

CITY OF OPA-LOCKA

“The Great City”

CLERK’S ACTION SUMMARY MINUTES

REGULAR COMMISSION MEETING

October 13, 2021

7:00 P.M.

1. CALL TO ORDER:

Mayor Pigatt called the meeting to order at 7:04 p.m. on Wednesday, October 13, 2021 at Sherbondy Village, 215 Perviz Avenue, Opa-locka, Florida.

2. ROLL CALL:

The following members of the City Commission were present: Commissioner Sherelean Bass, Commissioner John H. Taylor Jr., and Mayor Matthew A. Pigatt. Commissioner Chris Davis arrived at 7:08 p.m. Vice Mayor Veronica J. Williams arrived at 7:16 p.m. 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:

Mayor Pigatt acknowledged those wearing pink in honor of October being Breast Cancer Awareness Month and said that Commissioner Bass made sure the Commission had some pink on, inviting her to say a few words.

Commissioner Bass acknowledged that October is Breast Cancer Awareness Month, stating that each one of us knows someone who was affected by breast cancer. The Commissioner shared that men also have breast cancer sometimes, so it’s about us as a people. She urged everyone to continue to pray for those that are going through breast cancer and those who have not yet experienced it. Commissioner Bass also stressed the importance of supporting all the agencies that help with breast cancer awareness.

Mayor Pigatt announced that Dr. Robert B. Ingram Elementary presented an award of appreciation to the City of Opa-locka, in recognition of the kindness shown during the past unprecedented year, as a community partner. The Mayor recognized that Commissioner Bass is a community liaison for the school and stated that she is dedicated to the cause.

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

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

The motion to approve the Consent Agenda passed by a 4-0 vote.

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

7. APPROVAL OF AGENDA:

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

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

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

8. APPROVAL OF MINUTES:

First Budget Hearing Minutes – September 15, 2021

It was moved by Commissioner Taylor, seconded by Commissioner Bass to approve the minutes of the First Budget Hearing on September 15, 2021.

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

Vice Mayor Williams	Not Present
Commissioner Bass	Yes
Commissioner Davis	Yes

Commissioner Taylor	Yes
Mayor Pigatt	Yes

Second Budget Hearing Minutes – September 22, 2021

It was moved by Commissioner Taylor, seconded by Commissioner Bass to approve the minutes of the Second Budget Hearing on September 22, 2021.

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

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

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

There were none.

10. PUBLIC PRESENTATIONS:

The Integrity Group presented their proposal to the Commission for their grant program management consulting services.

Commissioner Davis thanked the Integrity Group for their presentation, and he said that he thinks they do awesome work with the localities they work with throughout the state of Florida. The Commissioner said that they caught his ear when they explained the immediate drawing down of the American Rescue Plan Act funds, with the ability to gain interest which are considered unrestricted funds.

Mr. Mark Glover, President and Chief Executive Officer of Aligned Strategies & Partnerships, confirmed that the funds from the interest earned on the American Rescue Plan Act funds do not fall under the same guidelines or restrictions that the American Rescue Plan Act funds fall under. Mr. Glover assured the Commission that the team at the Integrity Group are experts in compliance.

Commissioner Davis pointed out that ultimately a grant is a contract, and it is very important that the City stay in compliance with its obligations. The Commissioner expressed that he is looking forward to working with the Integrity Group on the management of the grant from the American Rescue Plan Act.

Commissioner Bass thanked the Integrity Group for presenting to the Commission and said that she is looking forward to having further conversations with them to see what else they have to offer.

Commissioner Taylor asked what the timeline was for the immediate drawdown of the American Rescue Plan Act funds.

Mr. Jeremy Tidwell, Chief Information Officer of the Integrity Group stated that as he understands it, the funds from the American Rescue Plan Act are available now to be drawn down, but the City must make a request to get it. Mr. Tidwell said that the Integrity Group would also help the City set up a bank account that would be interest-bearing.

Commissioner Taylor asked if the City was losing out on interest because the request for the drawdown of the American Rescue Plan Act funds has not already been done.

City Manager Pate reported to the Commission that the City has already requested the drawdown of the American Rescue Plan Act funds, and that \$3.7 million has already been received in the City's accounts. The Manager added that the funds have not been placed in an interest-bearing account because the monies were just recently received.

Commissioner Taylor asked how the City would move forward, if the Commission chose to go with the Integrity Group for the management of the grant funds from the American Rescue Plan Act.

City Manager Pate informed the Commission that he will have individual conversations with each of them to see if they want to have further dialogue with the Integrity Group, and he will then review the documents they provide him with City Attorney Norris-Weeks.

Mayor Pigatt thanked the Integrity Group for doing their public presentation, recognizing that the funds from the American Rescue Plan Act can really change the face of the City. The Mayor noted that this is the first time since being on the dais that a company has come before the Commission to advocate for a contract, and he asked City Manager Pate how this would get around the competitive bidding process.

City Manager Pate explained that the Integrity Group had done business with other municipalities within the State of Florida, which he said qualifies them to potentially be awarded the contract without a formal request for proposals process.

Mr. Jeremy Tidwell explained that the State of Florida does a competitive bid process he believes every 4 years and chooses a handful to be on the State's term contract with the price being pre-established. Mr. Tidwell said that municipalities like Opa-locka can just put out a quote to some of those that have been given the State's term contract and choose from those based on whatever criteria the Commission puts forth.

Mayor Pigatt asked City Manager Pate to state for the record why the Integrity Group was chosen to present to the Commission and if there were going to be other companies that are going to present before them.

City Manager Pate informed the Commission that the Integrity Group contacted him to meet with him and do a public presentation, and the Manager said that he can't deny an organization that requests to do a public presentation.

Mayor Pigatt thanked the Integrity Group for their presentation and stated that the Commission wants to make sure that the process is fully transparent for the significant amount of funds that will be received from the American Rescue Plan Act, to ensure that they have a realistic impact and transform the community.

11. CITIZENS' FORUM:

(Opportunity for discussion of any concerns – please limit to 3 minutes)

City Clerk Joanna Flores announced the protocol for public participation at City Commission meetings and informed the Commission that there were no registrations for virtual comments.

Mayor Pigatt opened the Citizens' Forum, reminding those in the auditorium of the decorum policy.

Ms. Ivy Cromer of 920 Curtiss Drive yielded her 3 minutes to Retired Police Chief Cheryl Cason.

Ms. Patsy Williams of 2479 NW 60th Street yielded her 3 minutes to Retired Police Chief Cheryl Cason.

Retired Police Chief Cheryl Cason of 781 Curtiss Drive stated that she received several phone calls on her way to the meeting about the young lady who spoke at the last Commission Meeting, and she said that she was very afraid of the police. She asserted that freedom of speech is a constitutional right and offered to have the young lady speak before her, to help her feel comfortable.

Mayor Pigatt asked the young lady to state her name.

Ms. Francesca Gonzalez approached the podium and introduced herself to the Commission.

