis pulled Agenda Item 13-11.

It was moved by Commissioner Bass, seconded by Commissioner Davis to approve the consent agenda (items 13-2, 13-3, 13-6, 13-8, 13-9, 13-10, 13-12, and 13-13).

The motion to approve the Consent Agenda passed by a 5-0 vote.

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

7. APPROVAL OF AGENDA:

Request to amend the agenda was read into the record by Assistant City Attorney Cobb:

14-1: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR INDEPENDENT AUDITING SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

Mayor Pigatt asked City Manager Pate to state the emergency nature of the proposed add-on item.

City Manager Pate stated that as it was discussed during the Audit Committee Meeting, it was his intent to have the resolution authorizing the issuance of a request for proposals for independent auditing services, included as an add-on item for the Commission Meeting Agenda. Mr. Pate said that he waited until Tuesday to receive any input from members of the Audit Committee, but when that input was not received, he moved forward with proposing it be included as an add-on item. The Manager said that because the City of Opa-locka is in a financial emergency, it is important to maintain audited financials and meet audit deadlines as a prerequisite for the approval of grants and loans and thus he said that the City's financial state affects the welfare of residents.

It was moved by Commissioner Davis, seconded by Commissioner Taylor to approve the addition of Item 14-1 to the Agenda.

There being no discussion, the motion to approve the add-on item passed by a 5-0 vote.

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

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

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

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

8. APPROVAL OF MINUTES:

Regular Commission Meeting Minutes – July 14, 2021

It was moved by Commissioner Taylor, seconded by Commissioner Davis to approve the minutes of the Regular Commission Meeting on July 14, 2021.

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

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

Regular Commission Meeting Minutes – July 28, 2021

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

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

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

Special Commission Meeting Minutes – August 18, 2021

It was moved by Commissioner Taylor, seconded by Commissioner Bass to approve the minutes of the Special Commission Meeting on August 18, 2021.

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

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

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

There were none.

10. PUBLIC PRESENTATIONS:

There were none.

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 thanked the Parks & Recreation Department for taking the Seniors on the Move to the Jungle Queen, expressing that it was a great night out. Ms. Dominguez also urged the Commission to not approve Agenda Item 13-4. She also expressed her opinion that the change of lawn service companies proposed by Agenda Item 13-7 would be good for the City, and she suggested that residents be included on the

evaluation committee looking over the estimates received in response to the request for proposals.

Mr. Brian Dennis of 2140 York Street expressed that he didn't like what he heard during the last Special Commission Meeting. Mr. Dennis said that it was mind boggling for members of the Commission to speak glowingly about Commissioner Burke at his funeral and then question the finances that were paid to the funeral home. He asserted that it was embarrassing that the Commission questioned the expenditure of \$12,500 for Commissioner Burke's funeral expenses, while \$300,000 was stolen from the Building & Licensing Department, which he said the Commission is not questioning. Mr. Dennis added that he felt it was petty to pull up the charter because Commissioner Burke served the community. He shared that he gave the \$1,000 check to the coach as a member of the Booster Club, because of what Commissioner Burke said the parks needed. Mr. Dennis told the Commission to expect a public records request from him about all the money that has gone missing in the past, including the funds for the football equipment which he said he is sure was more than \$12,500, but he said nobody is saying anything about. He concluded by urging the Commission to question the right things and not someone who gave their life to the City.

Jennifer Forbes of 2530 York Street urged the Commission to oppose Agenda Item 13-4 because she stated that she did not know why it was important to relocate the lift station and said that she received no notification about the relocation, despite the proposed site being right next door to her property. Ms. Forbes added that she thinks it is a very dangerous thing to relocate it in the midst of people's homes. She concluded by stating that she is upgrading her home and doesn't want it devalued by having a lift station relocated next to it.

Natasha Ervin of 670 Dunad Avenue stated that she thinks Commissioner Burke spent \$12,500 in gas, driving around the City, checking on residents and businesses to make sure everything is OK. Ms. Ervin said that she made one phone call and found out that the lawsuit, which was referenced during the Special Commission Meeting, was unfounded. She informed the Commission that she called City Manager Pate to ask if the City was paying for a caterer, and that Mr. Pate almost jumped down her throat because she said that the Manager didn't go all out with the expenses for Commissioner Burke's funeral. Ms. Ervin also expressed her belief that the rest of Opa-locka would be speaking before the Commission as well if they knew that there was an issue with paying for Commissioner Burke's funeral. She shared that she has spoken with Commissioner Burke's wife three times, and that she has asked her what the Commission is doing and expressed that it is horrible. Asserting her opinion that the City is not going to get sued, Ms. Ervin said that the resolution should have said that an attorney needed to be found that knows what is going on in the City or should take five minutes to look up the information. She concluded

by urging the Commission to authorize the payment for Commissioner Burke's funeral expenses.

Toroni Mitchell of 14225 NW 22nd Place stated that she was told at a previous Commission meeting that someone was handling her inquiry about mortgage assistance for residents, but that she has not received a call, text or email from anyone about the situation. Ms. Mitchell asserted that it is unacceptable that the assistance was not available, despite being offered to families that could not pay their rent because of the pandemic. She said that she is going to continue to come to the Commission meetings until she gets information about it. Ms. Mitchell also shared that she is planning an event in November to bring the City together and hopes that her event is on the Commission's agenda for sponsorship either this year or next year. She acknowledged that the events for the kids on Christmas and Easter have been organized, but reminded the Commission that adults live in the City as well and asserted that something needs to be planned to bring the City together, despite the financial crisis.

Lamar Cruse of 13831 NW 24th Avenue offered to support the event that Ms. Toroni Mitchell proposed. Mr. Cruse also asked the Commission and City Manager if any preparations are being made to address flooding in the City for the hurricane season. He said that in his area it gets so flooded, that he can backstroke in the water. Mr. Cruse offered his own financial support to start opening drainage towards the City's lakes. He also said that if the proposed lift station is going to do something to help with the water issue, then so be it, but he said that if it is not, then it is a problem because he doesn't like any disturbance.

Chris Roberts of 540 Sharar Avenue expressed that she is troubled with the inconsistency within the City's departments. Ms. Roberts said that anything that Commissioner Burke could do to help build the City, he did as a loyal veteran and citizen and urged the Commission to pay the \$12,500 for his funeral expenses. She said that everything in the City sucks and asked when the change the Commission promised, is coming.

Ms. Dorothy Johnson of 13724 NW 22nd Place commended all the members of the Audit Committee and said that she hopes the Commission will support their recommendations. Ms. Johnson said that the proposed events calendar makes her think that the Commission is disconnected from the community and that they should ask what the people want. She expressed her concern that the City was lacking community engagement on the issue of the proposed relocation of the lift station. Ms. Johnson stated that Cairo Lane has needed to be fixed since 1982. She also said that everybody knew about the lawsuit challenging the City's prior payment of funeral expenses, and she said that she believes the Commission was aware of the cost of the funeral expenses for Commissioner Burke and are only now

bringing up the lawsuit. Ms. Johnson urged the Commission to work together to rectify the matter and stop battling amongst each other, because the residents are tired of it.

