# CITY OF HOMESTEAD
# CITY COUNCIL MEETING
# MINUTES

WEDNESDAY, OCTOBER 22, 2025, AT 6:00 PM
CITY HALL COUNCIL CHAMBERS
100 CIVIC COURT, HOMESTEAD, FL 33030
WWW.HOMESTEADFL.GOV

## 1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

The meeting was called to order by Mayor Losner at 6:06 p.m.

(a) The Invocation was led by Pastor Gabriel Demosthene, Homestead Haitian Pastors' Association President.

(b) The Pledge of Allegiance was led by Councilwoman Ávila and the Homestead Police Explorers.

## 2. ROLL CALL

Mayor and Council present: Mayor Steven D. Losner, Vice Mayor Sean L. Fletcher, Councilwoman Erica G. Ávila, Councilwoman Jenifer N. Bailey, Councilman Clemente Canabal, Councilman Thomas Davis, and Councilman Larry Roth.

## 3. PUBLIC COMMENTS

Ramiro Orta, residing at 2040 SE 19th Street, Homestead, FL, spoke regarding his professional experience. He also spoke regarding communication with the Administration.

Jonathan Osborn, residing at 1524 NW 5th Ave., Florida City, FL, expressed concern about comments on Instagram and false information.

There were no further public comments; therefore, Mayor Losner closed the Public Comments section of the agenda.

## 4. ADDITIONS, DELETIONS, DEFERRALS

None

## 5. PRESENTATION

(a) CAR 4785 – ARPA UPDATE (TAB 1)

Deputy City Manager Kemarr Brown provided a presentation and stated on a quarterly basis the Administration tries to give Council an update on how they are progressing with the ARPA dollars and the projects that coincides with those ARPA funding. At a very high level for the benefit of Mayor and Council they have 54 total projects that are either fully funded through ARPA or partially funded. She noted today of the 54 projects, there are 11 active projects, which means 43 have been completed and officially closed out. She mentioned as a point of recollection that the City received $19.1 million in ARPA funding back in June of 2021 and then again in June 2022, the second truant of those dollars were delivered to the City. She noted ultimately, the charge was to identify initiatives and projects across five areas; public health and negative economic impact, there was a premium paid for eligible workers, administrative expenses, investment in infrastructure which they have done a lot of and there is an opportunity to replace some dollars from general revenue. She stated to date the City has expended almost $17.6 million and they have 11 projects. She added for the purpose of brevity she quickly ran through the 11 projects and in the back of the presentation there is a list of the 43 projects that were completed. The first item is the America 250 initiative. The pending item there are the pole banners that staff are working on finalizing, as well as there are some America 205 hats that they are working on bringing into production early next year. The second initiative is the City's EPL Build, which they will speak a little bit more about later in the meeting, but as a reminder ARPA partially funded the EPL project in the amount of $400,000.00. The third project is the Parks Solar Portable Lighting and Camera initiative; the City has received all the equipment and staff has completed the project. The component that is still running is the recurring monthly AT&T charges, which is a part of the General Fund revenue. She noted the City's broadband infrastructure, which is the City's WIFI in the Parks initiative, staff has completed 9 of the City's 13 parks are now WIFI enabled. She stated for the City's new Code and Parks administration building, the parks project was completed in May of this year and there are several administrative costs that are recurring, but the project itself has been completed. She noted as a part of the EV Pilot program, the City had allocated the purchase of an EV Vehicle, and the City has had some challenges with securing that vehicle to serve as the initial pilot program for the City, so that is still an ongoing effort. She stated that the City almost $2 million slated for the Homestead Regional Park and there was a remaining $97,000.00 to complete the design and permitting, with the City moving forward with the VSGS Sports Performance Hub partnership, that $97,000.0 was reallocated away from Homestead Regional Park and was moved to the Flagler Avenue gravity sewer design, she noted there was a need for dollars to be supplemented for this project as they work towards completing the design and moving into the construction in the first quarter of next year. She stated the Krome Avenue water and sewer design there is a little bit under $20,000.00 remaining in that initiative and it is $20,000.00 of ARPA funding. She noted that this project is funded by multiple sources, but there is $20,000.00 left of ARPA associated dollars for the Krome Avenue water and sewer design. For the Cybrarium third and fourth floor elevator and bathroom build out there is a little bit over $130,000.00. She updated the Council on the project and stated that the elevator cabins were installed, they are waiting for connections to be able to be tested, and the bathrooms are also completed, and they are working through the punch list items for the project to be considered complete. There is also a little bit over $1 million for sewer system evaluation survey, and this is the City's continuous effort of lining different pump station basins to further reduce the infiltration in those pump stations. She noted this was a quick summary of the 11 active projects.

Mayor Losner stated there was one thing worst than having no WIFI is having spotty WIFI and asked what was the life span of the equipment that is being placed in the parks, so they would know when they would begin to set money aside to upgrade and replace.

Deputy City Manager Brown stated to the IT Director that the Mayor would like to understand the lifetime duration of the equipment that was done for the WIFI in the park and what is the plan for replacement when approaching that term.

Information & Technology Director Yaniel Corrales responded that equipment usually lasts for 5 to 10 years, and staff would like to include this in the Capital Improvement Plan moving forward.

City Manager Dr. Ihekwaba stated that technology changes, so by year 3, the City should start planning a replacement program because technology might have changed by year 3.

Deputy City Manager Brown stated one of the things to make note of on the WIFI side is that the equipment is one thing, but with the recurring subscription with AT&T the City can increase the bandwidth as capacity is needed. She noted there is the equipment and the actual service. She noted by the virtue of the service the City signed up for with AT&T the City can increase bandwidth and coverage and the equipment is something the City would have to start planning for withing that 72 to 60 month window.

Councilman Roth stated with the life span for the WIFI out at the parks, what is the possibility of bringing fiber optic out to those areas and Krome Avenue. He stated he was speaking with an individual and the condition of her closing on her home was to bring fiber optic out to where she lives. He noted if they can do fiber optic out there, the City can certainly do fiber optic along Krome Avenue and to the parks which would give the City a lot more life span.

City Manager Dr. Ihekwaba stated AT&T has been implementing a fiber optic installation in the entire South Florida. He noted they have been swapping out existing systems, which he was informed that was one of the reasons that they sold their building beside City Hall because they no longer need it. He stated staff will reach out to the AT&T representative who has been to City Hall several times and have written confirmation on how soon they can complete the City of Homestead.

Mayor Losner commented if they are digging up Krome and Washington let the City at least put in the conduit for fiber optic if not the actual fiber optic.

(b) CAR 4791 – EPL BUILD (TAB 2)

Deputy City Manager Brown provided a brief presentation regarding the City's EPL Build project. She stated for the past year Mayor and Council has heard about the EPL Build project and it has been spoken about it with the objective of the big goal of transforming how the City does business. She stated they would talk about what is EPL Build, the departments that are involved and will do a quick review of Phase I and Phase II. She added there are statistics that can be shared, and they will speak a little bit

about Gridics and conclude with a lot of the complementary initiatives that staff has undertaken to make an eco-system of services come online. She explained that EPL Build is the front-facing software that people see, but the City is integrating with a whole host of legacy systems. She noted with the GIS platform staff has developed almost 27 to 28 different layers through integrating and pulling layers from the County to establish the City's own GIS application. She noted the City has purchased as a part of the Tyler Technology platform; Tyler Payments and Tyler Cashiering, ultimately now facilitating citywide payments online and is moving to a world that is one payment system across the organization. She added the City does have some legacy systems that it will continue to work with, but going forward all services must connect to Tyler Payments and Tyler Cashiering and the EPL Build solution facilitates that. She stated See Click Fix, which is the City's Fix It Homestead tool is being integrated with EPL Build for Code Compliance purposes. She noted DigE Plan is the City's electronic plans review solution that facilitates electronic plans review by staff wherever they are. She stated in the past there was a manual effort to reconcile payments done in the City's permitting system to the Finance and Budget Naviline system and noted staff has worked with both the Tyler Technology as well as a local developer to create that connection and now the City has an automated solution that pushes over completed transactions into the Naviline platform. She also noted that the City has Laserfiche, which is the City's document repository that will be integrated with EPL Build as part of the Phase II project. She mentioned that Phase I involved 27 Building Services processes and took a moment to thanked staff, and stated they have worked tirelessly to get this done, sometimes being at work at 9:00 pm 10:00 pm at night to ensure that the system was up and running by October 1st. and stated staff did this in seven months and it was no small feat. She thanked all the staff that was involved in this initiative and expressed her appreciation for all the hard work that has been done into this project. She listed all of the departments that was involved in Phase I; 27 Building Services processes, 4 Public Works processes, the City Clerk came online with Lobbyist Registration, 1 Energy process and in addition to all of the configuration and parallel they did the Permit Fee Study, in coordination with IT and a consultant they built out 27 GIS layers, several integrations and in addition to that they built a back end custom web application to bring off line several legacy applications that exist within the City. She described what applicants would be able to do; they would be able to submit their applications online, upload their drawings and documents online, pay their fees, monitor and track the progress of their applications, without even applying they would be able to estimate their fees and request their inspections online. She provided a screenshot of what the portal looks like. She also noted the City's staff would be able to prescreen applications, performing concurrent plans review, they are addressing Code Compliance issues, performing inspections, being able to manage the administrative processes post permit issuance and ultimately issue the Certificate of Occupancy or Certificate of Completion. She reiterated that the departments that are involved in this project to date are: Development Services, Public Works, Energy, Code Compliance and City Clerk. In Phase II they will add Solid Waste and a few other departments. She mentioned of the City's Strategic Plan objectives is for the City to become a more data centric operations and since the City has gone live with EPL Build and since the creation of this presentation, which was last Wednesday, the City has also rolled-out a solution called QLess, which tracks the number of people that walks into a given department so with that they are now able to showcase that the City had 146 individuals that has visited the City to deal with building related issues, 69 for business licensing issues and 117 to address planning and zoning inquiries. There were 52 applications submitted in the EPL portal, 1 application is in review, and they have not issued any permits to date. She noticed one of the things they have observed that

applicants are not used to having to make the system generate a package for them to sign and notarize. She noted this is a change that they are working on, which is why staff see a lot of applications submitted, but they have not returned them to the City and this is something staff are working through with the applicant community. She mentioned on the legacy side because they are working in a dual world there were 188 applications submitted since October 1st, and staff has issued about 154 permits to date. She noted on the Code Compliance side; staff has issued about 175 Notice of Violations and a very important thing that they have not articulated in the past it took about 45 minutes for a Code Officer to open a case in Community Plus which is the City's legacy system and they have moved to less than 10 minutes for a code case to be opened. When speaking about presence and being on the field when it takes 45 minutes for production for one case that significantly impacts the ability of productivity for staff, and now they have gone to less than 10 minutes for a case to be opened. She stated additionally, they have intentionally built-in automated reminders and re-inspections as a required step that did not exist in the past. She noted on the City Clerk side which is a very popular service although it was not EPL Build, the City rolled out the passport services and utilizes the QLess solution, which is the City's appointment scheduling system and there were 76 online appointments made and was able to complete 51 passport applications or renewals for the local community. She listed the change management issues staff is working through; internally staff is trying to adjust existing operating procedures, and staff understands what the new processes are. They are implementing ongoing training, a feedback loop, and they are going to be ramping up an externally facing component for customers to be able to get assistance and provide feedback for continuous improvement. She noted they are not just building out a system this is really an ecosystem of services and have created a central page on the City's web site for all things EPL Build and displayed a screenshot of the instructional pages for people to be able to navigate the new processes and the system. She also displayed a screen shot of the QLess application that was rolled out in conjunction with EPL Build, they spoke about Gridics earlier in the presentation and stated that Phase II is also a lot of work and she thinks it is more work than Phase I.

Mayor Losner stated he has heard rave reviews on the streets, and it has been very complimentary of the ease of the system and how successful it has been.

**6. <u>CONSENT AGENDA</u>**

a. AUGUST 26, 2025, CRA & CITY BUDGET WORKSHOP MINUTES (TAB 3a)
b. SEPTEMBER 9, 2025, FY 2026 FIRST PUBLIC BUDGET HEARING/SPECIAL CALL MINUTES (TAB 3b)
c. SEPTEMBER 24, 2025, FY 2026 SECOND PUBLIC BUDGET HEARING/SPECIAL CALL MINUTES (TAB 3C)
d. SEPTEMBER 24, 2025, COUNCIL PRESENTATION CEREMONY MINUTES (TAB 3d)
e. SEPTEMBER 24, 2025 COUNCIL MINUTES (TAB 3e)
f. CAR 4782 – ADOPTING THE 2025 MIAMI-DADE COUNTY LOCAL MITIGATION STRATEGY PLAN (TAB 4)

Mayor Losner asked for a motion to approve the Consent Agenda.