Mayor Pigatt stated that he wanted to let Ms. Francesca Gonzales know that she is completely safe and able to state whatever she needs to state. The Mayor said he was in her position 6 years ago, having felt threatened and he asserted that he will never let that happen as long as he is Mayor of the City.

Ms. Francesca Gonzalez stated that she is speaking on behalf of her mother Maribel Gonzalez whose business is located at 709 Opa-locka Boulevard. Francesca added that her mother did not want to attend because she's in fear after receiving a letter from Mr. Richard J. Diaz who is the attorney for Police Captain Sergio Perez. In the letter, Ms. Maribel Gonzalez stated that the letter she received was very intimidating, threatening to file suit against her for defamation. She also said in the letter that she was completely blindsided by the letter because she never even mentioned Captain Perez's name. By means of the letter, Ms. Maribel Gonzalez asked if citizens should expect retaliation from the City of Opa-locka and the Police Department when they speak up at the Commission's Citizen Forum. Expressing fear for her own safety and the safety of her family, in her letter Ms. Maribel Gonzalez requested that an internal affairs investigation be opened by the Opa-locka Police Department. She also informed the Commission that she would be seeking the advice of an attorney to file suit against the City of Opa-locka and Captain Sergio Perez, for violating her rights and safety. After reading the letter, Ms. Francesca Gonzalez shared that it is heartbreaking for her to see her mother at home crying and depressed because she doesn't know how to handle the situation, despite her having been in the City for 15 years and always supporting the Police Department.

Mayor Pigatt thanked Ms. Francesca Gonzalez, her mother and all those who have come before the Commission. The Mayor offered assurances that this will be taken care of and stressed that he has no tolerance whatsoever for any representative of Opa-locka's government threatening or intimidating people for doing their duty to come before the Commission. He recalled that 6 years ago, he was that young lady surrounded by the Police and threatened twice with going to jail and he lamented seeing this happening after he ran for office to bring a new generation of leadership to the Commission. The Mayor stated that he will personally call on the Florida Department of Law Enforcement to investigate whether the allegations are true. He asserted that as Mayor, he is going to fight to make sure that Opa-locka's government does not infringe upon any rights. Mayor Pigatt asked City Manager Pate if he was loud and clear.

City Manager Pate stated that Mayor Pigatt's statement is on record.

Commissioner Bass stated that she is dumbfounded, angry, embarrassed, hurt and some of every negative emotion that anyone can think of. The Commissioner asserted that this should not be happening in the City of Opa-locka, saying that she is about to fall on the floor hurting for the intimidation that Ms. Francesca Gonzalez and her family felt which left her in tears. Commissioner Bass added that it is ridiculous for Ms. Gonzalez's family to be intimidated by a Police Officer who's already all over the news for negativity. She strongly suggested that the City Manager handle it. The Commissioner lamented that this is nothing new in Opa-locka and asked when the new day that some voted for is going to start. She acknowledged that the Commission can't do it alone and they need the heads of

the City's Departments to help make this right, adding that it takes Opa-locka's citizens and residents to stand up and let their voices be heard despite some things offending the members of the Commission. Reminding everyone that this is the land of the free and the home of the brave, Commissioner Bass urged them to be brave and say what they have to say. The Commissioner acknowledged that she is angry and boisterous because the feelings of the residents of Opa-locka matter to her.

Police Chief Steven Barreira assured the Commission that prior to the announcement of the investigation, he had already been in contact with the Florida Department of Law Enforcement, and he said that the Opa-locka Police Department is cooperating fully with federal, state and local officials to ensure that all misconduct and inappropriate activities by members of his agency, are appropriately investigated and handled. Chief Barreira stated that outside entities were brought in to ensure impartial and thorough investigations.

Mayor Pigatt thanked Police Chief Barreira for going on record and making his statement. The Mayor also asked that Ms. Francesca Gonzalez is taken care of.

Vice Mayor Williams thanked Commissioner Bass and noted that she is sitting on the dais in tears on the inside and outside. The Vice Mayor shared that she knows how it feels to be bullied. She asked City Attorney Norris-Weeks if it is possible that the Commission can get a copy of the letter that was referenced by Ms. Francesca Gonzalez.

City Attorney Norris-Weeks stated that if Ms. Francesca Gonzalez shares the letter, the Commission is more than welcome to get a copy.

Commissioner Davis stated that he is very sad to see Ms. Francesca Gonzalez's emotions resulting from all the troubles that she and her mother have experienced through no fault of their own, but through the actions of the City. The Commissioner pointed out that the City is in the service delivery business, and it hasn't been on par for some time. Recalling having said it many times on the dais, Commissioner Davis reaffirmed his opinion that the Police Department needs change that is top-down. He lamented that looking at the situation, it seems that things haven't changed as much as they thought it had. The Commissioner asked City Manager Pate when they are going to see change. He expressed his hope that the Officers who aren't putting their best behavior forward, are held accountable because he said it is unacceptable. Commissioner Davis concluded by pointing out that the residents pay the Police Officer's salary and deserve respect.

Commissioner Taylor stated that his heart goes out to Ms. Francesca Gonzalez, for pouring her heart out. The Commissioner joined his colleagues in acknowledging that it doesn't feel good to be bullied and intimidated. He assured the residents of the City that the Commission has their back. Speaking for himself, Commissioner Taylor said they were elected to do a job and are on the dais to support residents and be their voice. He concluded

by offering assurances that he has an open-door policy, and the Commission will support residents and speak for them.

Retired Police Chief Cheryl Cason of 781 Curtiss Drive recalled that she has been a Police Officer in this great City since she was 23 years old. She said that City Manager Pate appointed a Police Captain, and that Captain was allegedly playing with a taser in the office structure of the professional Police Department. Asserting that there must be some truth to it because the Florida Department of Law Enforcement is investigating, she recalled that City Manager Pate had said at the September 8th Commission Meeting, that there was no truth to the anonymous letter that was sent about the matter, and he said that if it was untrue, he would resign. She told the Commission that they were elected to protect residents and they are going to protect them because they must protect each other. Reminding everyone that this is not a dictatorship, she lamented that a lot of Officers have come to her scared for their jobs because they are being intimidated in the workplace, and she said that it seems that they need their vests and guns for the inside and not to protect the community on the outside. She shared that despite a lot of people knowing about Ms. Francesca Gonzalez, and that the only reason the auditorium is not filled up is because of respect for the pandemic. Reminding the Commission that they must live in the City because they all share the same concerns, and they are on the dais to legislate to fix the issues of concern. She reported that she has paperwork from the Florida Department of Law Enforcement that doesn't list Police Chief Barreira but does list City Manager Pate as Public Safety Director. Acknowledging that Mr. Pate is the Public Safety Director but said that the playing with people needs to stop. She warned that more is coming that is deep, and that some officials are also playing with lives and dealing with the officers. Lamenting that according to the October 7th newspaper, the Deputy Chief was getting money from the Paycheck Protection Program, she pointed out that the program was for people who needed help to pay their workers because of their pandemic when people were out of their jobs and had to feed their families. She pointed out that Police and Medical Personnel always had jobs because they had to protect and serve and asserted that a liar is a thief. Retired Police Chief Cason said she is here and is going to be here because people can't keep looking at Opa-locka and laughing. Urging the City's leaders to be trustworthy, she stated that the Police Department is one of the most valuable departments that run the City. She also shared that she is glad that Mayor Pigatt chose to run for the Commission and said that she has had to defend him and didn't even know him that well. Confessing that she didn't like police at one point, as she said all don't at some point, she informed the Commission that she was born in the Triangle and became very good friends with the Chief of Police and then she joined the Police Department herself. She also urged Commissioner Taylor to hold his head up high regardless of what anybody says because he has the great legacy his mother left behind as a great lady that was the Mayor of Opa-locka for many years. Retired Police Chief Cason concluded by urging the Commission to do something to stop it.