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

Mayor Pigatt opened the floor for any comments from the Commission about the items addressed by the members of the public.

Commissioner Davis apologized to Ms. Toroni Mitchell for the delay in responding to her about the mortgage assistance. The Commissioner said he was under the impression that staff had gotten back to her on the issue and assured him that he would have City staff reach out. He reminded her that the City exhausted all its housing funds in December of last year, but that Miami-Dade County is providing those services.

Commissioner Taylor asked City Manager Pate if Ms. Jennifer Forbes and the residents were consulted about relocating the lift station next to their properties, as proposed by Agenda Item 13-4.

City Manager Pate stated that residents are not consulted until the conveyance of the land is done, pointing out that Agenda Item 13-4 has not yet been passed and thus there is no impending construction. Mr. Pate assured the Commission that notification will be provided upon passage of the item and offered to work with City Clerk Flores to draft a policy, so that things like this require a public hearing. He added that the reason the lift station has been proposed to be moved is because of capacity, flooding conditions and issues with overflowing wastewater in that area, and that its current location is not feasible for its continued operation. The Manager also pointed out that it is not atypical for a lift station to be near a residential area.

Mayor Pigatt stated that he thinks the intent of Commissioner Taylor's question was specifically about notifying the community about the major change that would come with the proposed relocation of the lift station.

Commissioner Taylor noted that the Commission had already passed Agenda Item 13-4 as a part of the approval of the Consent Agenda and asked if the residents will be notified about the construction of the proposed lift station, asserting that he is concerned about disturbing the properties of Ms. Jennifer Forbes and the other residents in the area.

City Manager Pate informed the Commission that in addition to the relocation of the pump station, the proposal also includes the building of a park on the property that is being conveyed from Miami-Dade County.

Commissioner Taylor asked that residents be notified of the full scope of the plan, as proposed in Agenda Item 13-4. He also asked if anything was being done to address Mr. Lamar Cruse's concern about flooding.

City Manager Pate reminded the Commission that the City's plan to address the significant flooding issues, has been preliminarily presented. The Manager asked his Executive Assistant Shamecca Lawon to take note of the concerns raised by Mr. Lamar Cruse about the unclogging of drains. He also committed to speaking with Public Works Director Airia Austin about cleaning drains in residential areas. Mr. Pate pointed out that some of the City's flooding issues can't be resolved by cleaning drains, because of infrastructure capacity issues. He also committed to providing the Commission with a written response regarding this.

Vice Mayor Williams reminded Mr. Toroni Mitchell about the conversation that she had with her about the housing assistance being offered by Miami-Dade County.

Commissioner Bass agreed with Ms. Dorothy Johnson's request that residents be involved in the planning of City events. The Commissioner offered to have a conversation about things that residents would like to see going forward.

Mayor Pigatt joined Commissioner Bass in agreeing that City staff should address the needs of residents, including with the planning of events. The Mayor also pointed out that a flooding emergency has been declared in Opa-locka, and that action is being taken on the stormwater master plan which includes prioritizing the pump stations that can handle the capacity of the City as it grows. He added that he looks forward to discussing the agenda items on the pump stations and the paying for Commissioner Burke's funeral expenses. The Mayor concluded by asking City Manager Pate what the status was on the cleaning of the City's drainage system.

City Manager Pate asked Public Works Director Airia Austin to provide an update on the cleaning of the City's drainage system.

Public Works Director Airia Austin pointed out that the plan for the cleaning of the City's stormwater drainage system was approved at the last Commission meeting. Mr. Austin reported that the vendor was provided notice to proceed last week, and they are scheduled to start the process of cleaning the 112 drains throughout the City, next week. He stated that hot spots will be addressed first.

Mayor Pigatt asked about the truck that was purchased several years ago to clean out the City's drains.

Public Works Director Airia Austin informed the Commission that the process is underway to hire a person on a full-time basis, to operate the truck to clean out the City's drains. He stated that the third-party vendor will clean the drains, until the City is able to do it internally.

City Manager Pate pointed out that with the amount of flooding the City has, one truck is not sufficient to clean the number of drains that are required. He also said that it is not uncommon for a city to contract with a third-party vendor to clean drains, which he reminded them the Commission already approved.

Mayor Pigatt noted that the agenda item on the proposed lift station had already been passed on the Consent Agenda. He asked if anyone on the Commission wanted the City Manager and Public Works Director to speak further on the item.

Commissioner Bass stated that she hopes the relocated lift station will not be a sore eye next to the park that is being proposed to be built on the same property, in consideration of the City's beautification efforts.

Commissioner Davis expressed his concern over how the proposed lift station is inconveniencing residents and made a motion to amend the agenda to pull Agenda Item 13-4, which was seconded by Vice Mayor Williams.

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

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

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, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH H.W. LOCHNER INC. TO PROVIDE ENGINEERING CONSULTING SERVICES TO REPLACE THE WATER MAINS IN THE CITY OF MIAMI GARDENS, NORTH OF NW 151st STREET TO NW 154th STREET BETWEEN 37th AVENUE AND 32nd AVENUE, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00); 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 Taylor, seconded by Vice Mayor Williams to discuss Agenda Item 12-1.

Mayor Pigatt asked City Manager Pate to introduce the item.

City Manager Pate stated that the City of Miami Gardens is postponing improvements they want to make to the streets in the area, to provide the City of Opa-locka time to get the work done on the water mains and thus he thinks the work being proposed by Agenda Item 12-1, is vitally essential.

Mayor Pigatt asked where the City was in the process of replacing pipes throughout the City of Opa-locka.

City Manager Pate explained that the water main pipes do not belong to Miami Gardens, but that the repairing of the pipes will have an economic impact on Miami Gardens.

Mayor Pigatt stated that he understands that the pipes do not belong to Miami Gardens, but asked what the plan was to upgrade Opa-locka's pipes as part of the regular maintenance of the City's water infrastructure.

City Manager Pate stated that Mayor Pigatt's question about the City's pipes was not related to Agenda Item 12-1. Adding that it was the first time he heard the question and that there was no email regarding this sent by the Legislative Aide, the Manager said that he was not prepared to respond to the question and offered to provide the Commission a report on the matter.

Mayor Pigatt shared that he asked the City Manager the question about the plan for the City's pipes during the agenda briefing, noting that the water system needs upgrade and has been an infrastructure challenge for many years. He said that as the Commission discusses the subsection of the project, he would like to see the plan to upgrade the City's pipes, how it ties into the water rates and wanted to know when the Commission can get a clear understanding of that. The Mayor expressed that he understands if the City Manager is unable to provide the information immediately, but asked if the Commission can get a clear picture of what the City is going to do in terms of the needs assessment study and when it will be put in an up-coming budget, and when there will be a water rate study, so that the Commission can address it, noting that it is an issue that residents talk about on a regular basis.

City Manager Pate thanked Mayor Pigatt for his request and assured the Commission that he would work with the Public Works Department to provide an answer to the Commission. The Manager acknowledged that the Mayor was provided with a response to his concerns

about water rates during his Agenda Briefing and offered to provide the response in writing to the entire Commission.