A motion to approve the Consent Agenda was made by Vice Mayor Fletcher and seconded by Councilwoman Bailey.

Mayor Losner asked, "All in favor?" Ayes: All.

**7. PUBLIC HEARINGS – ORDINANCES, LAND USE ITEMS, ETC.**

(a) **QUASI-JUDICIAL PUBLIC HEARINGS** – PLEASE BE ADVISED THAT THE FOLLOWING ITEM ON THE AGENDA WAS QUASI-JUDICIAL IN NATURE. IF YOU WISH TO COMMENT UPON THIS ITEM, PLEASE INDICATE THAT YOU WOULD LIKE TO ADDRESS WHEN THE ANNOUNCEMENT REGARDING THE QUASI-JUDICIAL ITEM IS MADE. AN OPPORTUNITY FOR PERSONS TO SPEAK ON THIS ITEM WILL BE MADE AVAILABLE AFTER THE APPLICANT AND STAFF HAVE MADE THEIR PRESENTATIONS ON THIS ITEM.

**SWEARING IN.** ALL TESTIMONY, INCLUDING PUBLIC TESTIMONY AND EVIDENCE, WILL BE MADE UNDER OATH OR AFFIRMATION. ADDITIONALLY, EACH PERSON WHO GIVES TESTIMONY MAY BE SUBJECT TO CROSS-EXAMINATION. IF YOU DO NOT WISH TO BE EITHER CROSS-EXAMINED OR SWORN, YOUR TESTIMONY WILL BE GIVEN ITS DUE WEIGHT. THE GENERAL PUBLIC WILL NOT BE PERMITTED TO CROSS-EXAMINE WITNESSES, BUT THE PUBLIC MAY REQUEST THE COUNCIL TO ASK QUESTIONS OF STAFF OR WITNESSES ON THEIR BEHALF. THE FULL AGENDA PACKET ON THIS ITEM IS HEREBY ENTERED INTO THE RECORD. PERSONS REPRESENTING ORGANIZATIONS MUST PRESENT EVIDENCE OF THEIR AUTHORITY TO SPEAK FOR THE ORGANIZATION. FURTHER DETAILS OF THE QUASI-JUDICIAL PROCEDURES MAY BE OBTAINED FROM THE CLERK. (IN ACCORDANCE WITH CODE SECTION 2-590, ANY LOBBYISTS MUST REGISTER BEFORE ADDRESSING THE COUNCIL ON THE FOLLOWING QUASI-JUDICIAL ITEM). AT THIS TIME, COUNCILMEMBERS MUST DISCLOSE ANY EX-PARTE COMMUNICATIONS CONCERNING THE ITEM ON THE QUASI-JUDICIAL AGENDA.

City Attorney James White read the Quasi-Judicial Hearing information above into the public record.

City Attorney James White stated that council members had engaged in conversations with the applicant on Tab 6 and that they had disclosed them at the LPA Meeting. He added that the record would reflect that.

AT THIS TIME, THE CLERK WILL SWEAR IN ANY PERSON(S) WHO WISHES TO TESTIFY ON THE QUASI-JUDICIAL ITEM.

City Clerk Elizabeth Sewell swore in person(s) who wished to testify on the Quasi-Judicial item.

i. CAR 4736 – REZONING OF CITY-OWNED PROPERTY – FORMER CITY HALL SITE (TAB 5)
**AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, APPROVING THE REZONING, AS REQUESTED BY CITY OF HOMESTEAD OF AN APPROXIMATELY 16.116 ACRE PARCEL OF LAND FROM GOVERNMENT PROPERTY (GP) ZONING DISTRICT TO RETAIL COMMERCIAL (B-2) ZONING DISTRICT FOR THE PROPERTY GENERALLY LOCATED GENERALLY LOCATED 700 AND 790 N HOMESTEAD BLVD, AS LEGALLY DESCRIBED IN EXHIBIT "A;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney White read the above Ordinance title for CAR 4736 into the public record.

Mayor Losner asked if there were any objections to waiving the staff report on Tab 5 and there were

none.

Daniel Espino with offices at 730 NW 107th Avenue, Suite 315, Miami, Florida present at the meeting on behalf of Flanigan. He stated he was in support of this and fully concur with the staff's recommendation and encouraged the Council to support this item on second reading. He noted this was consistent with the City's land use category of B-2 and in line with the trend of the neighborhood. He noted the City is the property owner and this encourages the Council's goals of redeveloping this site and sites along major corridors. He stated before Flanigan found out the City was going to rezone this property they intended to apply to rezone just the former library site to B-2 because it would accomplish and facilitate the Flanigan's parcel. He added this accomplish the objective of the concept that the Council saw and noted it has been a great experience so far working with the City Manager and staff including the new Community Services Director. He added to further along that process they are working with concurrent paths; that is supporting the rezoning, talking about the site plan and this is the condition to close and they waive that condition that they would wait for site plan approval administratively, so as soon as this rezoning goes and with the Council's prior approval of the waiver of plat they will be cleared to close and promptly thereafter submit the site plan and be no the way to getting Flanigan in Homestead.

A motion to approve CAR 4736, Rezoning of City-Owned Property, Former City Hall Site, was made by Councilman Roth and seconded by Councilman Canabal.

Mayor Losner opened the Public Hearing.

There were no comments; therefore, Mayor Losner closed the Public Hearing.

Roll call:

| | | |
|---|---|---|
| Councilwoman Ávila | - | Yes |
| Councilwoman Bailey | - | Yes |
| Councilman Roth | - | Yes |
| Councilman Davis | - | Yes |
| Councilman Canabal | - | Yes |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

ii. CAR 4770 – PH2024-47 NEW HEALTH COMMUNITY CENTER, LLC., REZONING FROM R-3 TO B-1 (TAB 6)

**AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, APPROVING THE REZONING, AS REQUESTED BY NEW HEALTH COMMUNITY CENTERS, INC., OF AN APPROXIMATELY 0.299 ACRE PARCEL OF LAND FROM MULTIPLE APARTMENT (R-3) ZONING DISTRICT TO RESTRICTED RETAIL COMMERCIAL (B-1) ZONING DISTRICT FOR PROPERTY LOCATED AT**

**100 NW 7TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney White read the above Ordinance title for CAR 4770 into the public record.

A motion to approve CAR 4770, PH2024-47 New Health Community Center, LLC., Rezoning from R-3 to B-1, was made by Councilman Roth and seconded by Councilwoman Bailey with a comment.

Councilwoman Bailey thanked Dr. Susie for her patience because she knew it has been quite a lot and the only reason she heard of this and no one else, it is just because of their relationship and from previous issues that just seemed to continue and not been able to find a good answer for and she wished Dr. Susie good luck.

Mayor Losner commented earlier he voted no, and he has real concerns about a Code issue which the Council keeps speaking about fixing the City's Code. He stated medical use is very intensive and the City's Code for parking for other uses is in no way sufficient for any medical use whatsoever. He stated that it was his concern, it was not to Dr. Susie, to her product, what she is doing and who she serves, his prior objection was as to a bigger picture issue. He added there are issues all over the City with people parking on swales, it creates traffic issues, there is a school across the street and for him it was a perfect storm of a lot of issues and the City is going to have to clean that up internally in the City's Code when they address the building regulations and deal with parking.

Mayor Losner opened the Public Hearing.

There were no comments; therefore, Mayor Losner closed the Public Hearing.

Roll call:

| | | |
|---|---|---|
| Councilwoman Bailey | - | Yes |
| Councilman Canabal | - | Yes |
| Councilwoman Ávila | - | Yes |
| Councilman Roth | - | Yes |
| Councilman Davis | - | Yes |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

## b. RESOLUTIONS

i. CAR 4765 – PH2025-50 ESTABLISHMENT OF SANDERO LANDING COMMUNITY DEVELOPMENT DISTRICT (CDD) (TAB 7)

**A RESOLUTION OF THE CITY OF HOMESTEAD, FLORIDA, EXPRESSING SUPPORT FOR THE ESTABLISHMENT OF THE SANDERO LANDING COMMUNITY DEVELOPMENT DISTRICT (CDD), AGGREGATELY ENCOMPASSING APPROXIMATELY 82.95 ACRES, MORE OR LESS, HAVING EXTERNAL BOUNDARIES AS DEPICTED AND LEGALLY DESCRIBED IN EXHIBIT "A;" APPROVING SUCH ACTION BY MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR TRANSMITTAL BY THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney White stated CAR 4765 and CAR 4766 are companion items; Tab 7 is for the establishment of a proposed CDD, and Tab 8 is the corresponding item related to the creation of a multi-purpose dormant special taxing district. He stated he could introduce both items, the Council can have a collective discussion on both items and then take a separate vote on each item.

Mayor Losner agreed to proceed in that fashion.

City Attorney White read the above Resolution title for CAR 4765 into the public record.

Maritza Haro Salgado with offices at 200 Biscayne Boulevard who was joined at the meeting by Keith Leonard and Rebecca Cortez from D.R. Horton, Inc., their CDD Attorney Ginger Wall, as well as, her colleague Ben Sherry. She was happy to be back before the Council on this exciting project that the City approved unanimously last year. She noted the applications before the Council was ministerial, that approves essentially a funding mechanism for the future maintenance of water management system, right-of-way, internal roadways, excreta of this project. She has provided an update of the project since it was approved. She stated this was an almost 97 acer assemblage that is called Sandero Landing, it is located just north of SW 328th Street. She stated it was one of a kind project in the City of Homestead, mixed use, really exciting a combination of residential and over 200,000 square feet of commercial that was approved. She stated since last year they have been working hand in hand with the City and they are very grateful to the new Development Services Director, the City Manager and the Administration for helping them get over the administrative site plan review application and it is the City's intent to adopt the ASPR on October 3rd and expecting the full approval by November 3rd which unlocks their ability to move forward with permitting. In addition to that, after having dealt with a Wetland determination issue with the South Florida Water Management District. She stated for four years while they were getting the project entitled with the district, DERM reached out to them this year claiming the entire as a Wetland and they were able to overcome that hurdle with DERM and has now issued a No Wetland determination on the site and they are grateful for the City Manager coordinating meetings with the Turnpike Authority, which is not only important to the City, but also to the commercial developers, as well as, D.R. Horton to ensure that they have direct access to this project. She stated they had meetings with the Turnpike Authority, and the issue is funding, so they are calling all their friends in Tallahassee and everywhere to put the funds together to try and expedite and bring the date closer. She added the other item she wanted to update the Council on is that D.R. Horton, Inc. is a residential developer and they have been looking for a commercial partner for the site, they are very close to having one and they anticipate that would happen and they would have something formal at the beginning of 2026, and at the Mayor's request, once they have a formal commercial partner onboard they would have a meeting, whether it is a Sunshine meeting or a meeting with the

Administration, they would love to introduce them to the City and work hand in hand with the City to ensure that the permits are happening expeditiously and that the City puts the money where their mouth is, welcoming commercial developers because they know this project would not have been approved if it was not for that commercial piece that they are all excited about. She stated essentially that this evening is for the City's support for the establishment of the Sandero Landing Community Development District and a dormant multi-purpose special taxing district. She noted this is required by Miami-Dade County before they move forward with their obligations for the formation of the districts. The CDD and STD area consist of 82.95 acres and noted the commercial piece is excluded, she noted this was done on purpose they did not want the future residential residents to be responsible for the maintenance of the commercial, typically any maintenance of the commercial site is done by a management company. Mrs. Haro Salgado stated the CDD will be responsible for things such as; the water management system, internal roadways, improve swales and medians, landscape, lighting and related utility bills, tuft, trees, shrubs, landscaping, etc., to ensure that the beautiful Sandero Landing stays beautiful for years and there is a funding mechanism to ensure that happens. She noted this project is consistent with the City's Comprehensive Plan, zoning code and it is a pretty typical process, especially on projects of this size.