Mayor Pigatt acknowledged that other citizens had yielded their time to Retired Police Chief Cason but reminded everyone that there is a 3-minute time limit for the comments addressed to the Commission during the Citizens Forum.

Mr. Brian Dennis of 2140 York Street stated that while everybody was pointing the finger at City Manager Pate, he is going to point it where he believes it needs to be pointed, at the middle seat where he said it started. Mr. Dennis purported that the City Manager was told to fire former Police Chief James Dobson, and that this would never have happened if the Chief had not been touched. He said that there's no reason why Ms. Francesca Gonzalez should have been crying because in his opinion, Officer Perez is no good. Mr. Dennis added that he has been looking at the Commission Meetings, and that the same attorneys that wouldn't use the City Charter are now advising the Commission on how to use the Charter. He accused Mayor Pigatt of envying former Mayor Taylor, suggesting that he wants to be like her which is why he said that he parks in the middle of the street. Recalling that he had said Mayor Pigatt will never get that type of respect from him, he called him arrogant and blamed everything that is wrong with the City on him, asserting that his statements are not slander.

Mayor Pigatt reminded everyone that there is a decorum policy at City of Opa-locka Commission Meetings, including not to be boisterous and to address the Commission as a body. He pointed out that any member of the public can speak to anybody on the dais one-on-one, and do not need the mic to make a scene.

Ms. Natasha Ervin of 670 Dunad Avenue said she was coming before the Commission on behalf of the Booster Club and the kids to thank the members of the Commission who came out to support the homecoming. Ms. Ervin stated that it was the first time she can remember that just about everybody was there. She also thanked City Manager Pate for the great donation he gave them, which she said was really appreciated.

Ms. Audrey Dominguez of 1147 Jann Avenue thanked Commissioners Bass and Taylor for recommending her to be on the advisory board for the Audit Committee. Ms. Dominguez informed the Commission that she was watching the meeting when the approval of her appointment did not pass because one Commissioner stated that someone with expertise is needed and that she is not the right fit. She shared that she has been working for a college for the past 23 years, and before that worked with credit and collections, doing end-of-month reports, internal audits, accounts payable and receivable in her roles as a credit manager assistant as well as a teller. Ms. Dominguez also said that she worked with Currency Transaction Reports of suspicious transactions which were sent to the Internal Revenue Service. Assuring the Commission that she knows how to work with numbers, Ms. Dominguez urged the Commission to do research and ask her for her qualifications and resume. Ms. Dominguez pointed out that there are 3 Civil Service Board

openings, 4 Community Relations Board openings, 2 Fair Housing & Nuisance Abatement Board openings, and 1 Planning & Zoning Board opening. She also recalled that she had put in her request to be on one of the boards on 3 occasions, and every time she was turned down by Mayor Pigatt. Ms. Dominguez stated that had it not been for the late Commissioner Burke and Commissioner Taylor, she would not have been approved to be on the Planning & Zoning Board. She urged the State of Florida to review why all the boards are open, and qualified residents interested in being on the boards are being rejected. Ms. Dominguez also noted that there's a lot of news regarding the Police Department incident, and she asserted that the City can't go based on hearsay because she said the media gets paid to say all these negative things and urged the Commission to allow the Police Chief to do his job, with his 30 years of experience.

Ms. Dorothy Johnson of 13724 NW 22nd Place stated that she is totally speechless and is embarrassed again. Ms. Johnson said that tonight everybody loves public safety, but in the budget meeting, she said that 3 of the members of the Commission voted to reduce the Police Department. She warned the Commission not to play with her because she is very experienced and intelligent with an IQ of 162. Ms. Johnson asserted that she will never vote for them again and if she has her way, she will tell others to check their voting record. Acknowledging that Code Enforcement is needed at night and on the weekend, but before the City does that, she recommended that the Commission see what has not been given to Miami-Dade County. Ms. Johnson suggested that Miami Shores Village is a good model to follow. Recalling that the Commission went back and forth about the proposed vehicle replacements, she said that you can hear the raggedy cars before you see them, adding that she feels they are filthy, and the seats have holes in them. She pointed out that she has been asking for over a year why the City Clerk does not have a contract, despite her being 1 of 3 of the Commission's employees, urging them to take initiative and do the right thing. Ms. Johnson also reported that there are 4 trees that have been down for at least 6 months on 37th avenue in the median. She said that she can call but is not going to do it anymore because she said that if they don't care, she is going to care in a different way. Ms. Johnson concluded by asking God to richly bless the Commission on their decision, stating that they must get it together because she feels there is not a good representation of leadership.

There being no additional persons to address the Commission, Mayor Pigatt closed the public input portion of Citizen's Forum and opened the floor for any comments from the Commission about the items addressed by the members of the public.

Commissioner Davis addressed the comments made by Ms. Audrey Dominguez, recalling that he was the Commissioner that made the comments about having expertise to serve in a consulting capacity on the Audit Committee. The Commissioner stated that he is familiar with her background, remembering from the campaign trail that she worked at Miami-Dade College. He stated that the qualifications for the board were changed a few years back,

and the Commission was looking for an auditor with auditing experience, which is why he said he made those comments.

Commissioner Taylor stated that the meeting has been very rough, but he thanked God for the good news from the Booster Club, recalling that he was able to attend the homecoming and said it was good to see the community rally behind our children. The Commissioner commended the Booster Club and the Parks & Recreation Director who put together the homecoming event.

Mayor Pigatt stated that the Citizen's Forum is the sacred duty of the Commission, and he expressed his appreciation for all those who came before the board, especially Retired Police Chief Cheryl Cason and Ms. Francesca Gonzalez, urging them to continue to come to share their insights. The Mayor also addressed Ms. Dorothy Johnson's statement about the reduction of the Police Department, pointing out that the Commission increased the Police Department Staff by 2 Sworn Officers and 5 Non-sworn Officers. He clarified that the edit made to the proposed budget was to put more people out on the streets to pick up the trash and trees, to make sure there was an investment so that the City is also clean and beautified. The Mayor also shared that the Commission put funding into the approved budget to replace a significant number of vehicles throughout the Police force, Public Works Department and Code Enforcement Department. Addressing the appointments to the City's boards, Mayor Pigatt continued to encourage people to apply, reminding his colleagues on the Commission that they all have individual appointments and can appoint whoever they deem necessary, in addition to the few at large board positions that take a vote of the whole Commission. The Mayor also addressed the comments about the hiring and firing of Police, noting that no one on the Commission dais can make any decision alone because those decisions must be made as a Commission body, and that the City Manager is the Chief Executive Officer and makes all the hiring, firing and promotion decisions in the City. He asserted that as individuals, it is illegal for the Commission to do that, and they are not going to do anything improper as elected officials. The Mayor thanked those who participated in Citizens Forum, and urged them to continue observing decorum, stressing that the nature and face of Opa-locka's government are changed by the individual actions of employees doing better, citizens being engaged and the elected officials making good decisions on behalf of the people. He concluded by reminding his colleagues that they all came to the dais and fought to bring a new day and expressed his confidence that they will see that through.