There being no further discussion on Agenda Item 12-1, the resolution passed by a 5-0 vote.

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

2. **[13-4] A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, ACCEPTING THE CONVEYANCE OF LOT 25, YORK STREET, IN THE CITY OF OPA-LOCKA (IDENTIFIED BY FOLIO 08-2122-011-0990), FROM MIAMI-DADE COUNTY; AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH EAC CONSULTING, INC. FOR CONTINUING PROFESSIONAL ARCHITECTURAL AND ENGINEERING CONSULTING SERVICES FOR THE REHABILITATION AND RELOCATION DESIGN FOR LIFT STATION NO. 4 TO YORK STREET, LOT 25; 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 Vice Mayor Williams, seconded by Commissioner Taylor to discuss Agenda Item 12-4.

Mayor Pigatt asked City Manager Pate to introduce Agenda Item 12-4.

City Manager Pate stated that Agenda Item 12-4 proposes the conveyance of land from Miami-Dade County to the City of Opa-locka, where a lift station is being planned to be relocated. The Manager pointed out that the land was originally owned by Opa-locka CDC and reminded the Commission that the Opa-locka CDC CEO had notified them to see if there was any objection about the request to have the land conveyed back to the City. Mr. Pate informed the Commission that the Miami-Dade Board of County Commissioners has already voted to approve the conveyance but noted that the City Commission does have the ability to reject the conveyance. He shared his opinion that the proposed lift station is vitally needed as part of the City's wastewater plan and that he is willing to work with the residents whose properties are adjacent to the proposed site for the lift station, to have them

consulted on the planned design. The Manager added that the property will also include a public park, in addition to the lift station.

Vice Mayor Williams asked if the proposed lift station will be in the back part of the property with the park in front of it, and she also asked if there was a plan to build a structure around the pump station, as she has seen other Cities do.

City Manager Pate stated that a proper structure would be built around the pump station to secure it because it is bio infrastructure for wastewater, and he offered assurances that it will reflect the City's architecture. Mr. Pate offered to organize a workshop to discuss the design of the pump station with residents. He also stated that the proposed pump station is a modern one that will not make noise.

Public Works Director Airia Austin confirmed that the pump station will be in the back part of the property and will be enclosed in a concrete structure to mitigate the noise and smells, like the lift station at Sherbondy Village. He said that it will be like the pump station at Sherbondy Village and assured the Commission that residents will be engaged on the design of the pump station.

Vice Mayor Williams pointed out that the pump station at Sherbondy Village is next to the playground and often smells and asked if Public Works Director Airia Austin could guarantee that the proposed lift station will never have an odor.

Public Works Director Airia Austin informed the Commission that the proposed lift station will include treatment systems for the aroma, but he is unable to say that it will never have an odor.

City Manager Pate pointed out that the pump station at Sherbondy Village is older and will be assessed for possible upgrade, but that he will address the smell that is impacting residents and children. The Manager assured the Commission that the City will not engage with any company to construct the lift station, if they are not able to provide protocols to ensure there is not an inappropriate smell.

Commissioner Taylor asked if the City requested the property being proposed to be used for the lift station and if any other property was considered that would not affect residents.

City Manager Pate explained that because Opa-locka CDC had control of the property, the City must state its intent. The Manager said that the location being proposed for the lift station is the most economically feasible, because any other site would have to be purchased at market value, unless another site that is owned by the City is found. He pointed out that Miami-Dade County is only charging the City \$10, and thus he would not

advise having the lift station in another area. Additionally, he pointed out that it is not uncommon for a lift station to be in a residential area.

Commissioner Taylor acknowledged the concerns being expressed by residents about the proposed lift station and asked if they can be consulted, despite the City's ordinances not requiring it because he said that it should be done.

City Manager Pate assured Commissioner Taylor that the residents will be consulted on the design of the pump station. Mr. Pate also said that he will work with City Clerk Flores to draft a policy that will ensure more public input on these issues. He added that the Commission may want to include a policy on conveyance of property in the City Charter as part of the Charter review that is needed.

Commissioner Davis asked if residents can still be included in the process and design of the proposed lift station if the Commission approves Agenda Item 12-4.

City Manager Pate informed the Commission that they will still need to approve an item for the construction of the pump station and offered assurances that meetings with the residents will occur before that item comes before them.

Commissioner Davis acknowledged that despite it being economically feasible to move forward with the proposed relocation of the lift station, but he also asserted that he looks forward to having conversations with residents about the design of the lift station, acknowledging that they are rightly concerned with the proximity of sewage to their home and the potential public safety concerns that the proposal presents.

Mayor Pigatt stressed that because the Commission heard from a resident in opposition to the pump station proposed by Agenda Item 12-4, they want to make sure the sound, smell and beautification impacts on the area are thoroughly thought through and are included in the design documents. The Mayor said that while a letter was sent to the Commission in April, he said that they receive a lot of letters and made it clear that the Commission wants to offer the courtesy of conversations with the community. He also asked how residents will be able to be involved in the design of the pump station, if it is not stipulated in the contract that the Commission is being asked to pass.

City Manager Pate assured the Commission that despite him not being a resident, he cares about resident concerns. The Manager asked the Commission to trust in his office and assured them that he will act on their will to have residents engaged in the design process for the proposed lift station. While he noted that the Commission could amend Agenda Item 12-4 to direct him to discuss the design with the impacted residents, he said that it will happen and that he just needs to work with City Clerk Flores to determine how the

City handles advertisements for community development and then will announce the workshop to have the community provide input on the design.

There being no further discussion on Agenda Item 12-4, the resolution passed by a 5-0 vote.

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

3. **[13-5] A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE CITY MANAGER'S EMERGENCY DECISION TO SECURE H&R PAVING, INC. FOR TEMPORARY ROADWAY RESURFACING REPAIRS ON CAIRO LANE WITHIN THE CITY; AUTHORIZING ROADWAY REPAIRS, IN AN AMOUNT OF TWO HUNDRED FORTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$248,500); 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 Vice Mayor Williams, seconded by Commissioner Davis to discuss Agenda Item 12-5.

Mayor Pigatt asked City Manager Pate to introduce Agenda Item 12-5.

City Manager Pate pointed out that the City had a flooding emergency on Cairo Lane that impacted the passability of the roadway and the impact on businesses. The Manager reported that he met with several of the businesses in the area over the past three months, who expressed concerns over the economic impact that the flooding was having on them. Identifying it as a liability, he asserted that it is essential that the roadway repair be done and asked 300 Engineering to provide a presentation on the progression of the work on Cairo Lane.

Ana Dvorak and Franklin Torrealba of 300 Engineering Group provided the Commission with an update on the Cairo Lane, NW 127th Street and Alexandria Drive Project.