Councilwoman Bailey stated she does understand the benefits of forming the CDD, she had raise this before; that the CDD ends up in the fine print for potential residents and that is the one piece that she has asked staff in her briefings is there was anything more as a City that can be done to make sure potential homeowners are aware of the CDD. She stated they are either incurring those fees with their buying costs or spreading it out. She stated the one thing she wants to make sure of is that the City does its best to make sure that everybody who is coming in understands what that means because it is a very long and a lot of information especially for first time home buyers and as the City is trying to make sure our residents can continue being homeowners.

Mrs. Haro Salgado stated D.R. Horton, Inc. closing team goes over with buyers in detail and they will make sure to highlight that as part of the closing process.

Councilwoman Ávila stated she appreciated the conversation she had earlier today with Mrs. Haro Salgado on the updates she shared with the Council. She stated the CDD historically in the City as mentioned is used as a funding mechanism and her experience with it has been that developers try to pass on the cost of the infrastructure over generations of homeowners versus hitting the first buyer up front with those cost for developing and in theory that makes sense, but the cons of this is that it hides in the taxes and when you speak with the actual residents and speak to those that have purchased in these communities like Waterstone, Malibu Bay, Oasis for example they are clueless about the CDD and what is for and why they have to pay it and they think it is an extra tax that the City is charging and having chaired a CDD she understands the concept and the budgetary benefits of it, however, it is not necessarily what the residents want to keep seeing as a product available in the City of Homestead. She stated she would like more time to discuss this specifically because it is a mixed use product, it is one of the first and also being a vertical mixed use she would like to have some more time to review is it beneficial for the commercial owners not to pay towards the storm water and maintenance of the common areas that they will be benefitting from as part of the development. She stated she does not

think the commercial side would have different infrastructure for storm water, so why wouldn't they pay and help reduce the cost to the future homeowners that would be incurring the CDD fees. She added similarly the landscaping and the lighting if they are being completely separated in terms of how they are being managed then they can have a very clear line of demarcation between maintenance and what is looking good this month versus next month. She stated in the bigger picture she understands why the developer needs this, but when it comes to the residents and the product choices that are available as of right now she does not think this is the right way to go. She asked if the developer had explored an alternative to the CDD, just the HOA taking over and what those HOA fees will be, what it would be spread out to the commercial side. She reiterated she would like the opportunity to speak more with the team about why that is a benefit at the end of the day for the residents and future citizens here in the City of Homestead. She noted if this item was going to move forward tonight she would have to be a "No" vote.

Mrs. Haro Salgado responded that all the communities that Councilwoman Ávila mentioned are beautiful communities, they are beautifully maintained, and it is large part due to those CDDs. However, in this case their CDD Attorney, Ginger Wall would be happy to answer any specific questions. She stated it only made sense to keep the commercial separate from the residential because they do not want owners who are responsible for maintenance to be responsible for commercial and vice versa.

Councilwoman Ávila asked why would the homeowners be responsible for the commercial side of things, if she was only questioning the storm water? Why can they isolate the common area impact as part of their contribution towards the CDD?

Mrs. Haro Salgado stated it is her understanding that if they include the commercial there is other maintenance responsibilities that come along with that.

D.R. Horton, Inc. CDD Attorney Ginger Wall stated the commercial is excluded for a variety of reasons that is one of the major reasons at to the control over the common areas of the property, and what is going to be common as to the sense of CDD responsibility and ownership and what is going to be the responsibility in regard to the commercial. She explained if the commercial portions are included within the CDD boundaries and they are going to be paying for their share as to debt because they are going to have debt on them as well and they are going to have the operation and maintenance of a place on the utilization when looking at the assessment methodology when you own a house that is a larger house the ERU is 1, when you have a townhome it is smaller and they use less facilities, so the ERU is going to be smaller, may be .8 or .6 which is done by a methodology consultant. She stated because commercial properties are done on a square foot basis their utilization of those services is usually smaller, it is not the same as the use of water in a larger home as to a smaller home, it is not the same as to the waste water as well, so the amounts that they pay as to the operation and maintenance they are in is usually smaller. Therefore, they are receiving those benefits as being part of the CDD, but they are not paying as much. She stated she cannot say specifically for this project because none of that analysis has been completed, but that is what she has seen for others and looking at other mixed use CDDs that they have it is very small as to the commercial portion versus a residential portion. She noted when speaking about a small amount of commercials, that is usually what ends up and then you see

residents getting very upset living in the CDD saying why are they paying and paying for the commercial portion to.

Councilwoman Ávila asked how much square footage of commercial this project is bringing?

Ms. Ginger Wall stated she could not answer that because none of that determination has been made.

Mrs. Haro Salgado answered 216,000 square feet of commercial space.

Councilwoman Ávila stated in CDD communities in her district the storm water is in the retention ponds, but they are being charged storm water fees by the City, so that is another reason why she has a question into the City Manager's Office to look into this as to whether or not this is accurate and for how long has the residents being charged for storm water and if it is still applicable moving forward. She stated she has those reservations and on top of that the CDD as she mentioned in theory is supposed to pass on the cost of over multiple generations of homeowners, not just the first one, but she does not know if that is necessarily the case in practice in terms of how they are pricing these properties.

City Manager Dr. Ihekwaba asked Public Works Director Cario Cangas to redirect on the eligibility to pay storm water utility fees in this City, which is typically for public right-or-ways.

Public Works Director Cangas stated as Councilwoman Ávila mentioned that the cost for the storm water installation and maintenance within the CDD is for the within the boundary of the CDD and only for those utilities. He explained the fee that is assessed for the storm by the City is intended to operate and maintain the storm water system within the major arterials and corridors, and everyone has use of those. He stated historically there has been some minor roadways that do have storm water catch basins, etc. that does not get charge to the CDD because the Code has not been implemented until 2004, but in general those roads are also roads that are trafficked and used by the community as a whole, whereas private developments are usually traversed by those that live within them and they are usually not used as a way to go from point "A" to point "B" for other residents, just those that live within that community. He stated he believed that was the mentality and the reasoning for the Code and the way that it is written and implemented statewide.

City Manager Dr. Ihekwaba stated for clarification there are government institutions, government agencies that own property, as well as schools that do not pay storm water utility fees.

City Attorney Matt Pearl stated that it is because of the judicial decision that states they are basically not collectable, they enjoy sovereign immunity.

Councilwoman Ávila stated she would have to speak with the City Manager after the meeting to make sure she understands the clarifications for the storm water and what that means to the district. She expressed her appreciation for the answers.

Councilman Roth stated everyone knows he is not a big fan of CDDs and he has only voted for one that was brought forth and that was because it brought a public purpose and that was in Keys and it was to sustain the golf course hopefully in perpetuity and those condos that were being bought and sold by those homeowners knew that they were going to earn a piece of a golf course and that is why they wanted to live in that community and it was as public purpose. He noted Mrs. Haro Salgado brought up the commercial aspect of the development and up until she mentioned they had an interested party, he had not heard that and in fact he heard that nobody was interested in doing that project. He added that the City has no assurances, no insurance that commercial development would ever be built because the City did not require it and that was their mistake. He asked her if there was anything she could give to the Council assurance that commercial development would be built. He brought up the example of the property across the street where D.R. Horton is building townhouses now for a parcel that was preserved for commercial purposes, but the commercial is gone, and Lennar is building townhouses there. He stated he voted in favor of the development because of the commercial aspect, the Council was given a hope that they would have a very unique product in the City of Homestead and he is having a hard time believing and understanding that is even going to happen there, and he does not want to see what happened across the street happen here five years from now, where they cannot find a developer for the commercial side and somebody comes back and ask the Council for rezoning to residential, which is definitely something that is not needed there. He stated the generational payments of the CDD and asked if there was an estimated cost per unit for each of those units. He commented they are all relatively the same size and they are going to be relatively the same square footage.

Mrs. Haro Salgado answered yes, for the 2-story townhomes it is $3,173.00 per year, which comes to about $116.00 per month. For the 3 story townhomes $150.00 per month and the live work is $133.00 per month.

Councilman Roth stated that is what it starts at and noted he was speaking to a couple of residents the other day that live in the Oasis area and they started at $1,800.00 per year and now they are up to $2,800.00 a year. He noted if this was simply to help off-set the cost of development/infrastructure and homeowner plans to live in this place for 30 years, so it expires because they plan to pay it off in 30 years, why does the cost increase every year.

Mrs. Haro Salgado responded because of maintenance of the areas and cost increases regularly, they have a budget, and it is based on whatever responsibilities and in this case, it is internal roadway maintenance.

Councilman Roth inquired if these people are expected to pay after 30 years additional into a CDD to maintain all those structures.

Mrs. Haro Salgado stated the community will continue to be maintained. She noted it is a private party taking on the role of what the government would typically do.

Councilman Roth stated at $3,000.00 a year.

Mrs. Haro Salgado stated that community is essentially self-sufficient in covering those costs versus spiraling those costs citywide.

Ms. Wall stated the question was the cost keeps going up, and noted the East Homestead CDD is the Oasis and it is being controlled by the residents that live there, so they are the ones who are making the determination. She stated if the CDD ceases and everything at that point will be owned and controlled by the HOA, they are still going to have those costs, they are still going to have the maintenance and operation costs, so those amounts are still going to be there, they may be the same or they may be higher, but they are still going to be there. She noted those residents are either going to pay them through the HOA or through the.

Councilman Roth stated for disclosure purposes if he was buying in a community like that, he would rather it be through an HOA that is being disclosed to him at closing because that helps him with his financing, and as the other Councilmember stated most people do not know what they are signing. He stated we all know the euphoria of buying a new house, people often neglect looking at all of the expenses that are there and then next year, especially, in a new development there are taxes for one thing one year, and then the next year the taxes go to market value, so they get sticker shock, their escrow accounts go up and they put people in uncomfortable positions because they cannot afford to make those payments anymore, and that is what he is getting at. He stated he will be voting "no" against this because it is against his character, but he thinks others need to think about the fact that the benefits that the Council was told in the past may not even come to fruition, and all of a sudden some of the Councilmembers may be sitting on the dais in three or four years and the question is going to come again and they are told the developer cannot find an operator and they need to rezone that property because it cannot just sit there vacant and he does not want to see additional housing put there. He added if there is an assurance that the commercial component will be built in some way. He asked City Attorney Pearl if there was something the City could do to assure that commercial component if the City grants the developer the CDD and the STD they will be required to do the commercial component.

City Attorney White stated the simple answer is no.

Councilman Davis thanked Mrs. Haro Salgado for her presentation and suggested the Council postpone this vote until the next meeting and that would give the Council plenty of time with which to review any questions that they may have. He stated there were a lot of things that were brought up tonight, perhaps the wisest course of action would be to delay this vote until the next meeting, which would provide plenty of time to review in earnest all the issues that have been brought up today.

Mayor Losner asked Mrs. Haro Salgado if from her position was this time sensitive to take the next step toward the development.

Mrs. Haro Salgado answered in the affirmative. She stated this was tied to a County hearing that is being scheduled for the County Board of Commissioners, therefore, they were trying to line up this hearing with the Board of County Commissioners hearing, so this would cause a trickle down delay. She

stated this is a great project and D.R. Horton has done everything that they said that they will do so far, and they will continue to do that because they want to be in partnership with the City. They understand that this project was approved conditioned on this commercial piece. She stated there is as much interest in this property and she is not privileged to disclose that right now, but as she said and at the Mayor's request, they are happy to once they have the formal agreement with the commercial partner to involve the City in pushing the project forward. She noted the item before the Council today is ministerial in nature, it is a funding mechanism and the question is who is going to pay it and through what method, is the City going to take maintenance responsibility for the landscaping, etc., is the HOA going to do it, and somebody has to pay it and the CDD in the past has been the mechanism to do this most effectively, mainly because as everybody knows the board is elected, so the residents would have the opportunity to elect who is managing those budgets and keeping those costs in line, and so with that she stated they were kindly asking that this move forward today and allow the project to move forward. She promised to keep the Council updated and answer any questions that they have.