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

There were none.

13. ADMINISTRATION:

CONSENT AGENDA:

1. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES BUREAU OF FINANCE AND ACCOUNTING FOR TWELVE THOUSAND DOLLARS (\$12,000.00) TO BE USED TO DEVELOP COMMUNITY GARDENS AT SEGAL PARK AND SHERBONDY VILLAGE PARK, WITHIN THE CITY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager***
2. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, RATIFYING EXECUTION OF A SETTLEMENT AGREEMENT IN THE CASE OF GEORGE SUAREZ, ET AL. V. CITY OF OPA-LOCKA, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by City Manager and City Attorney***

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

14. NEW ITEMS:

There were none.

15. PLANNING & ZONING:

A. PUBLIC HEARINGS:

There were none.

B. APPEALS:

There were none.

16. ORDINANCES/RESOLUTIONS/PUBLIC HEARINGS:

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

1. **AN ORDINANCE OF THE CITY OF OPA-LOCKA, FLORIDA, ESTABLISHING A CHARTER REVIEW BOARD FOR THE CITY OF OPA-LOCKA, FLORIDA; PROVIDING FOR METHOD OF**

**APPOINTMENT AND COMPOSITION OF THE BOARD;
ESTABLISHING MEMBERSHIP, TERMS, DUTIES AND
RESPONSIBILITIES OF THE BOARD; PROVIDING FOR
INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT
AND REPEALER; PROVIDING FOR CODIFICATION AND
SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

*Sponsored by Commissioner Taylor, Mayor Pigatt, Vice Mayor Williams
and Commissioner Davis*

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

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

Ms. Dorothy Johnson of 13724 NW 22nd Place commended the Commission for sponsoring the proposed ordinance to establish a Charter Review Board and offered several suggestions, pointing out that they want to have it on the ballot in 2022, and stressing that it does take time to make that progress.

There being no additional members of the public to address the Commission, Mayor Pigatt closed the Public Hearing for Agenda Item 16-A-1.

It was moved by Commissioner Taylor, seconded by Vice Mayor Williams to discuss Agenda Item 16-A-1.

Mayor Pigatt asked Commissioner Taylor to introduce Agenda Item 16-A-1.

Commissioner Taylor stated that he is happy to sponsor the legislation proposed in Agenda Item 16-A-1 so that the citizens of Opa-locka can be heard like Ms. Dorothy Johnson said, acknowledging that there are a lot of things that the citizens would like to see updated in the Charter.

Vice Mayor Williams thanked Commissioner Taylor for sponsoring the legislation to establish the Charter Review Board, and she also thanked Mayor Pigatt and Commissioner Davis for co-sponsoring it, recalling that it was a discussion many days on the campaign trail. The Vice Mayor asked if Commissioner Bass would also like to co-sponsor the legislation, pointing out that it would be great to have all the members of the Commission sponsoring it.

Commissioner Bass acknowledged that the Charter Review Board is needed.

Vice Mayor Williams asked City Clerk Joanna Flores to add Commissioner Bass as a co-sponsor of the legislation proposed in Agenda Item 16-A-1.

Mayor Pigatt proposed that the proposed legislation be amended to add 2 advisory seats to the Charter Review Board, similar to what the City has in the Audit Committee. The Mayor shared that he would like to rely on some experts and that he spoke to the President of St. Thomas University.

Commissioner Taylor stated that he did not mind that Mayor Pigatt's proposed amendment be added to his sponsored legislation.

Mayor Pigatt recognized that the legislation to establish the Charter Review Board, states that the 5 members shall serve without compensation, but sufficient funds will be provided by the City Commission, and he asked what funds are available to provide a reasonable and necessary budget.

City Manager Pate stated that he will have to consult with the Budget Department because he doesn't know where the funds for the Charter Review Board have come from historically.

Mayor Pigatt pointed out that the Charter is the City's founding and main governing document. The Mayor recalled that through many of the City's audits, there has been a lot of talk about updating the Charter, so that Opa-locka operates at the highest standards of a municipal government. He offered to contribute any funds that are allotted to him as Mayor, so that if the Charter Review Board needs to conduct a study or produce reports, that it has the people to guide the board with the best advice and is properly funded.

City Manager Pate assured the Commission that his Office has no problem ensuring that the Charter Review process is funded appropriately without taking from other funds. The City Manager said that if can get a cost estimate of what was spent last time during the process, it would be a dollar amount to start from and can be expanded from there as the Board looks at the scope of the changes that are going to be made.

Mayor Pigatt said that he thinks it's important to look at what other cities that are thriving have spent on their charter review and compare that to what was done in the past in the City of Opa-locka. The Mayor asked if it was necessary to make a motion to direct City Manager Pate to present before the Commission a report comparing the charter review budgets of other cities to what Opa-locka spent last time.

City Manager Pate stated that he will work jointly with City Clerk Flores to poll cities and determine the dollar amount for the Charter Review Board's budget, assuring the Commission that their direction is not needed.

Mayor Pigatt asked City Clerk Flores when the recommendations for the next election ballot in November of 2022, need to be done by.

City Clerk Flores stated that the deadline for ballot recommendations is normally in July, and she committed to getting the information to the Commission.

Mayor Pigatt noted that there are less than 9 months to get the Charter Review Board appointed, supported and funded to put something on the ballot. The Mayor asked Commissioner Taylor when he wants to make those appointments so the board can be determined and a timeline for City Manager Pate to submit the budget can be provided.

Commissioner Taylor asked Mayor Pigatt to let the process work, stating that once the Commission gets the information from the City Manager and City Clerk based on the questions that were asked, they can go ahead and start appointing people. The Commissioner also pointed out that the ordinance proposed in Agenda Item 16-A-1 still needs to come before the Commission for second reading, and he suggested that it probably won't be until November when the Commission makes the appointments to the Charter Review Board.

City Attorney Norris-Weeks asked if the 2 people that will be appointed to the Charter Review Board from the university, would be voting or non-voting members.

Commissioner Taylor stated that the advisors to the Charter Review Board should be non-voting because they shouldn't be able to tell us what to do in our community and should just advise.

City Clerk Flores clarified that second reading for the proposed legislation to establish the Charter Review Board, would not be until the first meeting in November because the deadline for advertising of the next meeting was at noon.

There being no additional discussion, the ordinance proposed in Agenda Item 16-A-1 passed first reading by a 5-0 vote.