City Manager Pate explained some of the concerns that have been raised by businesses, including the fact that the businesses on Cairo Lane have had their property taxes reduced

because of the state of the roadway, and that the City could recover the lost assessments when the taxes on those businesses go back up once the road is repaired. The Manager said that his staff was not initially available to meet with Mayor Pigatt and 300 Engineering, but he ensured staff was in the meeting upon hearing that the meeting was scheduled, and he said he thought it was prudent for the rest of the Commission to hear the same presentation.

Commissioner Bass expressed that she does not want to see the money being put into Cairo Lane be put to waste, as it has in the past. The Commissioner reported that she received a call about trucks tearing up what had already been mended. She said that she is concerned about the traffic tearing up the street and said that she is looking forward to the end results of the work being done on Cairo Lane.

City Manager Pate informed the Commission that while the temporary road was done with asphalt and thus will be damaged, he offered assurances that the final road will be done with concrete. The Manager recalled that Cairo Lane has been an issue since he started serving as City Manager 2 years ago and acknowledged that there have been many issues including the waste in the sewer, that the Commission approved to pay to remove at the beginning of the year. He reported that the project is progressing based on guidance from the state which stipulated having one engineer to manage the entire project.

Commissioner Taylor asked why the temporary asphalt was used and when the Commission can expect to see the permanent road.

City Manager Pate said that the money being invested now was used to repair the base of the road with the asphalt and will make the roadway sturdier when the concrete is laid down on top of the asphalt over a year from now. The Manager said that rather than waiting until next year, the roadway was made passable so that the City could have Code Enforcement out there and the police can also get down the roadway to stop those people engaged in illegal dumping. He assured the Commission that minor repairs that need to be made to the temporary asphalt road, will be done but re-stated that the permanent roadway will be concrete and that it will come before the Commission another two to three times for approval of the cost of the final concrete road.

Franklin Torrealba of 300 Engineering Group assured the Commission that the permanent road and Cairo Lane project will be complete by December of 2022 based on their expedited schedule.

City Manager Pate reminded the Commission that the pandemic delayed construction nationwide, which has delayed projects in many cities and impacted the timeline for the project being proposed in Agenda Item 12-5. The Manager assured the Commission that he is being very aggressive with 300 Engineering Group to complete the project.

Vice Mayor Williams asked how long the final concrete road can be guaranteed before the same damage occurs again from trucks driving on the roads.

Franklin Torrealba of 300 Engineering Group informed the Commission that concrete roads are very durable, and can last 10, 15 or 20 years.

Ana Dvorak of 300 Engineering Group added that the drainage infrastructure that will also be improved as part of the proposed project, will ensure that the road will not erode as quickly. She stated that they will combine a new material that is more adequate for the traffic use with better stormwater management.

City Manager Pate said that he will ask the Commission to request additional assessments of the businesses in the area, once the proposed infrastructure and beautification projects are complete. The Manager pointed out that assessing the businesses requires getting approval from Miami-Dade County, and that once the infrastructure has been repaired, the City will be in a good position to get additional assessments. He reminded the Commission that assessments from those businesses will impact the ability to repair the road again in 20 years. Mr. Pate also pointed out that the City allowed businesses to be built in the area 15 to 20 years ago without the proper drainage and that he and Public Works Director Airia Austin have been reporting those businesses to DERM, but he said that DERM is stating that the City must fix its issues because it is difficult to determine where the runoff is coming from. The Manager said that once the City makes its infrastructure improvements, DERM can enforce environmental protections on the businesses. He also shared that Mr. Austin's presentation to DERM on what the City has done to improve, was highlighted for all Miami-Dade County.

Mayor Pigatt recognized that the Cairo Lane project is part of one of Opa-locka's four major challenges. The Mayor noted that every year something comes up that prevents Cairo Lane from getting done. He reported that in a meeting he had directly with 300 Engineering Group, the contractor stated that illegal dumping slowed the project over the last. Recalling that the Commission approved funding to clean up the trash and oil and said that the contractor informed him that they were waiting on a notice to proceed from the City to get the illegal dumping cleaned up. The Mayor requested that the Commission be provided a report in September 2021 on whether the debris has been removed, and in December 2021 whether the design phase has begun, as well as a report at each phase of the project. The Mayor asserted that because the flooding challenges have caused so many headaches for the businesses in the area and the project is holding up millions of dollars in funding for other infrastructure projects, the Cairo Lane project must get done as swiftly as possible.

City Manager Pate assured the Commission that there is no delay on his part, pointing out that he is waiting for a fully executed contract that requires several signatures before

issuing the notice to proceed to the contractor. He said that the Commission must approve several phases of the project, but that he is happy to provide them a report. The Manager said that he informed the Mayor that his staff would not be available to be part of his meeting with 300 Engineering because they just came off a holiday, and that he only made his staff available because he felt the Mayor was infringing on day-to-day operations. He said that the engineers were made available for their presentation at the Commission meeting so that everyone on the dais gets the same level of information.

Mayor Pigatt asked if the updates could be provided at each phase.

City Manager Pate said that if it was the will of the entire Commission, an update could be provided, despite it being an additional mandate in addition to the phases of the project that already must be provided.

Mayor Pigatt asked City Attorney Norris-Weeks if the Commission can schedule meetings with anyone.

City Attorney Norris-Weeks noted that she did not know all the parameters of the meeting, but she stated that the Commission can't direct the engineers or anyone else to do things that the City Manager would not be privy to, but that as is done in other cities, it is possible for the Commission to meet with contractors to receive updates and answer questions. Attorney Norris-Weeks said that generally the meeting would be attended by someone from the City Manager's office but does not have to be.

Mayor Pigatt informed the Commission that he had reached out to the City Attorney to confirm he could move forward with the meeting with 300 Engineering. The Mayor stressed that the Commission needs very clear updates on the project being proposed by Agenda Item 12-5.

There being no further discussion on Agenda Item 12-5, the resolution passed by a 5-0 vote.

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

4. [13-7] A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR LAWN, SHRUBS, TREES AND PALM MAINTENANCE SERVICES; 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 Vice Mayor Williams, seconded by Commissioner Davis to discuss Agenda Item 12-7.

Mayor Pigatt asked City Manager Pate to introduce Agenda Item 12-7.

City Manager Pate stated that Agenda Item 12-7 proposes the authorization of a request for proposals to ensure that the City has the proper contractors needed to support the City's beautification efforts.

Commissioner Davis recalled that pressure cleaning gained consensus from his colleagues during the Commission Priorities Workshop, and thus he proposed that pressure cleaning services be added to the proposed resolution in Agenda Item 12-7.

City Manager Pate stated that he accepted the friendly amendment to add pressure cleaning within the body of the resolution proposed in Agenda Item 12-7.

Mayor Pigatt asked if the amendment offered by Commissioner Davis would require that the lawn maintenance company contracted through the request for proposals included in Agenda Item 12-7, would also handle pressure cleaning.

City Manager Pate stated that based on the amendment offered by Commissioner Davis, the lawn maintenance company contracted through the request for proposals included in Agenda Item 12-7, would pressure clean areas that the Public Works Department is not able to get to, as a supplemental service to the pressure cleaning that Public Works staff already does.