Councilwoman Ávila clarified that at the time of closing a buyer will see those disclosures and if they are getting financing they are qualifying with that CDD payment in there, so she does know that is happening, but want she wants to make sure that the Council understands is that over time Homestead has not been able to see the evolution of how CDDs affect our residents and their overall lifestyle and the burden that it does bring even though it is a funding mechanism and it has its Pros and Cons and they have been able to see this over 25 years now. She commented the reality is that the HOA meetings occur monthly, CDD meetings happen usually monthly and it is another layer of meetings that residents have to be aware of, it is another layer of budgeting that residents have to be aware of in addition to their taxes, and she thinks this community has multiple HOAs; one for the townhouses, one for the single family houses and one for the condos, therefore, they are going to have a HOA within a HOA, within a CDD, within a City tax, then there is the County tax, it is multiple layers of taxes and intellectually they can understand why these systems might be necessary, ultimately, at the end of the day it is not at the benefit of the taxpayer/resident it is too many layers. She can expect the Council and the developers to understand this, but the lay person, the mom and dad this is extra information they must make sure they are constantly on top of, making sure they read that there is a CDD budget, CDD evaluation and costs increasing. She stated if the developers could come back with a CDD option that takes out operating and maintenance of for example the clubhouse, so only in the CDD is the bond which is the 30 year component and may be only in the CDD is the storm water, but there is a clubhouse in this project.

Mrs. Haro Salgado stated she thinks it is part of the budget. She also noted there is only one HOA to answer Councilwoman Ávila's question. She explained what was before the Council was the CDD. The townhomes and the live work units will have one HOA, and it has not been fully determined whether the clubhouse will be in the CDD or the HOA. She reiterated the CDD is more of the funding mechanism Which will be used and there are different purposes.

Councilwoman Ávila stated she can appreciate that and she would like to be fully informed because there are too many to be determines to be decided as to what is going to be and for those reasons she was having a hard time getting to where the Council can overlook the effects of how the CDDs are

affecting the families and having to continuously educate. She stated even within the CDD she knows the board of supervisors work very hard to try to educate the residents at the board meetings, they try to host meetings to explain what a CDD is and for the residents to learn how it affects them, but the taxpayer at the end of the day is not connecting. She stated 25/30 years from now they are going to be regretting that the City is adding increasingly CDDs.

Mayor Losner stated he did not know if it was the Council's place to get into future financial decisions and allocation between HOAs and CDDs, it is just not the Council's place. He asked the Attorney if a CDD is not approved what would become of Sandero Landings.

Mrs. Haro Salgado answered that responsibility will be on the HOA to maintain. She stated the costs are the costs for this community, so any way they slice it and she understands the educational component D.R. Horton is a publicly traded company and they are in the business of selling residential homes and she can assure the Council that they are spending the time with the buyers explaining to them exactly, line item by line item and as a loan officer and real estate agent she understands the concerns, especially if it is first time home buyer, so their estimated tax bill, CDD and all of that will be considered as part of that loan and it would be pretty true to what the next year's tax bill will be. The concern is mainly in the resale of these units. D.R. Horton will do the education component as part of those sales.

Mayor Losner stated if the CDD is not approve, the CDD fee has two components; the initial debt for the development of the infrastructure and the community and the annual operating costs to preserve the caliber and character of the neighborhood. Therefore, if the CDD was to fail tonight that amount will be built in full in the price to the buyer on the first sale, and unless the developer start cutting corners and reducing quality the prices of those homes will be generally unattainable for what they are.

Mrs. Haro Salgado stated correctly and there would be no money for public improvements.

Mayor Losner stated it is going to impact and perhaps suppress the first sale. He stated he get the concerns for a CDD. He stated in the early days going back 20 years ago here in Homestead there were other issues, but he thinks they have been resolved on the newer CDD, but the philosophy of the development portion of the CDD allows folks to get into a home, otherwise they would generally not be middle class affordable. He stated whatever the CDD board does for the annual cost is their business. He stated the Council was mixing apples and oranges about unless the developer can give the Council assurance that there is going to be a commercial component they are not going to approve the CDD, and absent the proffering of some assurances by the developer similar to something that the Council did at the golf course until the developer completes the clubhouse they do not get the second half of their permits and their hands are tied in that regard, but the failure to adopt the CDD is going to change the entire pace and for everyone in the community that does not want another house built in this community this is not going to stop the development and this is not reality, they all know what Mrs. Haro Salgado's client paid for that dirt and it blows his mind every time he thinks about it, so it is not going to sit there as fallow land, it is going to increase the prices to families who are looking for homes. He asked Mrs. Haro Salgado if that was a fair assessment.

Mrs. Haro Salgado responded that it was a fair assessment.

Councilwoman Ávila stated the Mayor made great points, however, she disagreed with the comment that the CDD cost would transfer in full because on the CDD budget there are attorneys that are present at every single CDD meeting, there are elections that are required to be held because of the size of the development, there would be an additional property management company that is specialized in CDD management, so there are duplicative costs added to this development structure because of the CDD. She stated all she is asking for is to have an apples and oranges comparison, so that if the CDD passes at perhaps even a unanimous vote that the Council can say they looked and analyses that the benefit is there in the writing, and they compared the two products. She also noted that Mrs. Haro Salgado mentioned the deadline with the county and she is sensitive to that and asked what date is the county commission meeting, and for the sake of all the members of the Council and she would like for the members of the Council to look at the product at the end of the day and be able to say they did their due diligence in reviewing the benefit of the CDD and in fact the benefits outweighs the expense of HOA taking on the cost in full and she just wanted to clarify that the CDD cost and the budget was not exactly the same.

Mayor Losner stated he did not mean this in a demeaning way, but the Council was let's make a deal kind of thing and substituting their financial judgment for D.R. Horton and buyers. He stated that HOA fees are not deductible, but CDD fees are deductible as taxes and asked if that was correct?

Ms. Wall answered she was not a CPA, so she could not answer that question.

Mayor Losner stated the CDD cost are in effect a tax by the CDD.

Ms. Wall stated they are a special assessment, so if the CPA says special assessments are tax deductible, then they are tax deductible.

Mayor Losner stated that general HOA fees for operations and maintenance, which includes those attorneys' fees for all those meetings versus the debt.

Ms. Wall stated either way with the maintenance because some CDDs enter into agreements with the HOA, where the HOA provides all the maintenance even on the CDD properties; therefore, they are only having in essence two CDD meetings to handle the budgets and then that is it, the HOA is the one taking care of everything within the community. She noted that it is permissible, and it is completely up to that resident boards if that is how they want to do it. She stated about the County meeting they cannot get on a County agenda they get this resolution to the County, and then they will go ahead and move forward to answer Councilwoman Ávila's question.

Councilman Canabal stated he lives in Oasis and when he purchased his house they explained everything completely about the CDD and the payment he needed to pay and how it was going to be. He commented the Council was going around, but this is part of the business of doing these things and he was going to move this item.

Mayor Losner stated that Councilman Canabal was moving the CDD item.

Councilman Canabal answered yes.

Mayor Losner asked if there was a second to that motion and there was no response from the Council.

Councilwoman Bailey asked if they did not have a date for the County meeting because did the County have staff evaluated what the CDD means to the City and if for some reason that falls through. She commented this is a very large project, and if there is time she does believe that there are items that the Council can go a little further into.

Mrs. Haro Salgado stated that the other item that is part of this and is on the agenda today is the dormant special taxing district, so if the CDD fails that would potentially take over.

Councilwoman Bailey asked what the City of Homestead responsibilities would be, since the County is not responsible. She asked what that means for the City with the size of the development. She stated the City does not have any prior experience with this and does not know what it entails because when she asked during her briefing there was no information.

Mrs. Haro Salgado stated the special taxing district would take over those maintenance responsibilities and would be part of the tax assessment bill.

Councilwoman Bailey stated she was asking in Mrs. Haro Salgado experience has this happen before now that the County is putting it on municipalities, what does it mean for the municipalities?

Mrs. Haro Salgado stated she did not know the answer to that question.

City Manager Dr. Ihekwaba stated for special taxing districts the way it used to work, the Miami-Dade County would be responsible for the maintenance using the payments made through the tax roll by hiring consultants and vendors that would do routine maintenance work, that has changed, now it is divorce on local cities to be in charge of that job.

Councilwoman Bailey stated with this size of a property have the Administration looked at what that means for the City.

City Manager Dr. Ihekwaba stated they have not done any type of maintenance cost and what resources the City would need to devote to this, he highly recommended listening to wise counsel, and if the Council does not know the date the County is going to consider the CDD, maybe the Council can do a special call meeting.

Councilwoman Bailey stated that is what she was going to consider a special call meeting on November 12, 2025 before the Committee of the Whole meeting.

Ms. Wall stated as to the special taxing district it is formed by Miami-Dade County, they are going to have those special assessments and then the agreement as to the City of Homestead with the County, the City of Homestead is going to be providing those services and the individual homeowners are going to be paying those special assessments and it is how the City of Homestead decides to manage it.

Vice Mayor Fletcher thanked Mrs. Haro Salgado for the time she provided for him. He stated he has never been a fan of CDDs; he has supported them in the past because he knows the benefits to the City. He stated people must read what is in the fine print before they sign their name to it. He stated he was more than happy to second this motion, but he thinks Ms. Haro Salgado could probably count and she might want to ask to defer this until they could get a little bit further down the road. He reiterated he was happy to second it if that is what the developer wants to do.

Mayor Losner stated Councilman Canabal made the motion and if Vice Mayor Fletcher seconds it, to count him as a third vote in favor of moving the CDD forward tonight. He commented he did not see where anything was going to change, and the philosophy is not going to change.

Councilman Davis requested to count him as a "yes" vote. He agreed with their estimation and suggested doing the vote because he thinks it was the right thing to do.

A motion to approve CAR 4765, PH2025-50 Establishment of Sandero Landing Community Development District (CDD), was made by Councilman Canabal and seconded by Vice Mayor Fletcher.

Mayor Losner stated there is that other somewhat related issue that they tried to tie together as to some assurance for the commercial project and stated he did not know if Mrs. Haro Salgado had any authority tonight to make any representation or proffer anything that would provide any assurance, meeting along the lines that the Council did with the golf course.

Mrs. Haro Salgado stated that she appreciated the lively discussion of the Mayor and Council and allowing them the time today, but she does not have authority to proffer any additional commitment, but what she can give the Council is their word, and also, just something to think about is that not all of the 1,100 units are going to be built at once, the commercial piece also has 410 residential units. She stated to unlock those units they would have to build the commercial piece, which she hopes gives the Council some assurances, in addition to the fact that D.R. Horton is committed to finding the perfect commercial partner for this site and getting this built. She noted this is just as much something that the City wants the amenity and a selling point for these future residents and they appreciated the vote of confidence.

Mayor Losner opened the Public Hearing.

There were no comments; therefore, Mayor Losner closed the Public Hearing.

Roll call:

| | | |
|---|---|---|
| Councilman Roth | - | No |
| Councilwoman Bailey | - | No |
| Councilwoman Ávila | - | No |
| Councilman Davis | - | Yes |
| Councilman Canabal | - | Yes |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

ii. CAR 4766 – PH2025-51 ESTABLISHMENT OF THE SANDERO LANDING SPECIAL TAXING DISTRICT (TAB 8)

**A RESOLUTION OF THE CITY OF HOMESTEAD, FLORIDA, SUPPORTING THE CREATION OF THE SANDERO LANDING MULTI-PURPOSE MAINTENANCE SPECIAL TAXING DISTRICT (STXD), AGGREGATELY ENCOMPASSING APPROXIMATELY 82.95 ACRES, MORE OR LESS, HAVING EXTERNAL BOUNDARIES AS DEPICTED AND LEGALLY DESCRIBED IN EXHIBIT "A;" AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY ("COUNTY") AND THE CITY FOR THE CREATION AND IMMEDIATE TRANSFER OF THE MULTI-PURPOSE STXD TO THE CITY UPON CREATION PURSUANT TO SECTION 18-3.1 OF THE COUNTY CODE OF ORDINANCES; PROVIDING FOR TRANSMITTAL BY THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney White read the above Resolution title for CAR 4766 into the public record.

A motion to approve CAR 4766, PH2025-51 Establishment of the Sandero Landing Special Taxing District, was made by Vice Mayor Fletcher and seconded by Councilman Canabal.

Mayor Losner opened the public hearing, there were no comments from the public; therefore, he closed the public hearing.

Roll call:

| | | |
|---|---|---|
| Councilman Canabal | - | Yes |
| Councilwoman Ávila | - | No |
| Councilwoman Bailey | - | Yes |
| Councilman Davis | - | Yes |
| Councilman Roth | - | No |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

Mayor Losner urged Mrs. Haro Salgado at the earliest possible time to come back and make a public presentation as to the status; he believed that her and her client were acting in good faith. He commented that with other approvals for other builders he does not know if there is that element

of trust there based on his history, he must be less guarded, but he is trustful that what has been represented will come forward, but if Mrs. Haro Salgado or one of her partners could keep the Council up to date.