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

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

1. **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, APPROVING A REQUEST FROM AMDI USA, INC. TO CLOSE, VACATE AND ABANDON A PORTION OF NW 130TH STREET BETWEEN NW 30TH AVENUE AND NW 30TH COURT AND A PORTION OF NW 30TH COURT BETWEEN NW 130TH STREET AND NW 131ST STREET FOR THE OPERATION OF A CONCRETE BATCHING PLANT AND FINISHED CONCRETE PRODUCTION COMPANY FACILITY ON THE PROPERTY LOCATED AT 13050 NW 30TH AVENUE AND IDENTIFIED BY FOLIOS 08-2128-002-0020, 08-2128-002-0030, 08-2128-002-0040, 08-2128-002-0050, 08-2128-002-0060, 08-2128-002-0090, 08-2128-004-0380, AND 08-2128-004-0330, IN THE I-2 ZONING DISTRICT; PROVIDING FOR AN EFFECTIVE DATE (first reading/public hearing held on September 22, 2021).** *Sponsored by City Manager*

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

City Attorney Norris-Weeks recommended that City Staff deliver their report before the Commission before the Public Hearing.

Planning & Community Development Director Gregory Gay stated that the ordinance included in Agenda Item 16-B-1, proposes the approval of a vacation request. Mr. Gay pointed out that the property is in the southern portion of the City in an industrial area. He recalled that during the first reading of the item, the main concern that was expressed was the amount that was offered to be paid for the property. Mr. Gay reminded the Commission that the right of way is approximately 11,360 square feet with the initial offer being a little less than \$95,000. He reported that the appraisal provided gave variables from \$8 up to \$30 per square foot and said that the highest appraisal raised the price to the \$300,000 range. Mr. Gay informed the Commission that his Department reviewed the information from the appraisal, and he said that it took into consideration properties that had buildings on them, pointing out that the property being requested to be vacated is unimproved. Mr. Gay told the Commission that the amount offered for the property was increased to \$200,000 which is approximately \$18 per square foot. He stated that the benefit of vacating the property would be the increase of square footage of the property through the replatting process and unification of 8 parcels, which he noted would increase the property tax revenue for the City. Based on that information, Mr. Gay reported that the Staff from his Department recommends approval of the vacation of the right-of-way. Mr. Gay added that once the vacation is done, it will

be required to declare the property as being considered surplus and to accept the offer amount if the Commission so chooses.

Mayor Pigatt asked Planning & Community Development Director Gregory Gay what he meant by his statement that the land is unimproved on the property being requested to be vacated, as proposed in Agenda Item 16-B-1.

Planning & Community Development Director Gregory Gay explained that even through the property being requested to be vacated is a right-of-way, there is no roadway on the 30th Court side and is basically raw land with no curb, gutters or infrastructure improvements. Mr. Gay did note that the section that's on 130th Street is an improved section, but that the primary area is unimproved which he said means that there are no improvements that would increase the value of the property.

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

Mr. Marc Cooper of 25th Avenue Warehouse LLC, located at 15060 NW 22nd Avenue stated that he has been in the City of Opa-locka for 11 years, and recognized this as a high point and thanked all the members of the Commission for taking a lot of time and dealing with the public, stating that he is sure it's not easy. Mr. Cooper accused Planning & Community Development Director Gregory Gay of misinforming the Commission, presenting them with a package and picture of unimproved raw land and stating his opinion that the property being proposed to be vacated in Agenda Item 16-B-1 is not raw land and has a much higher value. He said that he is not against the land being sold, but that he does not want to go back to 2010 when he got here, and he said the City was being fleeced. Mr. Cooper shared his view that the business requesting the vacation has been using the street for the last 20 years, hasn't paid taxes, is trespassing, basically foisted an improvement on the street and now wants to take it. He expressed that he doesn't know why Mr. Gay did not explain that there is a structure on there when Mayor Pigatt asked if he could drive through the street and the engineer said he could if he had a Land Rover because of the rocks. He urged the Commission to not approve the request to vacate the property and recommended that the Commission be given not just the boundary survey, but also a topographical survey which would tell them exactly what's on the street so they can make an educated decision.

Mr. Dwayne Dickerson introduced himself as an attorney with the Dunay, Miskel, Backman law firm with their offices located at 14 SE 4th Street in Boca Raton, speaking on behalf of the applicant for the proposed vacation and his law partner Ms. Hope Calhoun. He stated that he is not privy to the information that Mr. Marc Cooper shared with the Commission but expressed his confidence that they've

worked very closely with City Manager Pate, Planning & Community Development Director Gregory Gay and City Staff on the survey of the property being proposed to be vacated. Presenting an aerial image of the property which he said had been provided to City Staff, Mr. Dickerson pointed out that the 2 rights of way that are being proposed to be vacated include NW 130th Street and NW 30th Court. He addressed Mayor Pigatt's question about the meaning of unimproved and stated that it means there's no asphalt or gutter and is not what would be considered a traditional right-of-way or road that you would drive a vehicle on, even though it has a street name. Mr. Dickerson assured the Commission that City Staff knows exactly what's there on the property and stated that they believe the vacation is the safe way to move forward because they do not believe it's appropriate to have it as a street for general public use considering it is an industrial property with industrial uses. He said that initially \$95,000 was offered because a portion of the property is for the right-of-way that the City will use, but that after working with City Staff and making sure that they did what's in the best interest of the City, they increased the offer to \$200,000. Mr. Dickerson assured the Commission that they believe that is a fair market value and that the correspondence was provided to Mr. Gay and was now a part of the Commission's record. He concluded that as part of the process, there were several other applications and site plans to make sure the property was brought into compliance and met the City's land development regulations, which he stated they are confident it does now with the vacation being part of the final piece.

There being no additional members of the public to address the Commission, Mayor Pigatt closed the Public Hearing for Agenda Item 16-B-1.

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

Mayor Pigatt asked if any members of the Commission had any conflicts of interest with Agenda Item 16-B-1, but hearing none, he opened the floor for discussion of the proposed ordinance.

Commissioner Taylor asked who conducted the survey of the property being proposed to be vacated and came up with the value of \$200,000 or \$18 per square foot.

Planning & Community Development Director Gregory Gay informed the Commission that the amount of \$200,000 or \$18 per square foot was based on the information that the applicant for the vacation of the property, provided when they purchased the business operation. Mr. Gay recalled that the purchase price for the property was about \$24 per square foot with all the buildings and silos included.

He added that the initial offer of \$95,000 was also considered, and that the vacation applicant said they were making an offer that is the highest and best allocation. Based on his Department's evaluation, his Staff concurs with the amount of \$200,000 as offered.

Commissioner Taylor asked if the property that they were being shown by Mr. Marc Cooper, which has cement on it, is not considered improved. The Commissioner expressed he is uneasy about it and asked if Planning & Community Development Director Gregory Gay has pictures to prove that the land is unimproved.