Mayor Pigatt asked if the amendment to include pressure cleaning in the request for proposals included in Agenda Item 12-7, would be for the wholistic pressure cleaning services that were discussed during the Commission Priorities Workshop.

City Manager Pate stated that Agenda Item 13-6 rejected all the requests for proposals that were received for city-wide lawn maintenance services, and he pointed out that it was passed when the Commission approved the Consent Agenda.

Mayor Pigatt asked if the amendment to include pressure cleaning in the request for proposals included in Agenda Item 12-7, would be city-wide or just for alleyways, medians and parking lots as stipulated in the current request for proposals as it was originally drafted prior to the amendment.

City Manager Pate offered to add city-wide pressure cleaning services to the request for proposals in Agenda Item 12-7.

There being no further discussion on Agenda Item 12-7, the resolution passed by a 5-0 vote.

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

5. **[13-11] A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIAL TO SUBMIT A GRANT APPLICATION TO THE REBUILD FLORIDA MITIGATION GENERAL INFRASTRUCTURE PROGRAM FOR SEVEN MILLION DOLLARS (\$7,000,000.00), TO BE USED TO DREDGE THE 127TH STREET CANAL; 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 Davis, seconded by Vice Mayor Williams to discuss Agenda Item 12-11.

Mayor Pigatt asked City Manager Pate to introduce Agenda Item 12-11.

City Manager Pate asked Public Works Director Airia Austin to introduce Agenda Item 12-11.

Public Works Director Airia Austin informed the Commission that the proposed dredging of the 127th Street canal to mitigate flooding of adjacent properties, will be dependent on the awarding of funding from a federal grant.

Commissioner Bass said that she is praying to the good Lord that what is proposed in Agenda Item 12-11 happens.

There being no further discussion on Agenda Item 12-11, the resolution passed by a 5-0 vote.

Commissioner Bass	Yes
Commissioner Davis	Yes

Commissioner Taylor	Yes
Vice Mayor Williams	Yes
Mayor Pigatt	Yes

6. **[13-14] A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO PAY A PORTION OF THE FUNERAL EXPENSES FOR THE LATE 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 Assistant City Attorney Candice Cobb.

It was moved by Commissioner Davis, seconded by Commissioner Taylor to discuss Agenda Item 12-14.

Mayor Pigatt asked City Manager Pate to introduce Agenda Item 12-14.

City Manager Pate requested that Agenda Item 12-14 be pulled because a legal opinion came in after 7:00 PM and he has not had a chance to thoroughly review it with the State of Florida. The Manager asked that the item be deferred to the next regular Commission meeting.

City Attorney Norris-Weeks informed the Commission that she had verbally informed City Manager Pate of the legal opinion she provided to him and the Commission on Agenda Item 12-14 and offered assurances that because of an emergency, the opinion was not able to get out earlier.

City Manager Pate requested the deferral of Agenda Item 12-14 to the next Commission meeting so that he has time to review it with the State of Florida, because he believes that the legal opinion provided by City Attorney Norris-Weeks has implications that may affect Opa-locka in the future, with an impact to the process for the ratification of items.

City Attorney Norris-Weeks asserted that she drafted her legal opinion on Agenda Item 12-14, to be specific to the item based on what was told to her by the representatives of the state of Florida, and she added that the legal opinion she provided has no bearing on the ratification of future items.

Vice Mayor Williams addressed City Attorney Norris-Weeks and said that at the last Commission meeting, she was told that the resolution proposed by Agenda Item 12-14 did not need to come before the Commission, and she is confused as to why it is back on the Agenda.

City Attorney Norris-Weeks said that she would have to address her question to City Manager Pate, because she did not make that statement. Attorney Norris-Weeks recalled that the Manager had stated that he had the discretion to pay anything up to a certain amount, but that she pointed out that a lot of other factors must be considered.

City Manager Pate stated that the statement was made at the last Commission meeting by the City Attorney and is on the record.

Vice Mayor Williams said that is not true.

City Attorney Norris-Weeks stated that is not true. Attorney Norris-Weeks added that she told City Manager Pate that she did not participate in any way in his decision making and didn't know about it.

City Manager Pate said that Vice Mayor Williams asked a specific question at the last Commission Meeting, not of him, but of the City Attorney and whether the resolution proposed in Agenda Item 12-14 was required to come before the Commission, and he said that he never answered that question.

City Attorney Norris-Weeks said that is a flat-out bold misstatement because she never said that and in fact, said the opposite of that. Attorney Norris-Weeks recalled that her first statement to City Manager Pate at the last Commission Meeting was to inquire about the public purpose of the resolution proposed in Agenda Item 12-14, adding that she told him that on the day she saw the item. The Attorney also asserted that Mr. Pate's insinuation that she and the Clerk participated in his decision making, was preposterous. She stated that she would not have said anything had stuff not just been made up, but she felt she had to defend herself, and stressed that anybody who was sitting in the meeting would have heard her clearly.

City Manager Pate stated that he will review the tape of the last Commission meeting and go from there.

City Attorney Norris-Weeks stated that the Manager needs to do that.

City Manager Pate said that if it is the Commission's will to continue discussing Agenda Item 12-14, that he is perfectly fine with that.

Mayor Pigatt stated that despite the item being pulled, he wanted to make it very clear that the decision the Commission was being asked to make by the resolution proposed in Agenda Item 12-14, was the most abhorrent decision he has ever had to make on the dais, and he does not like that the Commission has been put in this position. The Mayor noted that residents addressed the Commission to say that they were in the wrong because their understanding was misconstrued, and he said that it comes from the City Manager's Office.

He said that there was a very clear legal opinion about the rules and regulations, and that while he is going to wait until the next Commission Meeting, he believes there need to be some consequences because of the decision.

City Manager Pate asked to be recognized by Mayor Pigatt.

Mayor Pigatt suggested that City Manager Pate should not want to continue the discussion.

City Manager Pate said that because the Commission already started the discussion, he should be allowed to make a comment.

Mayor Pigatt asked City Manager Pate to proceed.

City Manager Pate stated that there was no spin and that the lawsuit that related to the City's expenditures for funeral expenses, was brought to him the day of the last Commission meeting after the proposed resolution was already an Agenda Item. The Manager asserted that he found out about the lawsuit the same day that everybody else found out and he made a public statement regarding it. He assured the Commission that if he had known about the litigation, this would have never happened. Mr. Pate said that he and other parties conducted research on the previous ordinance and its repeal and noted that there is nothing stating the reason for the repeal. He also stated that there is nothing written in the City's Code or Ordinances that a \$12,500 expense must come before the Commission under any normal circumstances. The Manager asserted that the only mistake he made was not making courtesy phone calls to the Commission and the Mayor. He reported that because of the Commission's hesitation to ratify the funds expended for Commissioner Burke's funeral, he contacted the funeral home to get the funds back because the Commission stated that the expenditure was potentially made for an improper purpose. Mr. Pate said that he did not want the Burke family to have to deal with this if the Commission made the decision not to ratify the funds. He said that if there had been pure intent, the lawsuit would have been sent to him days before and he said that he would have cancelled the Special Commission Meeting. The Manager also stated that the state of Florida requested that the Commission ratify the funds and he followed their stipulation.