Mrs. Haro Salgado stated they appreciated the vote of confidence and look forward to continuing to work on this project together.

Councilman Canabal left the meeting at 8:06 p.m.

iii. CAR 4799 – ROBY GEORGE PARK BASKETBALL COURT RESTORATION AND MURAL INSTALLATION (TAB 9)
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, AUTHORIZING THE PAINTING OF A BASKETBALL COURT AT ROBY GEORGE PARK IN PARTNERSHIP WITH CITY YEAR AND AT&T BELIEVES THROUGH THE "REVIVE TU CANCHA" PROGRAM AT NO COST TO THE CITY; ADOPTING THE PROPOSED COURT ARTWORK; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Pearl read the above Resolution title for CAR 4799 into the public record.

Mayor Losner asked if there were any objections to waiving the staff report and there were none.

A motion to approve CAR #4799, Roby George Park Basketball Court Restoration and Mural Installation, was made by Councilwoman Bailey and seconded by Vice Mayor Fletcher.

Mayor Losner opened the Public Hearing.

There were no comments; therefore, Mayor Losner closed the Public Hearing.

Roll call:

| | | |
|---|---|---|
| Councilwoman Bailey | - | Yes |
| Councilwoman Ávila | - | Yes |
| Councilman Davis | - | Yes |
| Councilman Roth | - | Yes |
| Councilman Canabal | - | Absent |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

iv. CAR #4764 – AWARD ITB #202532 PURCHASE OF A PACKAGED ENGINE GENERATOR SYSTEM FOR PUMP STATION 22 UPGRADE (TAB 10)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA; APPROVING THE AWARD OF A CONTRACT TO AMERICAS GENERATORS, INC., IN THE AMOUNT OF $63,840.00 FOR ITB# 202532- PURCHASE OF A PACKAGED ENGINE GENERATOR SYSTEM FOR PUMP STATION 22 UPGRADE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Pearl read the above Resolution title for CAR 4764 into the public record.

Mayor Losner asked if there were any objections to waiving the staff report and there were none.

A motion to approve CAR #4764, Award ITB #202532 Purchase of a Packaged Engine Generator System for Pump Station 22 Upgrade, was made by Councilman Roth and seconded by Councilman Davis.

Mayor Losner opened the Public Hearing.

There were no comments; therefore, Mayor Losner closed the Public Hearing.

Roll call:

| | | |
|---|---|---|
| Councilman Davis | - | Yes |
| Councilwoman Bailey | - | Yes |
| Councilwoman Ávila | - | Yes |
| Councilman Canabal | - | Absent |
| Councilman Roth | - | Yes |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

v. CAR 4788 – NEW & REPLACEMENT VEHICLE/EQUIPMENT PURCHASES FOR FY 2026 (TAB 11)
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE ALL BUDGETED NEW AND REPLACEMENT VEHICLE/EQUIPMENT PURCHASES FOR FISCAL YEAR 2026; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Pearl read the above Resolution title for CAR 4788 into the public record.

Mayor Losner asked if there were any objections to waiving the staff report and there were none.

A motion to approve CAR #4788, New & Replacement Vehicle/Equipment Purchases for FY 2026, was made by Councilman Roth and seconded by Councilwoman Bailey.

Mayor Losner opened the Public Hearing.

There were no comments; therefore, Mayor Losner closed the Public Hearing.

Roll call:

| | | |
|---|---|---|
| Councilman Roth | - | Yes |
| Councilwoman Bailey | - | Yes |
| Councilman Canabal | - | Absent |
| Councilwoman Ávila | - | Yes |
| Councilman Davis | - | Yes |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

Mayor Losner if there was an objection to taking a five (5) minute recess.

A motion for a five (5) minute recess with a meeting extension to 9:00 p.m. was made by Vice Mayor Fletcher and seconded by Mayor Losner.

Mayor Losner asked, "All in favor?" Ayes: All.

Councilman Canabal returned at 8:15 p.m.

vi. CAR 4739 – SEMINOLE THEATRE MANAGEMENT AGREEMENT (TAB 12)
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH OAK VIEW GROUP FOR THE MANAGEMENT AND OPERATION OF THE SEMINOLE THEATRE IN ACCORDANCE WITH THE TERMS AND CONDITIONS SET FORTH IN THE ATTACHED TERM SHEET; AUTHORIZING THE CITY MANAGER TO EXTEND THE CURRENT AGREEMENT; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Pearl read the above Resolution title for CAR 4739 into the public record.

Katherine Rubio, Executive Director of the Oak View Group stated that their seven-year contract has come to an end, and they wanted to do a seven-year report. She provided a presentation of their performance over the past seven years. The presentation began with a historical overview of the Seminole Theatre and stated that the vision and values of the Theatre was integrated in every facet of its programming. She noted that since 2015 Oak View Group has continued to provide high quality performances that are accessible and diverse for all. She stated this company is a leader in venue management and their approach to operating is unparalleled and they focus on creating premium content for an unique guest experience. Oak View Group offers the Seminole Theatre

event and booking management, sales and marketing, event coordination & management, operations & engineering, service contract, evaluation/negotiation/oversights and the list goes on and they are committed to another seven years of managing the Seminole Theatre. She noted she has been with the Seminole Theatre since 2015. She stated their events bring visitors to support local businesses, boosting the economy and diverse programming from concerts, plays, musicals, and offers a little something for everyone. She stated she was deeply connected to the community, partnering with schools, cultural groups and artists for meaningful opportunities. She noted with OVG's leadership, and the City of Homestead support the Theatre continues to thrive and their vision to keep driving cultural engagement and economic growth building a stronger and more connected Homestead. She stated over the past eight years the Seminole Theatre has proudly hosted a rich showcase of performances that reflect the heart and soul of the community. They welcome national touring artist, local talent, and everything in between. Their music line up has included genres from Jazz, rock, Latin, gospel, country, and feature renown artist and up and coming stars as well. In theatre performances they staged musicals, classic plays, original work and productions, family shows, standup comedy and community driven events. OVG's commitment has always been to create a platform where culture thrives, art shines and audiences feel welcome. She also mentioned additional program which was the Seminole Theatre Arts Conservatory, and this was one of her passion projects, it is a place where children from our own community can come together and explore the world of performing arts. It brings local youth together to explore act, sing, and dance in a fun creative space and by the end of the program they perform original show for the community showcasing their new skills. This program has become highly valued in the community by building confidence, talent and love of the Arts. She stated what is truly inspiring is that many of our young performers go on to join into the iconic Seminole Theatre Players production. She provided an overview of the Seminole Theatre Players program, it launches their summer programming in 2018 with a successful production of Hairspray, and it extended to two shows: In the Heights and Annie and brought in large audiences. Since then, it has grown into a year-round company with 21 productions and 10 more in progress; including Frozen and Lion King. Each show uses approximately 20 to 50 volunteers and brings in 2,940 patrons per show with actors and audiences coming from all over to take part and enjoy the performance. She noted each production has an average budget of $60,000.00 covering licenses, venue, staff, costumes, advertising, and accessibility services. These funds support the shows directly and does not go towards operating expenses or salaries. These shows are funded through the Friends of the Historic Seminole Theatre and they take the profit from the show and put it back to the Theatre via programming and capital improvements. The Seminole Theatre has become a go to spot for all kinds of community events in South Dade. It is not just about the great shows that they have, it is where people come together for civic engagements, local celebrations and all kinds of cultural events, it brings everyone together whether they are catching a concert, joining the community chat or enjoying a festival, being a multi-purpose venue helps strengthen community ties, support local groups and boost the cultural civic life of South Dade and to become a cornerstone in the region. Since opening in 2015 the Seminole Theatre has brought in thousands of patrons, attendance has increased from 22,154 in 2015 to 190,503 in 2024. The Seminole Theatre has presented 13,751 events up to 2023; 58% of which falls under the Arts, 27% civic and 11% commercial and other. Community attendance and participation in these events play a crucial role in fostering a connected

and vibrant society. Local businesses in Downtown Homestead have thrived during these events due to the increased foot traffic and visibility, which can lead to higher long term customer relationships and additionally have attracted visitors from outside the community. She displayed a chart which highlighted the Seminole Theatre's operating revenues and expenses from 2015 to 2023. She explained in the early years their needs were strong and well above expenses a sign of great community moment and after reopening. As they grew through 2017 and 2018 expenses rose and expanded programming operations bringing things into balance. Then came the pandemic years 2019 to 2021 where revenues dropped sharply, but they managed to control expenses and stay afloat. The recovery by 2021 and 2022 revenues rebounded surpassing expenses again and by 2022, 2023 they reached a stable sustainable balance. Overall, the chart shows clearly the story of resilience, recovery and continued growth of the Seminole Theatre. Since opening in December 2015, the Seminole Theatre has played a major role in the revitalization of Downtown Homestead. Their program does not just bring art into the community it brings people downtown filling restaurants supporting local businesses and creates jobs. On average patrons of live arts and events spend about $24.60 for a ticket price. That money goes directly into the Homestead's economy, using national data from American for the Arts, the Theatre's total economic impacts since opening through December 2023 includes over $6 million in total expenditures, more than $3.5 million in direct household income and 173 full time jobs and nearly $570,000.00 in revenue to local and state government. The Seminole Theatre growth comes down to partnerships that they built; they teamed up with local schools, arts and businesses to bring programming and learning opportunities to the community. The City of Homestead and their regional partners have been incredible supporters, helping them strengthen operations, reach more people and keeping these partnerships alive. In the future they are going to bring more sponsors to help subsidize the cost of events that they host in Losner Park. She stated the Seminole Theatre is stepping into a new chapter, they want it to be more than just a performing space. They are rolling out an eye catching advertising across the region where things like billboards and digital displays along US 1 and altogether the City's "Discover Homestead" branding on it. On the digital side they are expanding their region targeted social media streaming campaigns, short videos and showcases of artists and the energy of Downtown Homestead. They are also focusing on partnerships introducing a Seminole Café where people can relax and enjoy local coffee and wine nights and stay connected with others in the community. They also have a dinner and show package with local restaurants and weekend get aways that pairs performances with Homestead's attractions. They are making sure the Theatre stays part of this community year round; sponsoring local festivals and having branded vehicles that spread the word all around South Florida, in the end this plan will boost attendance, bring people together and shine the spotlight on Homestead as a vibrant South Florida experience. She ended her presentation by showing a reel of their upcoming performances. She stated OVG was hoping for another long time with the partnership with the City of Homestead. It was a process coming to the same terms, but she thinks at the end of the day it benefits our City and that is what they are here for.

Vice Mayor Fletcher requested a copy of her presentation because he needed to look at some of the details because the City is still subsidizing the Theatre in the amount of about $250,000. He stated he would like to challenge her a little bit in improving some programming and increase the

revenues little bit. It is not always on the back of the citizens that the subsidies need to be paid. He suggested maybe they must increase the ticket prices a little bit. He stated he was happy to support this item tonight with the caveat that they are going to try and increase the revenues and programming efforts.

Ms. Rubio stated they have taken steps this upcoming season on things like raising their facility fee, rental rates have gone up a percentage and they are expanding programming to their lobby area and hopefully once they get those renovations in their lobby area, terrace space and classrooms, they can not only depend on the large performances that take place on stage, but get more creative with their cabaret setting in other spaces that they have.

Mayor Losner stated he knows the old contract and the proposed renewal provides for a revenue split between the Theatre and the City at some point. He asked the City Manager if he or any of the City's finance people had the opportunity to review the books of the management company for the past few years.

City Manager Dr. Ihekwaba answered he was not aware that the City has conducted an audit.

Mayor Losner stated this was his concern that Ms. Rubio made a representation that in 2024, that there was 190,000 attendees; he noted the capacity of the Theatre is 400 that is 475 sold out performances in a 365 day year, and if the average ticket price is $24.00 a 190,000 people times $24.00 is over $4.5 million in revenue. He stated that kind of a numbers sounds like the City does not need to be paying anything and the management company ought to be paying the City to have the ability to generate $4.5 million a year. He commented he had a hard time buying the numbers. He complimented the quality of every performance that he has seen there, but never has he been in attendance when there is anywhere near a full house. He commented that it was embarrassing for him as the Mayor, he feels bad for the performers who have come town, they put their heart and soul into making the performance to a half full at best auditorium. He stated he thinks the City can teach itself and probably do a better job of operating the Theatre than has been done in the last 15 years. He stated he might be in the minority, but he was ready to pull the trigger and say enough is enough he thinks the City needs to go in a different direction.