Planning & Community Development Director Gregory Gay stated that the photograph that Mr. Marc Cooper showed the Commission is a little skewed because it is showing the property's entry point and is not exactly where the roadway vacation is proposed to take place, which he said is a little bit further to the west. Mr. Gay added that the building is not on the right-of-way. He also acknowledged that it is not bare land, and said that with it being a concrete operation, the spill off of concrete has lasted over the years since the business has been in operation. Mr. Gay said that the Staff from his Department has been out to the site, but he doesn't know if they have pictures to show where the right-of-way would be.

Commissioner Davis followed up on Commissioner Taylor's points and noted that Mr. Marc Cooper said a survey should have been done to identify the physical features of the existing land. The Commissioner asked if a survey had been provided by the applicant for the vacation.

Planning & Community Development Director Gregory Gay reminded the Commission that a survey was provided by the applicant for the vacation, and it was included in the items that were previously approved. Mr. Gay added that he is not aware if the type of survey that Mr. Marc Cooper spoke about, was provided.

Commissioner Davis said that based on his knowledge, he doesn't think the Commission had any indication that there's something impeding the roadway on the property that is being proposed to be vacated. Noting that the original estimate for the value of the property was between \$8 and \$30 per square foot and that the offer of \$18 per square foot for a total of \$200,000 is still a little over half of the highest original estimate, the Commissioner asked if the applicant for the vacation is open to negotiate the dollar amount.

Planning & Community Development Director Gregory Gay informed the Commission that there was an attempt to be negotiable during the discussion he had

with the legal counsel for the applicant for the vacation. Mr. Gay reported that he recommended a value higher than \$200,000 but the attorneys for the applicant came back and said that it was the highest offer they were willing to make. He stated that he doesn't know if their position has changed and said that the Commission can ask them that question.

Commissioner Davis stated that during its first reading, he voted to approve the request to vacate the property as proposed in Agenda Item 16-B-1 with the hope that the applicant would return with an offer to pay a higher amount for the property. The Commissioner expressed his opinion that the applicant could and should pay a little more than the \$200,000 that was offered, and he shared his concern about the uncertainty over what has been inhabited on the land for this long period of time.

Commissioner Bass stated that she is feeling the same way as Commissioner Davis, also acknowledging that during first reading, she supported the request to vacate the property as proposed in Agenda Item 16-B-1. The Commissioner expressed that she is very uncomfortable because there are conflicting reports and said she would like to see the space. Commissioner Bass added that she was hoping that the price offered for the property would be better.

City Manager Pate requested to defer Agenda Item 16-B-1.

Mayor Pigatt stated that the Commission would consider City Manager Pate's request to defer Agenda Item 16-B-1 after he speaks and asked Vice Mayor Williams if she had anything to say.

Vice Mayor Williams stated that sometimes she is conflicted because she is not sure if City Staff is working for the business that wants to come into the City or are doing what's best for the City. The Vice Mayor said that in the future, she would like to hear the good, the bad and the indifferent on a project, adding that sometimes she gets uncomfortable because it feels like a sales pitch. She also thanked Mr. Marc Cooper for bringing the information he presented to the Commission.

Mayor Pigatt thanked Mr. Marc Cooper for presenting the information he shared with the Commission, to affirm many of the things he pointed out during the last Commission meeting. The Mayor recalled that one of the very first questions he asked Management on the item was how it benefits the community and why he hadn't received the permits and occupational licenses that he has requested for months as a public records request during the public meetings. He recalled that at the last meeting, he was told that they were readily available and asked City Manager Pate why he has yet to receive them.

City Manager Pate stated that he thinks the information Mayor Pigatt requested was pulled and apologized if the Mayor didn't receive it. The City Manager offered assurances that there is no reason to withhold the information and that he will have it investigated by Planning & Community Development Director Gregory Gay.

Mayor Pigatt pointed out that the request to vacate the property as proposed in Agenda Item 16-B-1 came before them months ago, asserting that he has a problem with Management and Administration misinforming the Commission and not providing them the information they need to make proper decisions. The Mayor pointed out that if you go to the aerial view on Google Maps, you will see that the property has developed on the land years ago. Additionally, he pointed out that they have blocked off 131st and made it inaccessible the way they park their cars and trucks. He expressed his hope that the Commission can get the information to find out whether there was a permit for what was done on the property. The Mayor said that the conditions of the site are deplorable, including the fence and roads around it which have been messed up because of the heavy trucks. Asserting that he does not support the item because it is unacceptable in his vision for Opa-locka, he added that he wishes that his words are not completely overlooked and that he is not the sole no vote. The Mayor also said that if anyone ever goes around and asks the people that live around the area, they will tell you some stories about the company requesting the vacation.

City Manager Pate restated that he is requesting a deferral of Agenda Item 16-B-1 and that he will make sure the Commission gets the information that was requested in the morning. The City Manager asked if there is any other specific information that the Commission needs regarding the property requesting the vacation.

Mayor Pigatt stated that he thinks it would be very helpful to decide on the item proposed in Agenda Item 16-B-1, if the Commission is provided with pictures of the land that is being proposed to be vacated, as Commissioner Taylor suggested, in addition to a topographical survey and the building permits. The Mayor also noted that Commissioner Bass requested a tour of the area. Mayor Pigatt concluded by acknowledging the deferment of Agenda Item 16-B-1.

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 was under the weather and has no report to provide the Commission. The City Manager asked to be excused upon the movement of this section of the meeting.

Mayor Pigatt asked if the Commission had any questions for City Manager Pate.

Commissioner Bass asked why she has not been notified when something happens in the City, as she was in the past. The Commissioner stated that she is being notified by hearing it or reading about it from others and said she is lost. She asserted that the members of the Commission represent the City and would like to know when something happens in the City.

City Manager Pate assured Commissioner Bass that he will check with the Information Technology Department to see if she is in the flash traffic system. The City Manager said that every elected official gets a group email, and he expressed his apologies in advance because it may have been a glitch where she was not reincorporated into the system. He offered to call Commissioner Bass if something happens, to make sure she received the email.

Mayor Pigatt asked if her concern was just about the flash traffic system updates or if she was also not being notified about investigations and things that are hitting the newspaper.

Commissioner Bass stated that she is not receiving any of it and that the only information she gets is from the City Clerk.

Mayor Pigatt echoed the sentiments expressed by Commissioner Bass, recalling that since January he has been speaking about getting information from Management. The Mayor asserted that he thinks it is very important that the elected officials are made aware of investigations, major incidents and updates, and that they shouldn't be finding out about them when they hit the newspaper. He stated that the Commission should be thoroughly briefed on these things so that they are clear about the City's position, so that when they are asked a question, they know how to respond. The Mayor lamented that it is very difficult not having information supplied to them as elected officials. He also recalled that since January, the Commission has been talking about doing an evaluation of the challenges within the Human Resources Department and that City Manager Pate informed them last month that he was going to do an assessment. The Mayor said that after the last Commission Meeting, they were sent an email stating that Mr. Pate had selected a company to complete the assessment, and he asked what the process was for vetting the company, what the amount of the contract was and why it didn't go through a competitive bidding process.