Mayor Pigatt stated that he does not like lying on the record.

City Manager Pate asked if Mayor Pigatt was accusing him of lying.

Mayor Pigatt stated that he is going to be very clear and said, yes.

City Manager Pate stated that nobody is lying on record.

Mayor Pigatt asked City Attorney Norris-Weeks to respond.

City Attorney Norris-Weeks stated that she was not the person who brought the issue of the lawsuit to City Manager Pate and that he brought the issue to her. Attorney Norris-Weeks said that if she had been allowed to review the code, she would have seen that it had been repealed on this issue, which is the information the Clerk had given. She noted that the 2003 lawsuit happened prior to her serving as City Attorney, nor was anyone else on the dais.

Commissioner Taylor suggested that if City Manager Pate pulled Agenda Item 12-14, then the Commission should move on because the conversation is very sensitive and having an argument over one of their colleagues does not look good to residents.

Mayor Pigatt stated that what has been put in front of the Commission is not about their colleague but about a decision that was made by City Manager Page's Office that can get them into legal issues. The Mayor committed to move on for the sake of the Commission, but when the item is brought back up, he said that he will clearly identify the misstatements that were brought up. He also pointed out that he asked for the full cost of Commissioner Burke's funeral expenses, and that it has not been provided. Mayor Pigatt stated that the Commission needs to protect the City and its taxpayers, and make sure that the Manager understands and implements the laws. He noted that the Commission had said they needed a legal opinion before they voted on the item, and that the item was placed on the Agenda without that legal opinion having been provided as part of the backup documentation. Now that they have the legal opinion, Mayor Pigatt expressed his hope that it is a part of their next discussion, so that the record is clear about what they must do as a Commission.

13. ADMINISTRATION:

CONSENT AGENDA:

- 1. [13-2] 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 DRAINAGE SYSTEM IMPROVEMENT OF NW 30th AVENUE, IN THE CITY OF OPA-LOCKA, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THIRTY-FIVE THOUSAND THREE HUNDRED SIXTY-EIGHT DOLLARS AND SEVENTY CENTS (\$135,368.70), WITH AN ADDITIONAL TEN PERCENT (10%) CONTINGENCY BUDGET OF THIRTEEN THOUSAND FIVE HUNDRED THIRTY-SEVEN DOLLARS (\$13,537.00); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager***

2. **[13-3] 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 ROADWAY MILLING & RESURFACING; AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO PROVIDE MILLING AND RESURFACING SERVICES WITHIN THE CITY, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED NINETY-TWO THOUSAND TWO HUNDRED NINETY DOLLARS AND NINETY-FOUR CENTS (\$292,290.94); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager***
3. **[13-6] A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, REJECTING ALL BIDS RECEIVED IN CONNECTION WITH RFP NO. 18- 0907100 AND FURTHER AUTHORIZING THE CITY MANAGER TO RE-ADVERTISE AND ISSUE A REQUEST FOR PROPOSALS FOR QUALIFIED FIRMS FOR LAWN MAINTENANCE SERVICES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager***
4. **[13-8] A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING AND ESTABLISHING THE ANNUAL CITY SPECIAL EVENTS LIST, CALENDAR AND BUDGET FOR THE 2022 FISCAL YEAR, ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SCRIVENER’S ERRORS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager***
5. **[13-9] A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR COMMUNITY SHUTTLE BUS SERVICE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager***
6. **[13-10] A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, ACCEPTING THE PROPOSAL OF MILLER, LEGG & ASSOCIATES, INC. FOR A COMPREHENSIVE PARKS AND RECREATION MASTER PLAN PURSUANT TO RFP NO. 21-0630100 AND FURTHER AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR SAME, IN A FORM ACCEPTABLE TO THE CITY**

ATTORNEY, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FORTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$147,500.00); PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager*

7. **[13-12] A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIAL TO SUBMIT A GRANT APPLICATION TO THE REBUILD FLORIDA MITIGATION GENERAL INFRASTRUCTURE PROGRAM FOR SIXTEEN MILLION DOLLARS (\$16,000,000.00) TO BE USED TO IMPROVE THE STORMWATER DRAINAGE INFRASTRUCTURE FOR THE COMMERCE NORTH SECTION OF THE CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager***

8. **[13-13] A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO FILE A LEGAL ACTION PERTAINING TO THE VACATION OF AN ARBITRATION AWARD; PROVIDING FOR ADOPTION OF REPRESENTATIONS; 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:

1. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR INDEPENDENT AUDITING SERVICES; 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 Vice Mayor Williams, seconded by Commissioner Bass to discuss Agenda Item 14-1.

Mayor Pigatt asked City Manager Pate to introduce Agenda Item 14-1.

City Manager Pate stated that Agenda Item 14-1 includes a request for proposals that came before the Audit Committee last week and is now coming before the Commission.

Mayor Pigatt stated that as the Chair of the Audit Committee, he wanted to update the Commission and informed them that the request for proposals included in Agenda Item 14-1 would approve the contract for the next 2 audits. He reported that the Audit Committee recommended that the contract for the audits be changed from a 3-year contract with 2-year options, to a 2-year contract with a 1-year option. The Mayor noted that if the City can get its last 2 audits done and take care of the Finance Department, it would be possible to potentially get out of financial oversight by the end of next year. He concluded by informing the Commission that the Audit Board recommended that the resolution proposed by Agenda Item 14-1 be approved so that the City's top challenge can be taken care of.

There being no further discussion on Agenda Item 14-1, the resolution passed by a 5-0 vote.

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

15. PLANNING & ZONING:

A. PUBLIC HEARINGS:

B. APPEALS:

16. ORDINANCES/RESOLUTIONS/PUBLIC HEARINGS:

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

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

C. RESOLUTION(S)/PUBLIC HEARING:

17. CITY MANAGER'S REPORT:

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

City Manager Pate stated that he will provide the Commission with a full financial overview of the expenses the City had, based on a presentation made by Financial Consultant Gerri Lazzarre and the expense reports that they have been receiving. He also said that they will see his update after Friday and offered to answer any questions before the Commission meeting. The Manager noted that the Commission was off in August and lamented the unfortunate events that happened. Stating that the Commission is back to full speed in September, he welcomed Commissioner Bass

back to the dais and said that he and his staff are excited to work with her moving forward. He stated that he sent an email to the Commission regarding various emails that were sent over the last couple of days and reported that he has directed the Chief of Police to open a full internal investigation into the matter alleged in the emails. The Manager offered assurances that the investigation is being handled by the Chief without the Manager's participation to ensure that there are no improprieties. He said that his biggest concern is the anonymous emails making outlandish allegations, noting that there are policies in place in the City as well as outside of the City that have been used on multiple occasions, to request protection for using the proper complaint process. Mr. Pate asserted that his office does not participate in retaliation of any nature against staff members. He committed to have the Commission apprised of the outcome of the investigation, which he said he hopes can meet the expedited timeline of completion in the next 2 weeks. Additionally, he stated that whatever issues are brought up by the investigation, will be addressed in the appropriate manner. City Manager Pate also said that he wants everyone to know that the Chief of Police runs his agency, which is what he hired him to do. Acknowledging the progress that has been made by the Police Department, he pointed out that they have a new fleet of vehicles, and that crime has gone down.