Councilwoman Bailey stated she completely disagree, she has been to many shows that are typically sold out, the improvements that she has seen over the last couple years are astronomical. She pointed out she has lived a walk away for almost 20 years, and she finally sees this coming to what they have always wanted it to be; all the events at Losner Park the management company is opening; the Halloween event they did amazing. She added it is not just the shows; it is the community involvement. She commented the Council may not be aware of the relationships that the management company have with the schools in the community. She stated it is going to take the City another 10 years to get to where this management company is now; therefore, she absolutely disagrees. She stated if the Council wants to cut the contract shorter than 7 years, she would be okay with that, but despite the number of things that they have shown and what they are promising now, she thinks it would not be in the City's best interest to go elsewhere.

Vice Mayor Fletcher stated let us run back through the numbers; 190,000 times 24 is $4.5 million. He asked Ms. Rubio what was their annual operating budget?

Ms. Rubio answered she did not have that number in front of her, but she could get it back to him. She stated when they count events, they are not only counting live shows. She stated sometimes it takes 35 rehearsals to put on one performance, so those might not be events that anyone is attending, but those are events that are in the books.

Vice Mayor Fletcher stated that staff were recommending that the Council approve this contract, but he thinks the City must do a deeper dive and look at the books. He stated he does not know how they are going to get to that point and suggested making it a renewal of this contract so that six months from now the City must have a full audit completed. He asked when was the last audit completed? He asked Ms. Rubio when was their last audit completed?

Ms. Rubio answered she was not always in this position, but since she has been in this position she does not think so.

Vice Mayor Fletcher stated there are some questions that need to be answered. He asked what was the time sensitivity for approval of this?

City Manager Dr. Ihekwaba responded that the City has a short-term extension of the existing contract to allow them to continue to operate while the Council was looking at this.

Vice Mayor Fletcher stated he was willing to go that route initially until the City can dive into this. He added the Council is fiscally responsible to the taxpayers of Homestead, and just throwing their money out there, and if these numbers are correct the City should not be paying anything as far as a subside from the City. He reiterated that the City needs to do a deeper dive, and he was willing to approve a short-term extension until the Council can get some more details because they must control these costs.

Mayor Losner stated he did not think that Ms. Rubio prepared these by herself, he was certain, but at the very least this is a misleading presentation, when they are counting rehearsals and counting those people as attendees to events, that is on its face very misleading, so that further erodes his confidence in this.

Councilman Davis stated he wanted to emphasize that this was not disputing the value that the Seminole Theatre has, the Donna Lee goes there, and it is a packed crowd, and he has been to other shows it is not so packed. He does agree that this is an issue of stewardship, he is not convinced at this point that the money that is generated has been properly accounted for. He stated he not saying that anyone is doing anything wrong or there is criminal action going on, but clearly when they are counting the rehearsals and say there are 75 or 100 girls from Donna Lee, and they do 3 rehearsals before the show that is 300 people on that total number that are not paying. He stated his point is that it is time to do an audit and it is a healthy thing to do because they want the health of the

Seminole Theatre to be ensured. He noted that it would be the jumping off point for other decision making.

Ms. Rubio stated the reason they count the rehearsals is because people rent space in the Theatre as a rehearsal space.

Councilman Davis asked if they pay for rehearsal and do they pay the same amount as a ticket.

Ms. Rubio answered they pay for the rehearsal space, but they do not pay the same amount as a ticket.

Councilman Davis stated that is where the numbers need to crunched.

Mayor Losner asked the City Manager if he knew when the current extension ends.

Deputy City Manager Brown answered at the end of the month, October 31st, when the current extension ends.

Mayor Losner stated the Council can either extend the current agreement or put a very short or condition on the approval of the agreement in front of the Council pending some review of the last few years of the management company's operations.

Deputy City Manager Brown stated should the Council decide to proceed with the term sheet as staff has identified it to date, they can work through an audit up front, prior to final execution and then they bake in an annual audit, and if there is a desire to reduce the term of the overall agreement because today it is an initial 5 year term and up to 2 – 2 year extensions, so if that is something that there is an appetite for staff can certainly look to include that subject to exceptions in the agreement. She noted she served as a part of the negotiation team for the City and one of the things that they clearly articulated to the OVG Group was the performance monitoring element of this agreement and the contract, and the lack of prompt and collaborative reporting on their side. She added what staff has done and what they have agreed to so far in the fixed base management fee. It as the term of $100,000.00 and they have split that $100,000.00 in that $72,000.00 which is about $6,000.00 a month would be a base management fee for the operations, $28,000.00 would be exclusively based on performance, and what does that mean, it means timely monthly submission of their general management invoices., timely financial reporting to the City, staff has baked in that there needs to be a monthly meeting with the City to understand what their event programming looks like, there needs to be a growth attendance increase between 5 to 7 % per year, so staff has carved out specific KPIs around performance that staff can measure to because that was one of the things that staff heard from Council that was an area of concern and frankly the Administration as well, the City's Finance and Budget Department struggled with timely reporting. Therefore, staff wanted to make sure that there was something baked in, and it was tied to dollars and cents for the management company to make sure that they were doing that timely reporting. She reiterated that the end of the month is when the current contract expires, the City can look to request the incorporation of an

annual audit year over year and then they can do one for the immediate books at the expense of OVG.

Mayor Losner stated OVG needs certainty whether they are in or out, the City needs certainty as to what the future is going to be and with Deputy City Manager Brown's deeper explanation of the safe guards and the requirements that are built in and envisioning an overall 5 year term, but terminable by the City at the end of each year after the City does the look back to look at performance. He added that way the City is not married for 5 years with an underperforming operator.

Deputy City Manager Brown stated staff has also baked in another measure that they must present an annual budget, an annual CIP Plan for the City to deliberate and consider and an annual presentation on how the Theatre has performed year over year. She stated those three additional deliverables are baked into what staff has negotiated to date.

Mayor Losner stated that it is all well and good when it is not a misleading presentation like they were shown tonight, and he does not have any better word than that other than misleading.

City Manager Dr. Ihekwaba stated there is a provision for termination for convenience, which is always in all contracts. He noted there is an additional safe-guard in place, the City can terminate for convenience. Unfortunately, the termination for convenience as negotiated by the team could only happen after the third year.

Councilwoman Bailey stated how long in advance the management company need to book shows, they cannot get any of these great shows within one year, so that is why that is baked into the contract. She added she spent a lot of time going over this to and that is the truth and that is how they are growing, it is because of the consistency and how they have been growing in the last few years that is getting them the shows they are getting now. She stated if they go back to a one year deal that is less ability for them to get the Theatre the bigger shows. She noted that was something for the Council to keep in mind.

Vice Mayor Fletcher stated that is why he appreciated Councilwoman Bailey's comments. He stated he looks at the Seminole Theatre as a gem in South Florida. He added there are other theatres that are shutting , Coconut Grove, they are tearing it out. He noted the Seminole Theatre seems to be doing well on the face of things, but the numbers just does not match the performance. He stated the Council needs to look at a short-term extension to try and figure this out, but they must have some real numbers for the Council to be good stewards for our community, that is his offer at this time.

Mayor Losner stated potentially there may be a six-month extension of the current agreement with the caveat of all these financial reviews.

Councilman Roth asked if six months was enough to get quality shows here?

Ms. Rubio stated no, and they also must go into contract with the shows a year ahead because they are routing them and if they want to pay 50% of what larger venues pay, they must get them ahead of time.

Councilman Roth stated the City did an Request for Proposal (RFP) for this contract, he asked how many people applied?

City Manager Dr. Ihekwaba answered there were two responses.

Councilman Roth inquired how qualified was the second response?

City Manager Dr. Ihekwaba answered they were not as good as OVG.

Councilman Roth stated the citizens voted for the Seminole Theatre, anybody who lives in the City is still paying for the Seminole Theatre through their taxes, to him this a quality of life issue, if the City cannot find another operator, which they made a valiant effort to do so and OVG says City of Homestead enough, we do not want to deal with you anymore, the City loses another quality of life venue for our and he thinks that although the financial aspect of it and the management company needs to be prudent on how they manage monies and shows. He stated Dr. Zerry came from the City of Miami and asked him if theatres of our caliber were profitable and is there a public stake to keep them alive, so they have cultural arts in our City.

City Manager Dr. Ihekwaba responded that Councilman Roth brought in something that was dear to his heart, the way the Seminole Theatre has been operating is not the way most theatres are operating. He stated case in point the Adrienne Ash Center, which is the performance arts center in downtown Miami is primarily functioned, around a non-profit foundation, that solicits for funds and those funds are used to operate it. He stated there has been a huge outcry in the past about utilizing tax dollars to run some of these types of establishments. He stated they are usually attached around non-profit foundations to raise money and perhaps some good spirited public individuals that are well endowed that can put money aside to support the endowments.

Councilman Roth stated those types of operations although they are operated as non-profits as the Vice Mayor stated that the Coconut Grove Playhouse is being torn down, and the City of Homestead just revitalized the Seminole Theatre that was dark.

City Manager Dr. Ihekwaba stated the Coconut Grove Arts Theatre has long ceased to operate, it has been several years, if not more than ten years. It has been out of business, why it is being torn down because it is deemed an unsafe structure. He noted there has been a battle between the City of Miami and the County, the County wanted it torn down and the City of Miami said no, they can preserve it, they ended in litigation and eventually it collapsed.

Councilman Roth stated it did not go out because of financial issues; it just went out because they stopped operating.

City Manager Dr. Ihekwaba responded it was a mixture of all types of issues.

Councilman Roth stated they had a lot of problems. He stated the City invested about $5 or $6 million to revitalize our Seminole Theatre on the backs of the taxpayers that they voted to do that, although it may 750 of the voters who said to do this, and he still thinks that he would be okay if the Council extended the contract for a year pending the audits and then the they could make a better decision on that. He noted Ms. Rubio mentioned the Friends of the Seminole Theatre, which is a non-profit group and he thinks they wanted to step up and do some more to help with the financing, and he thinks part of the agreement that staff came up with is adding additional revenues to the Seminole Theatre by way of ancillary things, the café, energizing the terrace, and increasing beverage sales, etc. He stated he was sure there was other programming that the management company can do as well to drive not only ticket sales, but concessions as well and may be they could look at the concession side, but he does not believe there is a lot of room and capacity to do a lot of concessions, he just thinks if the City blows this thing up he does not think there is another operator that wants to take on the Seminole Theatre and the City loses another quality of life venue for the citizens that live inside the City of Homestead.

Mayor Losner stated when the bond was approved by the voters that they were going to rebuild this theatre, but it was never disclosed and nobody ever talked about the $.5 million in subsidy that has been coming out of the City coffers for the last 10 years to keep the theatre afloat, and he thinks this idea that if the Council does not give the management company a year they cannot line up shows is a real red herring because right now they have a contract that has seven, eight, nine more days on it and they are showing the Council in a nice video what shows are lined up for the next year. He asked them to make up their mind whether they can live with a short-term contract or they cannot get shows. He stated the presentation indicated that even with this short-term contract they were able to line up shows for the coming year.

Councilman Roth stated he thinks they were acting on good faith that the City would acknowledge, accept and agree to this agreement. He noted staff did a great job in incentivizing this contract, so that this operator, and the City cannot find another operator right now, if the City gives OVG too much of a hassle that venue is going to go dark, people are still paying for it, and he does not believe that is in the best interest of the City and the citizens in this City. He stated there is nothing here for anybody to do, and if the Council takes the Seminole Theatre away, although its capacity is only 450 seats it is just another thing they have taken away by virtue of dollars and cents. He stated this is just his opinion, everybody is free to have their own opinion, but he thinks what the management company has done over the last 7 years, including going through COVID and when everything was shut down and survived he thinks they have earned that opportunity to continue on, and if the City finds some inconsistencies in the upcoming audits as the City Manager said the City can terminate in a year.

Vice Mayor Fletcher amended his motion to extend the contract for a year with the caveat that after the audit is performed if the City finds some negligible activities then the City can terminate.

A motion to a one year extension from the current expiration of the contract now in place with the performance and the audit with the Seminole Theatre management company (OVG), was made by Vice Mayor Fletcher and seconded by Councilwoman Ávila.