City Manager Pate informed the Commission that the contract for the company that will complete the assessment of the Human Resources Department is under \$12,000 and thus competitive bidding is not required. The City Manager stated that the contract has been executed based on his authority, and that the Human Resources Department is gathering the documentation needed for the assessment, with the on-site visits beginning in November.

Mayor Pigatt asked how the company that will complete the assessment of the Human Resources Department was selected.

City Manager Pate stated that the company that will complete the assessment of the Human Resources Department was selected based on his research which led him to make a determination on the best company to do the job.

Mayor Pigatt said that he sees the company that City Manager Pate selected to complete the assessment of the Human Resources Department, is from the Midwest and has done a lot of work in Connecticut. The Mayor asked if they have done any work with the laws in the state of Florida.

City Manager Pate informed the Commission that the company that he selected to complete the assessment of the Human Resources Department has completed multiple executive searches in the State of Florida and within the region. While he said that this is the first time they complete an assessment of a Human Resources Department in the region, the City Manager assured the Commission that the members of the team coming down for the assessment are Human Resource professionals with over 30 years of experience. Mr. Pate also pointed out that Human Resource work is nationally standardized based on national accreditation. He said that he has answered all of Mayor Pigatt's questions to the best of his ability and has no problem taking further inquiry offline.

Mayor Pigatt stated that he is a transparent elected official. The Mayor asserted that the assessment of the Human Resources Department is important to the development of the City, pointing out that the department had one of the highest levels of findings as determined by the operational audit, in addition to Staff positions having been open for months with some for almost a year, plus the challenges with staff increases and the evaluation of all employees. Mayor Pigatt asked City Manager Pate to clarify if the company that will complete the assessment of the Human Resources Department, is going to bring a whole team down to address all the audit findings including the evaluation system, in addition to updating the department's policies and procedures, for just \$12,000.

City Manager Pate stated that the company that will complete the assessment of the Human Resources Department will evaluate the department to provide recommendations, and he said that at that point, he will investigate what further engagement is needed. The City Manager offered to halt the process and move forward in a different direction if it is the will of the Mayor or of the entire Commission.

Mayor Pigatt stated that he is not going to be set up to direct City Manager Pate, but he said he is going to do his duty as an elected official to ask questions and bring to light things that are happening within the City. The Mayor said he asked his questions to make sure it is on record. He said he got a few pages of documents but would love to see documentation including the

contract and the scope of services, to make clear that the company that will assess the Human Resources Department will address the issues.

18. OFFICIAL BOARD REPORTS:

There were none.

19. FUTURE AGENDA ITEMS:

Vice Mayor Williams recalled that at a recent meeting, the Commission discussed HB 1 and she wanted to consider joining the litigation against the law, at no cost to the City.

Mayor Pigatt recalled that the Commission voted during a previous meeting, to have the item supporting the litigation against HB 1, come before them. The Mayor asked what the status was on the item.

Assistant City Manager George Ellis stated that he didn't have an update on the status of the item supporting the litigation against HB 1. The Assistant City Manager said that he didn't remember the Manager's Office being given any directive in relation to that.

City Clerk Flores stated that she would go back into the record and listen to the audio and would report back to the Commission on the item supporting the litigation against HB 1.

Mayor Pigatt recalled that at the last Commission meeting, they had a very long discussion about accommodations for City Manager Pate to work from home. The Mayor shared that the next morning, the Commission received an email from the City Manager stating that he was requesting to work from home for non-medical reasons, and that because there is no policy related to time and attendance for appointed officials, he assumed that he can approve the request himself. Mayor Pigatt made a motion to direct City Attorney Norris-Weeks to put together a work from home policy for appointed officials, and the motion was seconded by Commissioner Bass.

City Attorney Norris-Weeks recalled that the request to put together a work from home policy for appointed officials had previously come up through Commissioner Davis, and she explained that she had spoken with him about the issue and recommended that the Commission schedule a workshop to discuss it. The City Attorney reported that she had done some research in addition to research done by City Clerk Flores, and she stated that the Commission must align the policy with how other employees are being treated in the ADT system and how leave is conducted. She also pointed out that it may call into question what the Manager's contract states, and she said that it will require input from the Commission. Ms. Norris-Weeks also suggested that the review of the Human Resources Department might provide an opportunity to get some answers.

Mayor Pigatt asked if the item proposed by Commissioner Davis that had already been passed by the Commission as a future agenda item, could address the work from home policy and specifically

the instance where City Manager Pate stated that because there was no policy, he could take it upon himself to approve his request to work from home without any medical necessity.

City Attorney Norris-Weeks stated that the work from home policy addressing the instance with City Manager Pate approving his request to work from home without any medical necessity, could be included in the future agenda item proposed by Commissioner Davis, which was already approved by the Commission.

Mayor Pigatt withdrew his motion to direct City Attorney Norris-Weeks to put together a work from home policy for appointed officials. Mayor Pigatt made a motion to have the meeting to discuss the item proposed by Commissioner Davis within the next 30 days, with the Human Resources Director and City Attorney having all the documentation and legislation with proposed language before the Commission, and the motion was seconded by Commissioner Davis.

City Attorney Norris-Weeks stated that the Commission is going to have to decide what they want the language to look like. The City Attorney said that most cities don't have this issue, with the municipal professionals coming to work and those who have leave, put it in the system without any issues.

Mayor Pigatt stated that he does not want to go into a workshop without proposed language and options from other cities which the Commission can review, adding that he would hate to go to another meeting just to talk. The Mayor noted that the members of the Commission are not experts and he asserted that the only thing they want is for the City Manager to show up to work or let the Commission know. Lamenting that the process is unfortunate, the Mayor pointed out that Mr. Pate has attorneys coming to meetings regarding this. He asserted that he does not want to have to try and figure out the proper legal language to make sure that the City is protected.

There being no further 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

Mayor Pigatt stated that he would like for the Commission to discuss the City Manager's evaluation. The Mayor noted that the Commission had a discussion in the past year but did not complete the evaluation with the legislation to address it failing. He pointed out that the next evaluation period is about 6 months out, and he would like to hear especially from those that dissented last time, about how the Commission can go about making sure that they are doing their due diligence in this area.

Commissioner Davis recalled that the Commission had a point of concern with the tool that would be used to evaluate the City Manager. The Commissioner stated that he didn't have a problem with the tool initially, but he said that when it was brought up by his colleagues, he acknowledged that it is a little bit antiquated and could go through an update. He suggested that if the Commission can come to some sort of consensus, he stated that he still has the same position.

Vice Mayor Williams reminded the Commission that she created an evaluation tool for the City Manager because it was more than 10 years old, and several meetings had gone by without one. The Vice Mayor stated that the evaluation tool does not belong to one person and suggested that the Commission needs to revisit the evaluation tool to make sure they all agree on it. She asked City Clerk Flores to go back and send it to the Commission again, noting that they are again at a crossroads and need to decide on what they're going to do.

Commissioner Taylor acknowledged that the evaluation of the City Manager is needed but said that he doesn't want it to look like the Commission is targeting a person. The Commissioner asked if there is legislation that addresses evaluations for all appointed officials.