Mayor Pigatt opened the floor for any questions the Commission had for City Manager Pate.

Commissioner Bass thanked the Commission for giving her the opportunity to serve the community again. The Commissioner shared that having the opportunity to watch as a regular Citizen with a little knowledge of government, made a difference in how she sees herself and everyone sitting on the dais. She also expressed that she hopes what the City Manager said is true, because she heard horrible stories about the Police Department. The Commissioner said that there is some truth to every lie and is looking forward to seeing the details of the report.

Commissioner Williams asked if the allegations in the email about the Police Department were true.

City Manager Pate said that he sent an email to the Commission stating that the allegations were not true. The Manager said that in his 15 years of work in government, he has never seen some of the things that happen in Opa-locka. He pointed out that the City's whistleblower ordinance was updated last year and lamented over the email that he characterized as slanderous. Recalling that there was a myriad of problems in the Police Department when he began serving as City Manager in 2019. He said that the Chief of Police has 30 years of experience, and he assured the Commission that the Chief has an obligation to report any improprieties in the agency, to outside authorities and can bypass the Manager. Acknowledging that he may make mistakes, he said that he is not unethical and asked why other departments are not accusing him of terrorizing them. City Manager Pate stated that he would resign before embarrassing the Commission with any of this.

Mayor Pigatt stated that he would accept the resignation.

City Manager Pate stated that he said that if the allegations were true, but they are not true and said that it was improper, noting that the members of the Commission regulate each other and that the Manager can't say anything. Mr. Pate said that what was said was insulting, and that negativity and innuendo are used to push people out. He concluded by asserting that he has confidence in the Police Chief and his staff member to do a full investigation.

City Attorney Norris-Weeks proposed that a shade meeting be scheduled at 6:45 PM on Wednesday, September 15th, noting that the Commission has its First Budget Hearing scheduled on the same date at 5:01 PM.

Mayor Pigatt pointed out that it is very hard to set a time certain to end the conversations that are had during the budget hearings, and that if the budget discussion was not done at the time the shade meeting is scheduled, everyone would have to clear out of the meeting hall.

City Attorney Norris-Weeks asserted that the Commission needs to have the shade meeting and suggested that because the Commission has already gone through the budget a couple of times, there may not be a ton of people at the meeting.

Commissioner Taylor suggested that the Budget Hearing and the shade meeting both be done on the same night.

Vice Mayor Williams stated that she was OK with having a recess of the Budget Hearing, to have the shade meeting.

Commissioner Davis stated that he would be more in favor of having the shade meeting on another day, but that he would yield to the consensus of the Commission.

Commissioner Bass stated that she would be OK with the shade meeting either being held at 6:45 PM on the same evening as the Budget Hearing, or on another day.

Mayor Pigatt acknowledged the consensus of the Commission was to hold the shade meeting at 6:45 PM on Wednesday, September 15th, the same evening as the First Budget Hearing.

City Attorney Norris-Weeks read into the record the public notice of the Commission's shade meeting to be published by City Clerk Flores, scheduled for September 15th at 6:45 PM to discuss the pending litigation matter of George Suarez et al. vs. City of Opa-locka, Case #2017-008285-CA-01.

City Attorney Norris-Weeks also informed the Commission that she has been in contact with City Manager Pate's attorney, and she said that he is aware of the conversations. Attorney Norris-Weeks reported that Mr. Pate's attorney wants a request to be made of the Commission on his behalf, to officially approve the Manager's FMLA leave request that was made in January to Human Resources Director Kierra Ward. She said that his attorney explained that Manager Pate's

doctors recommended that the leave take place a few times a month on an intermittent basis. Ms. Norris-Weeks expressed her support for the Commission ratifying the leave request and asked that the Commission maintain Mr. Pate's privacy.

Mayor Pigatt asked if a resolution needs to be brought before the Commission for them to approve the FMLA leave time that City Manager Pate had previously requested and taken.

City Attorney Norris-Weeks pointed out that there is latitude because she is bringing the item before the Commission, thus not requiring that it be a future Agenda item, but that it could also be proposed as a resolution to come before the Commission. Attorney Norris-Weeks expressed that she was trying to be sensitive to having a public document on record, but still have the Commission's blessing on something that has already been done.

Mayor Pigatt stated that he would like to see something clearly in writing to analyze the request, so that they can figure out how it ties to the accounting of leave time, which he said he has been requesting for over a year.

City Attorney Norris-Weeks suggested that the Commission may want to address the process for the City Managers' leave requests but expressed concern about proposing a formal resolution that could lead to questions about what is wrong with Mr. Pate, in violation of HIPAA.

Commissioner Taylor asked if City Attorney Norris-Weeks wanted the Commission to ratify the FMLA leave time that City Manager Pate submitted in January.

City Attorney Norris Weeks stated that Mr. Pate had been tracking his FMLA leave time and it has now been transferred to the Human Resources Department ADP system, and she asked for a motion from the Commission to approve the ratification of the Manager's leave request that was made in January.

Vice Mayor Williams stated that there are many inconsistencies and asked City Attorney Norris-Weeks if she recalled that the Vice Mayor had sent her an email when this was mentioned back in January.

City Attorney Norris-Weeks acknowledged that there was some discussion about this but said that it was later than January.

Vice Mayor Williams stated that things can't keep being swept under the rug and said that Human Resources Director Kierra Ward told her in an email that no one cannot get FMLA approved by the Human Resources Director. The Vice Mayor shared that there is an email thread that the Commission doesn't know about, which said that the Commission does not approve it.

City Attorney Norris-Weeks stated that the Human Resource Director does approve FMLA leave requests for City employees, but that because the City Manager reports to the Commission and

there is currently no policy to determine how FMLA leave requests are approved, she is bringing it before the Commission so that it is not an issue later for Mr. Pate.

City Manager Pate assured the Commission that he has no intent of misleading them. He reported having conversations with some who had concerns about his FMLA leave request. The Manager stated that he is attempting to be transparent and establish a policy regarding FMLA leave. He pointed out that his vacation leave and even the days he works from home are sent to the Commission via email, and he never gets a response.

City Attorney Norris-Weeks shared that attempts were made to obtain information from the Human Resources Department, but that no response was provided. Attorney Norris-Weeks suggested that a leave time request policy be developed for the City's appointed officials because she does not want to be in a position to advocate one way or another about anything that doesn't strictly address legal issues for the City.

Commissioner Davis suggested that the Commission schedule a Workshop to discuss the establishment of a policy for the approval of leave requests from appointed City employees. The Commissioner stated that this is an opportunity to gain accountability, which he pointed out is what he ran on during his campaign for office, because it is what residents want and deserve.