Mayor Losner stated the contract before the Council that the obligations created much better and more level playing field between the City and Seminole Theatre versus the contract that exist now that the Council was speaking about extending for one year. He suggested adopting the new contract that has more obligations regarding the Seminole Theatre for a period of one year, subject to review of the financial obligations that they were speaking about.

Vice Mayor Fletcher amended his motion to adopt the new contract for a period of one year subject to review of the Seminole Theatre financial obligations, the motion was seconded by Councilwoman Ávila, with the addition of the art gallery, the summer programming, it is the only convention center in this area that she is aware of, to activate the lobby for longer hours for the pre-show time and other times of the month when there are not shows. She agreed that they need the due diligence, and the extra activations. She added she would like to see the breakout of how many shows are City generated like the art galleries, how many shows are recitals versus an actual show that is ticket based and noted those were all tools that were great for the City to analyze and this is not different from what the City has requested from other non-profit organizations in the City, this is standard across the board, it is not anything different, and it is something the Council expects the Seminole Theatre to be able to provide.

Mayor Losner stated to Councilwoman Ávila's point those reviews they would have the opportunity to do that break out between receptions, recitals, musical performances, drama performances and whatever performances. He stated the Council would have the opportunity to review that under the new form of contract.

Councilwoman Ávila stated it give the Council the opportunity to give feedback and to help shape the way that they change their approach and strategy, not necessarily without OVG, but as a partnership so that they can be better partners in this.

Councilman Davis thanked everyone for their input because it shows that they all care about the Seminole Theatre and they want to see it be successful. He stated this is not a binary outcome, it is not letting it go, and they would continue the performances and audit it is probably going to shut down. If the City audits the Seminole Theatre and it shuts down, it is because it should shut down. He stated he has overseen many complex organizations over the years, and he stood ready for inspection anytime, let them come in and look over his books or whatever he had at that time. He stated his point is it should not be hard and those numbers should be right there, and the fact that there are not here tonight, shows that perhaps OVG underestimated the importance of this briefing, but it also shows the need for that audit and a need to establish a foundation that they can build up on and do some the planning that has been brought up by his colleagues. He emphasized he absolutely supports doing an audit, sometimes you get to a place, and you get that little voice talking to your ear, this is one time that it says they need to do this check, and the City needs to investigate

this. He stated he is not saying that there is criminal activity going on, but he thinks they are raising enough issues that says they need to investigate this.

City Attorney Pearl stated he wanted to get a little clarity on the motion. He stated he knows the Council wanted to implement the new terms on the term sheet, but for practical discussion if the City enters a one-year contract, in six months they are going to start procuring again. He asked if the Council would be more comfortable with a longer term contract that allows the Council to terminate at their convenience after a single year, this way they would have the time in place anytime after that year to make their decision on a rolling basis, but the City is not left behind the eight ball and having to go out and procure within six months.

Mayor Losner stated that is what was really intended.

City Attorney Pearl stated the Council can go with the proposed term if there is a termination at the City's convenience after one year.

Vice Mayor Fletcher stated he thinks it is incumbent upon the Council as well as some of the City's staff that they need to be going out and looking for these new helpers. He noted there is no foundation down here that really supports, like the City of Miami or Fort Lauderdale. He stated there is a lot of people and a lot of money down here that can help support this theatre as well, and we just need to asking the right questions.

City Manager Dr. Ihekwaba stated it is understood that the City will be funding the audit.

Mayor Losner asked the City Manager if we had the ability to do this inhouse.

City Manager Dr. Ihekwaba answered no. He added if the Council wants the Seminole Theatre management company to accept an audit for fair purposes, they want an independent entity to do it.

Mayor Losner asked for a guesstimate of what that cost would be, and they would have to speak about the time frame, one year, three years or five years. He stated he is speaking about the look back period.

City Manager Dr. Ihekwaba responded it is at the discretion of Council.

Mayor Losner asked when did COVID end? He stated calendar year 2023, 2024 & 2025.

City Manager Dr. Ihekwaba asked if the Council wanted to do three years. He stated this was a five year deal with an option and discretion to terminate after one year. He asked if this was understood.

Mayor Losner responded yes. He stated the audit is a small price to pay to know that things are above board.

Mayor Losner opened the Public Hearing.

There were no comments; therefore, Mayor Losner closed the Public Hearing.

Roll call:

| | | |
|---|---|---|
| Councilwoman Ávila | - | Yes |
| Councilman Roth | - | Yes |
| Councilwoman Bailey | - | Yes |
| Councilman Canabal | - | Yes |
| Councilman Davis | - | Yes |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

A motion to extend the meeting to 9:30 p.m. was made by Vice Mayor Fletcher and seconded by Councilman Davis.

Mayor Losner asked, "All in favor?" Ayes: All.

Councilman Canabal left the meeting at 9:07 p.m.

vii. CAR 4727 – ACCEPTANCE OF FDOT GRANT & GRANT AGREEMENT – SW 152 AVENUE BRIDGE EXPANSION (CANAL CROSSING) (TAB 13)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, APPROVING A STATE-FUNDED GRANT AGREEMENT BETWEEN THE CITY OF HOMESTEAD AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE HOMESTEAD - BRIDGE EXPANSION SW 152ND AVENUE PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ANY RELATED DOCUMENTS; ESTABLISHING A BUDGET IN THE AMOUNT OF $575,000 FOR THE EXPENDITURE OF GRANT FUNDS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Pearl read the above Resolution title for CAR 4727 into the public record.

Mayor Losner asked if there was any objection from the Council on waiving the staff report. There were no objections from the Council.

A motion to approve CAR #4727, Acceptance of FDOT Grant & Grant Agreement – SW 152 Avenue Bridge Expansion (Canal Crossing), was made by Councilman Roth and seconded by Councilman Davis.

Mayor Losner opened the Public Hearing.

There were no comments; therefore, Mayor Losner closed the Public Hearing.

Roll call:

| | | |
|---|---|---|
| Councilwoman Ávila | - | Yes |
| Councilman Davis | - | Yes |
| Councilman Roth | - | Yes |
| Councilwoman Bailey | - | Yes |
| Councilman Canabal | - | Absent |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

viii. CAR 4802 – ADOPT THE CITY OF HOMESTEAD BASIN PLAN OF ACTION (TAB 14)
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, ADOPTING THE CITY OF HOMESTEAD 2025 BASIN PLAN OF ACTION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Pearl read the above Resolution title for CAR 4802 into the public record.

A motion to approve CAR 4802, Adopt the City of Homestead Basin Plan of Action, was made by Vice Mayor Fletcher, and seconded by Councilman Davis.

Mayor Losner opened the Public Hearing.

There were no comments; therefore, Mayor Losner closed the Public Hearing.

Roll call:

| | | |
|---|---|---|
| Councilwoman Bailey | - | Yes |
| Councilman Roth | - | Yes |
| Councilwoman Ávila | - | Yes |
| Councilman Canabal | - | Absent |
| Councilman Davis | - | Yes |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

ix. CAR 4688 – CITY OF HOMESTEAD – TITLE VI PROGRAM (TAB 15)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, APPROVING THE REVISED TITLE VI PROGRAM IN ACCORDANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AS REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Pearl read the above Resolution title for CAR 4688 into the public record.

A motion to approve CAR 4688, City of Homestead – Title VI Program, was made by Councilman Roth and seconded by Vice Mayor Fletcher.

Mayor Losner opened the Public Hearing.

There were no comments; therefore, Mayor Losner closed the Public Hearing.

City Manager Dr. Ihekwaba stated the City is a recipient of FTA grants and part of the requirements for this grant is the City need to ensure compliance with Title VI, which is the Civil Right Act; no discrimination based on ethnicity, sex and the rest.

Councilwoman Ávila stated she was reading guidelines for the development of the Downtown Homestead Multi-Modal Transit Center.

Mayor Losner stated this is certification the City must do in connection with that.

City Manager Dr. Ihekwaba stated every three years.

Roll call:

| | | |
|---|---|---|
| Councilwoman Ávila | - | Yes |
| Councilman Davis | - | Yes |
| Councilman Roth | - | Yes |
| Councilwoman Bailey | - | Yes |
| Councilman Canabal | - | Absent |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

x. CAR 4806 – FDEP LAND AND WATER CONSERVATION FUND GRANT (TAB 16)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA, ACCEPTING A GRANT AWARD OF $1,500,000.00 FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR IMPROVEMENTS AT THE HOMESTEAD SPORTS COMPLEX (A/K/A HOMESTEAD REGIONAL PARK); AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT; AUTHORIZING THE ESTABLISHMENT OF A BUDGET FOR THE EXPENDITURE OF**

**SUCH GRANT FUNDS; AUTHORIZING MATCHING FUNDS IN AN AMOUNT NOT TO EXCEED $1,500, 000.00; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Pearl read the above Resolution title for CAR 4806 into the public record.

Mayor Losner asked if there was any objection from the Council on waiving the staff report. There were no objections from the Council.

A motion to approve CAR 4806, FDEP Land and Water Conservation Fund Grant, was made by Vice Mayor Fletcher, and seconded by Councilman Davis.

Mayor Losner opened the Public Hearing.

There were no comments; therefore, Mayor Losner closed the Public Hearing.

Roll call:

| | | |
|---|---|---|
| Councilwoman Bailey | - | Yes |
| Councilman Canabal | - | Absent |
| Councilman Roth | - | Yes |
| Councilman Davis | - | Yes |
| Councilwoman Ávila | - | Yes |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

## 8. DISCUSSION

a. CAR 4672 – Code Compliance Lien Mitigation Request for Property Owner – 268 SW 6 Avenue (Tab 17)

Mayor Losner asked if the property owner was present at the meeting. He asked the property owner if there was any presentation he would like to make in support of his request.

The property owner, Alfonso Serrano stated he was dealing with this problem since 2021 and they have tried really hard to resolve this problem and he has the proof with emails and everything, but staff never responded and with the new administration that the City has right now, they are doing a super nice job in helping to resolve the problem within two months. He thanked the Code Compliance Director Mr. Jose Perez. He came to present the fees that he has; it was not his fault that he was waiting for five years on permits.

Mayor Losner stated the information before the Council stated there was a fine and a lien for the expansion of a business without the updated license, for overdue certification on some equipment, and illegal signs and banners as recently as June of this year. He stated it appears that the request is with respect to the 2018 lien, which after the reduction by the Special Master still shows an outstanding amount of $47,589.

City Manager Dr. Ihekwaba stated the individual from his internal briefing with the Administration staff had this violation and there was certain misunderstandings in the past, typically you need a permit to cure a violation, the City did not issue him that permit to cure it and that is how it lingered for so long. He went through the Special Master and got a 25% reduction and what he is asking for is an additional reduction at least to a level that recognizes that the City shares part of the challenge of not having issued him a building permit for him to cure the violation.

Mayor Losner stated that was something the Council addressed in some recent legislation that the City allowed the issuance of a permit during a period of violation so that people can cure the violation. He commented he fully believe and understand Mr. Serrano issues, problems and delays with the prior Administration. He asked Mr. Serrano if he was offering any amount in settlement.

Mr. Serrano stated if asked he just does not want to pay nothing because he thinks he is not responsible because he did everything that was in his hands to resolve the problem. He added if one part does everything to resolve the problem, and the second part does not do it, they just cannot resolve the problem. He requested the Council to make a 90% reduction, which he thinks is fair.

Mayor Losner asked Mr. Serrano if he was proffering 10% of $47,000.00 whatever that amount is. He stated, considering what he thinks most of the Council understand was the situation in that department over the last several years, he could live with that.
Councilman Davis stated he thinks they were dealing with a legacy issue, and the short comings of the preceding team are well known, and he was willing to go lower than that 10%.

Councilman Roth stated Mr. Serrano stated he just went two months ago to try and rectify this problem. He stated the new Administration has been here for nearly two years, so he has a little shortcoming on the fact that Mr. Serrano tried to make every effort to cure this problem. He stated he was sympathetic about what Mr. Serrano was facing; however, he thinks the throwing around that the previous regime failed to help him and this new regime has been in place for nearly two years and two months ago Mr. Serrano started this process is an unfair judgement on his part. He noted it was not the previous regime; they did not create the violations for Mr. Serrano; he created the violations. He reiterated he was sympathetic for Mr. Serrano and commented he understood, but there is a problem.

Mr. Serrano stated he did not say the last two months he resolved the problem, he said it took him two months to resolve the problem with the new Administration.

Councilman Roth asked him what took him so long to get to that two month period, because the new Administration has been here for almost two years.