Mayor Pigatt read the provisions in City Manager Pate's contract pertaining to his evaluation, noting that it was provided to the Commission during the many discussions about the evaluation. The Mayor stated that he is at a loss with the narrative about targeting that continues to be promoted. He reminded the Commission that they have a duty to evaluate the performance of the City Manager at least once every fiscal year, and he pointed out that when it came time to do it during the last period, some people on the dais didn't want to go through with the evaluation and it failed. As Mayor, he said that he wants to make sure the Commission does its duty and offered to print out the language in the Manager's contract again if needed.

Commissioner Taylor stated that he was in the middle of his sentence when Mayor Pigatt cut him off. The Commissioner also said that every meeting the Commission has had, they spend more time talking about City Manager Pate than they spend talking about the business of the City, which is why he said it seems targeted. He acknowledged that Mayor Pigatt was right when he stated that the Commission dropped the ball on the City Manager's evaluation, but he pointed out that no one stopped anyone on the board from conducting their own evaluation and submitting it to City Clerk Flores to put their opinion of the Manager on the record. Commissioner Taylor noted that the meeting had been over for almost an hour and the Commission has just been talking about the Manager. He concluded by asserting that it's getting old and seems personal, reminding his colleagues that they ran for office to support Opa-locka's residents but he said that fighting with the Manager doesn't do that.

Mayor Pigatt informed the Commission that he has a signed evaluation of City Manager Pate that he completed, adding that the only reason it was not submitted was because the Commission was in the process of extending the evaluation period and bringing in a new evaluation tool, and he said he did that out of respect for making sure the evaluation protocol is put in place. The Mayor

said that Commissioner Taylor is right that it is sad that the Commission had to talk about this, but that if they could just do the evaluation, they wouldn't have the discussion.

Vice Mayor Williams asked to halt the speeches and said that the Commission must talk about the evaluations for all Charter Members, which she suggested would make the board feel more comfortable that no one is being targeted. The Vice Mayor asked Mayor Pigatt why he never brings up anyone else's evaluation and only brings up City Manager Pate's evaluation.

Mayor Pigatt pointed out that as Ms. Dorothy Johnson said, the City does not have a contract with the City Clerk and he said that there is not a detailed evaluation period for the City Attorney, but that under the City Manager's contract there is a time stipulated for the evaluation. The Mayor assured the Commission that he is completely in agreement that everyone needs to be evaluated and thinks that it is something they need to do as a Commission. He concluded by urging his colleagues to do their duty.

Commissioner Davis recalled that he has said several times before that the Commission shouldn't just evaluate 1 Appointed Employee when they have 3. The Commissioner pointed out that he has been in support of having City Manager Pate go through the evaluation process, holding him accountable and ultimately having that translate down to the Department level and to the day-to-day Employees. He also said that the Commission was on track to evaluate the Manager, but the discussion about the evaluation tool delayed the process.

Mayor Pigatt made a motion to schedule a workshop to establish evaluation protocols for all the City's Appointed Officials, and the motion was seconded by Commissioner Bass.

There being no additional 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

City Clerk Flores stated for the record that the future agenda item for HB 1 passed unanimously at the Commission Meeting on September 22nd.

Mayor Pigatt asked if the Commission wanted to schedule a workshop to discuss joining the litigation against HB 1 or if they wanted the proposed legislation to come before them as a future agenda item, pointing out that the Commission had already passed it and when they pass legislation it goes to the City Manager's office, assuring his colleagues that he is not targeting anyone.

Commissioner Taylor asked Mayor Pigatt to not be immature or condescending, stating that he doesn't like it when it's done to him, and he shouldn't do it to anybody else either.

Mayor Pigatt pointed out that because he did not hear consensus from the Commission on scheduling a workshop to discuss the litigation against HB 1, there won't be a workshop and it will be on the next Commission Meeting Agenda.

20. MAYOR/COMMISSION REPORTS:

Commissioner Davis reported that last week he had the opportunity to visit some of the local participants within the newly established home rehabilitation program. The Commissioner shared that he's always been an advocate of housing concerns including improvements and beautification. He pointed out that much of Opa-locka's housing is outdated because it was built in the 40s and 50s. Expressing his excitement to see the partnership with the Greater Miami Service Corps, making possible the rehabilitation of 7 homes, he said that the residents were also excited and grateful. The Commissioner shared that most of the improvements were basic beautification efforts, including painting and landscaping, but many of the residents provided extra rehabilitation such as adding high impact windows to their property, and he noted that development and beautification creates a domino effect. Commissioner Davis offered assurances that the program will have his future support and he thanked Miami-Dade County Mayor Daniella Levine Cava for being instrumental in bringing the Cares Act dollars to the City.

Commissioner Taylor thanked Commissioner Davis for helping to bring Cares Act funds to the City. The Commissioner also invited everyone to CONGA-LOCA, the first annual Hispanic street festival that will bring the Latin community together to celebrate their heritage. He said that the event will be in front of the City Hall municipal complex and starts at 12 PM, encouraging everyone to come out and enjoy the festivities.

Vice Mayor Williams thanked the Parks & Recreation Department for partnering with her and the Miami Alumni Chapter of Delta Sigma Theta Sorority Incorporated, for the breast cancer awareness forum at Sherbondy Park which was live streamed on Facebook and YouTube. The Vice Mayor said that despite the event not really being marketed, many people watched it and she said it was great to hear from breast cancer survivors as well as those that take care of breast cancer patients. She also thanked Commissioner Bass for asking the Commission to wear pink in recognition of breast cancer awareness. Additionally, the Vice Mayor invited everyone to join her along with Miami-Dade Board of County Commissioners Vice Chair Oliver Gilbert, for another community cleanup on October 23rd with more information forthcoming. She also said to be on the lookout for Delta Days in the great City of Opa-locka on October 27th, which she shared would be the first time it is done in a municipality, and she is excited to see that.

Mayor Pigatt stated that the elected officials have a hard job, and he shared his appreciation for all that are working to move the people's agenda forward as well as for the citizens who take the time

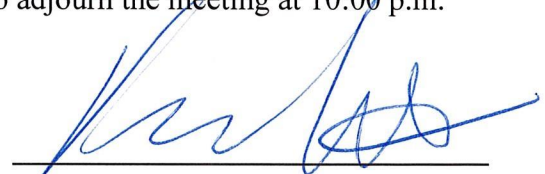
to be part of the process. The Mayor said that he heard the concerns expressed during Citizens Forum and shared that he has gotten many more emails and calls about challenges and issues, urging those to continue being provided. He committed to making sure that those things are brought to light so that they can make sure to move the City forward, to bring the change that all the members of the Commission ran for.

21. OFFICIAL BOARD APPOINTMENTS:

There were none.

22. ADJOURNMENT:

There being no further business to come before the City Commission, it was moved by Commissioner Davis, seconded by Vice Mayor Williams to adjourn the meeting at 10:00 p.m.



Veronica J. Williams
Vice Mayor

Attest:



Joanna Flores, CMC
City Clerk