Mayor Pigatt recalled that a special Commission was called to terminate, suspend or modify City Manager Pate's contract because of the situation with the counting of leave time. The Mayor asked how the Commission can approve leave time if they don't know what's accounted for. He said that he did not know about Vice Mayor Williams' email and asserted that the Commission deserves transparency and accountability. Mayor Pigatt asked for what the Commission is deciding upon, to be put in writing.

Commissioner Davis stated that he is not concerned with the leave time that has already occurred but is concerned by the balance of time and rectifying that issue.

Vice Mayor Williams stated that if the City Attorney is asking the Commission to follow her recommendation to ratify the FMLA leave request that City Manager Pate made in January, she said she is OK with that because she said that she knows that the Attorney is working for the City's best interest. The Vice Mayor asked that a public records request be filed because Mr. Pate being on FMLA leave was discussed, and it was never mentioned to the Commission. She suggested that protocols need to be put in place on the dais, so that they don't have to deal with this.

City Attorney Norris-Weeks suggested that the Commission does need to have a process for approval of leave time but stated that no one should make any requests for City Manager Pate's medical records.

It was moved by Commissioner Taylor, seconded by Vice Mayor Williams to ratify the request made by the City Manager of the Human Resources Director, in January of 2021 for FMLA leave.

Commissioner Bass stated that she was confused because the Commission is being asked to ratify something that she doesn't know the details on.

City Attorney Norris-Weeks explained that once 12 weeks of FMLA leave are used, it is extinguished for the year. She offered to send the Commission the number of FMLA leave days that City Manager Pate has used so far. Attorney Norris-Weeks also informed the Commission that Mr. Pate's attorney is asking for reasonable accommodation under the Americans with Disabilities Act, to authorize him to work from home when his medical condition flares up as well as following his procedure in December, so he is not required to use his FMLA leave.

Commissioner Davis asked if the decision to determine whether accommodation under the Americans with Disabilities Act is appropriate, would be a legal opinion. The Commissioner pointed out that he and his colleagues are not experts on the laws that govern workplace situations.

City Attorney Norris-Weeks explained that through his attorney, City Manager Pate is asking the Commission to decide whether they believe his working from home as City Manager is a reasonable accommodation when he has flare-ups of his medical condition.

City Manager Pate stated that his leave time keeps coming up every few months, and he said he has had conversations with every member of the Commission except the Mayor, who he pointed out has requested information on his leave request. The Manager expressed that he thinks the Commission should make a determination about the policy for the approval of his leave time.

Mayor Pigatt asked for transparency and made a public records request to include all of City Manager Pate's work from home emails that were sent, all the requests for vacation and leave, the ADP log and emails about leave time sent by anyone on the Commission. The Mayor said he requested that information so that the City is protected from any legal action and all the members of the Commission are clear about the decision they are making.

Commissioner Bass echoed Mayor Pigatt's sentiments and said that she is uncomfortable, despite appreciating City Attorney Norris-Weeks' advice to the Commission. The Commissioner asserted that she doesn't need to see City Manager Pate's personal information but does need to see what the Commission is being asked to vote on in black and white.

Vice Mayor Williams asked if the Commission is uncomfortable with voting on both the proposal to approve City Manager Pate's FMLA leave request as well as his ADA request.

City Attorney Norris-Weeks stated that her understanding is that the consensus of the Commission is for her to bring documentation to the Commission to address the concerns that were raised, and she said that she will bring the two items before them on their next Meeting Agenda.

Vice Mayor Williams expressed concern about it looking like the Commission doesn't want to approve someone's sick leave, especially during a pandemic. The Vice Mayor suggested that the Commission move forward on approving City Manager Pate's ADA request, in consideration of his pending medical procedure and flare-ups of his medical condition but did continue to express her concerns over not knowing about the Manager filing for FMLA leave.

18. OFFICIAL BOARD REPORTS:

There were none.

19. FUTURE AGENDA ITEMS:

Commissioner Taylor stated that he watched the Audit Committee Meeting and said he liked their idea to establish a Finance Committee.

City Manager Pate expressed that he thinks Commissioner Taylor's proposal to establish a Finance Committee is an outstanding idea because he believes that the transparency that the Audit Committee wants, would be a function of a Finance Committee. He shared that he worked in a city that had a Finance Committee and said that all budgets went to them for advisory input and that the Commission can make decisions based on that. Mr. Pate concluded by stating his opinion that a Finance Committee is very essential, especially with the City in financial emergency.

Mayor Pigatt suggested that the Finance Committee would help provide financial oversight and offered to co-sponsor the proposal to establish the committee.

Commissioner Davis, Commissioner Bass and Vice Mayor Williams also offered to co-sponsor the proposal to establish the Finance Committee.

City Clerk Flores noted that the motion passed unanimously.

Commissioner Bass stated that she would like to take on the Women's History Month and Father's Day Fish Fry events.

City Manager Pate explained that Commissioner Bass can be added as a sponsor of events in place of Commissioner Burke, without the need to add it as a future agenda item.

20. MAYOR/COMMISSION REPORTS:

Commissioner Davis reported that the Health & Resource Fair was held at Sherbondy Park Community Center and was a great event, bringing much needed resources from Miami-Dade County as well as leftover CARES Act funding to provide more gift cards. The Commissioner shared that there were at least 500 to 600 residents and noted that whenever resources are given out in this time of need, there is always a good showing. He also informed the Commission that

over 30 residents were able to receive vaccines on that day. Commissioner Davis acknowledged and thanked his colleagues for coming out and supporting the event.

Vice Mayor Williams thanked the Parks & Recreation Department as well as Ms. Taylor and her team for the bookbag, school supply and uniform voucher giveaway which had many residents come out. She also thanked the NAACP for organizing their first Unity in the Community event. The Vice Mayor also shared that the Health Fair had hundreds of residents in attendance, where the uniform vouchers and food gift cards were given out. She thanked all the employees and volunteers who gave their time and effort.

Commissioner Taylor shouted out the Parks & Recreation Department for the boot camp over the Summer. He invited everybody to join him, the Parks & Recreation Department and the Police Department for the 9/11 memorial bike ride on Friday, September 10th at 6 PM, leaving from City Hall.

Mayor Pigatt applauded all the work that was done in the City over the summer. He committed to being more outspoken on transparency as a change agent on the dais. The Mayor thanked all those who are sharing information so that the challenges in the City can be faced.

21. OFFICIAL BOARD APPOINTMENTS:

Mayor Pigatt appointed Ms. Floralba Wright to serve on the Housing Authority & Nuisance Abatement Board.

City Clerk Flores noted that the Commission had previously appointed Ms. Wright to the board, but she pointed out that the board only requires individual appointments, and thus Mayor Pigatt's appointment is sufficient.

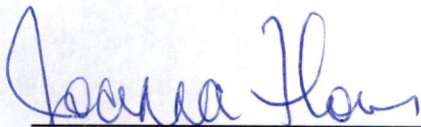
22. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Taylor, seconded by Commissioner Davis to adjourn the meeting at 11:17 p.m.



Matthew A. Pigatt
Mayor

Attest:



Joanna Flores, CMC
City Clerk