Mr. Serrano answered he was dealing with this from 2021 or 2020 and with the new Administration it took him two months to resolve the problem. He added the problem is gone and everything is clear, and he came here for the reduction. He noted almost every three months he was paying fines. He stated he came here for the Council to help him.

Mayor Losner stated it is important to remember that the ability to come in and solve the problem has only existed for a few months from the time the Council passed the legislation that allows people to pull permits during the pendency of a violation to cure the violation. He added there was no mechanism in place for him to resolve that until 90 days ago.

Councilman Roth stated it was a building license issue because he could not get the permit.

Mayor Losner stated it looked like it was the expansion of a business.

Councilman Roth stated Mr. Serrano did construction without a permit.

Mr. Serrano responded he did not.

Councilman Roth stated Mr. Serrano started construction without a permit.

Mr. Serrano answered no.

Councilman Roth asked if staff had anything to say.

Mr. Serrano responded he could show Councilman Roth the paperwork if he wanted to see it.
Councilman Roth stated he wanted to hear what staff had to say because what Mr. Serrano stated was staff came out and fine him for work that he did with a permit and stated he does not believe that the City's staff would do that. He stated he believe the staff found that Mr. Serrano started to build something without a permit and then he tried to comply. He asked if somebody from the City staff can chime in on that.

Code Compliance Director Jose Perez responded that the original violation that was cited in 2018 was for work that was done without permits to convert the expansion of that business. He noted there were permits that were supposed to be issued for work without the rightful permits. He added in the property owner's defense he did demolish what was constructed without permits. He stated for clarification on the timeframe he pointed out in in the property owner's defense that within his onboarding on January 13, 2025, within that first week timeframe Mr. Serrano did reach out to him, and he was able to help him cross that finish line.

Councilwoman Ávila stated not too long ago they were reviewing a case where there was a significant amount of fines and there was a significant reduction in fines. She noted the case was very different where they were dealing with an absentee landlord and the way people were living were in questions. She noted in this case they have a small business owner who has been dealing with the burden and the emotional burden of having this hanging over his head and still trying to make a living and trying to come into compliance with the City. She noted the report from the City stated the items were for the non-permitted work; however, issuance of the permit was delayed due to an internal policy preventing building permits from being issued on properties with open code cases and this created a circular delay. It also stated there were no photographs as the violations were strictly administrative in nature and the City's policy for 25% reduction, this all boils back to also making sure that the fines that the City is charging commiserate with the violation and that they are not compounding. She stated there was an attempt to resolve, the Council knew they needed to improve the City's process and system, and she was thankful that it has been resolved. She stated whatever decision the Council makes on these cases becomes the precedence that is set for the future and does not forget how they are treating Mr. Serrano when the next one comes along. Therefore, if the Council is willing to be consistent with the practice, then she is okay with a significant reduction. She noted the last case the Council did it was a 80% reduction. Therefore, if they were to look at this case and say what 20% of the original fine would be consistent with the precedence that they set and suggested that they can do a 10% reduction.

Mayor Losner stated the last case was very distinct and different in its nature. He does not view the last case as a precedence for this one at all.

Councilwoman Ávila stated in terms of calculation.

Mayor Losner stated in terms of the nature of the violation.

Councilman Davis stated that his recommendation because this is indeed a legacy issue. He disagreed with his colleague because it is very well established that the difficulties under the preceding Administration of the City Manager's Office that the Council just relieve Mr. Serrano off this debt at this time. A motion to release the amount of Mr. Serrano's debt in full at this time was made by Councilman Davis.

Mayor Losner asked if there was a second to this motion.

Vice Mayor Fletcher stated he appreciated the Council doing their due diligence and asked what the long-term history of this debt was because there have been violations at this property for many years.

Code Compliance Director Perez stated that it was correct.

Vice Mayor Fletcher stated it was not to say that Mr. Serrano did not do what he needed to do here lately, but he thinks the Council kind of set a precedence last time as well and maybe at the 85% mark because that is what was allowed and what they have codified almost.

Mayor Losner stated the Special Master is allowed to reduce the debt by 85%, but the Council is discretionary anything above the 85%.

Vice Mayor Fletcher stated the Special Master did a 25% reduction and his offer would be good at 85%.

Mayor Losner stated the amount due would be 15% of $47,400.00

Councilwoman Ávila stated to clarify that the $47,400.00 is not the original lien this was the reduced amount, which she would be comfortable with given the circumstances, but the Council would have to be case by case.

A motion of the amount due to obtain a release of the lien will be 15% of $47,400.00 by Councilman Davis and seconded by Vice Mayor Fletcher.

Mr. Serrano stated he has been working for the Police Department, and he has lost the account, and he just wants to close this to start working again for the department because he is losing a lot of money. He asked if it was available for him to make payments.

Mayor Losner asked the City Manager if there were any guidelines as to timeframe or installment payments.

City Manager Dr. Ihekwaba stated he thinks Council has discretion.

City Attorney Pearl stated the Council can impose a phased payment system if they like.

Councilwoman Ávila proposed that staff and Mr. Serrano discuss a payment plan that is deemed appropriate.

Mayor Losner stated not later than six months from today. He directed staff to work out a payment plan that does not extend beyond six months from today.

Roll call:

| | | |
|---|---|---|
| Councilwoman Bailey | - | Yes |
| Councilman Davis | - | Yes |
| Councilman Roth | - | Yes |
| Councilman Canabal | - | Absent |
| Councilwoman Ávila | - | Yes |

| | | |
|---|---|---|
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

b. CAR 4801 – Code Compliance Lien Mitigation Request for Property Owner – 225 SW 2 Avenue (Tab 18)

Isidoro Lopez from Lopez Legal Group, Inc. with offices at 8950 SW 74 Court, Suite 24, Miami, Florida 33156. He spoke briefly to the history of this issue with Century Everglades, LLC., at the address referenced. He stated he was before the Council for a lien mitigation, seeking to get the highest possible percentage of mitigation. He noted they had gone before the Special Master a couple of weeks ago, and that was a great experience. He stated the Special Master manifested that if she could go even higher, she probably would have, but she was capped at 85%. He noted Mr. Vento has been a commercial resident in the City of Homestead since the year 2000 for twenty-five years. He is also the owner of a famous lumber yard here in Miami-Dade. After the recession and a few other financial challenges Mr. Vento had, they repurposed some of the uses of the warehouses in his property. When he came to the City to get a business tax receipt is when a lot of his nightmare began. He was then told he needed to get an ASPR (Administrative Site Plan Review) and he began going through the motions of getting this approval. In the mist of that about 2022/2023 he came before the Special Master and got a 60 day extension to come into compliance for those businesses to obtain a business tax receipt. Shortly, thereafter around May of 2023 Mr. Vento hired him as his attorney, and the first email he sent to the City was a request for protocol of mitigation to see how they can address the time that was already lapsed, the response he received from the Clerk from Code Compliance back then was the only protocol the City had was to pay and comply, so Mr. Vento kept going through the motions of trying to come to compliance with the ASPR and in 2024 he come into compliance with that. Unfortunately, his violations have ballooned to such a point that he cannot pay that and needed to appeal his violations to get the business tax receipt for those businesses. He stated later that year things changed and in June of 2025 the City adopted a Code amendment that allowed this to be corrected. He commended the Council for that because before that it was kind of a circular vicious cycle that Mr. Vento was in. This is also like a code release that exists in other municipalities. He noted throughout the entire time of those two to three years Mr. Vento had been in communication with the City Planner trying to come into compliance and they kept asking for increasingly and the longer this took the violations kept accruing. Unfortunately, one of thing that Mr. Lopez has learned by reviewing some of the footage from the Special Master hearing, is that they have always extended time trying to work with commercial residents because the City is not in the business of just citing people, they are trying to help them come into compliance. He stated had Mr. Vento been afforded that possibility he probably would not have been before the Council today, and he probably would have only paid a fraction of what this has escalated into. He stated Mr. Vento has been a commercial resident here and they understand that prior administrations come and go, and he and Mr. Vento have a great relationship with Mr. Perez, who is the Director of Code Compliance and Dr. Zerry and staff have been great in trying to get this into compliance. He stated finally when Mr. Vento was able

to get the temporary business tax receipt for his businesses, he was able to come before the Special Master to get this Code Compliance lien mitigated and that is why they are before the Council today.

Councilwoman Ávila stated she was trying to make sure she understood and ask to allow her to recap. She stated she saw multiple businesses; CDL Technical Miami, Build Out Company, Envirowaste Services Group, Intercontinental Fire Training and inquired if there was as fifth one.

Mr. Lopez answered there were four businesses.

Councilwoman Ávila asked if all four of these businesses were operating out of the same location or are these multiple properties.

Mr. Lopez answered that it is on the same property, but there are different warehouses.

Councilwoman Ávila stated these are not internet based businesses, these are physical businesses.

Mr. Lopez responded that this is commercial for people who do their CDL Licensing training, people are employed there, and it is a good economic impact on the City because people do not have to leave here to get some of these services.

Councilwoman Ávila asked Mr. Lopez to help her understand how a seasoned business owner get to the point where Mr. Vento went three years not realizing he needed to have a business license or how did he start operating without it.

Mr. Vento stated he had been a corporate citizen of the community for twenty-five years, and always in compliance, but when the economic downturn came, he was operating a lumber yard from the property, and he was in full compliance.

Councilwoman Ávila asked Mr. Vento when he said economic downturn did he mean 2008 or with the COVID?

Mr. Vento stated with the 2008 he thought he could make it back, he moved his operations and sold his property on SW 8th Street, he was operating a pre-hung door factory from there with the complete operations here in Homestead, and he was operating there since 2000 as a mill workshop, rebar, lumber and all building materials that a lumber yard has. In 2019 he decided that he was going to continue doing business with Lennar which was his best biggest client at the time and then he decided to close his business, but realized that he had the property and thought maybe he could bring in tenants and rent the warehouses, and by 2020 he hired a real estate broker and he brought in some of these tenants. Mr. Vento stated he came to the City and told them he was no longer a lumber yard operator and now he was a landlord, and at that point the City said he needed to go through all of this. He stated one of the first things they told him, this was new development, so they were going to treat him like new development. He told them this property had been there since the 40s, this is not a new development. He stated after back and forth, zoom meetings because it was during COVID,

he asked what he was required to do and staff gave him a laundry list of a lot of different things that he needed to do to get that ASPR and he was just giving an example of how difficult and frustrating this process was for him. He stated one of the things he was required to do there was as traffic study, he spoke to an attorney friend of his that deals with the City of Homestead and he recommended this retired DOT engineer that was doing a lot of traffic studies for the City of Homestead to hire him, he hired the engineer and he told Mr. Vento he did not need a traffic study, do not worry he would speak to staff. He stated months go by and finally Mr. Vento told the engineer if the City was requiring the traffic study, go ahead and do the traffic study, so after that he received a bill from the City of Homestead and was told he needed to deposit more money into his account because they were drawing from the account to pay for all of these services. He noted at that point he had already given the City a significant amount of money in the thousand and thousands of dollars and he requested a detail report of what that money was being used for. He was given the report and he sees that the traffic engineer that he was suppose to hire even with him saying there was no requirement to do a traffic study, but then that traffic study was being reviewed by the previous Director of Zoning engineering firm charging him additional monies, and he also found out the person reviewing that traffic study was not even a traffic engineer. He stated this was somebody working for the City and they were now forced to hire his engineering firm to review the work that they are supposed to be doing, so they can imagine his frustration at that time. He mentioned shortly after that he got a call and the individual says there is a big chance that they are forcing him out of the City because they want him to sell the property, and he received a call from a group of investors looking to buy his property. He added it is not that he was not trying to do the right thing from day one. He stated from day one he was mislead and told to do certain things that he knew that was not required, but he needed to make a living, so he now has tenants there that are operating without a business license and he is getting fined by the City on a daily basis, but he cannot do anything because he did not have the ASPR, so finally he gets the ASPR and he was trying to get the permits to bring his property into compliance, but he cannot get the permits because he has the fines. He asked Councilwoman Ávila if she understood the vicious cycle he has been in.

Councilwoman Ávila answered yes. She stated the violation period is from 2022 forward and noted the violation the City had the worst time with is the garbage disposal and it is only $1,000. She asked if it was staff recommendation that this issue is being resolved now because of the same issue as the last case or what is different about this case that it took three years under the new Administration. She noted that it states the property was acquired with no existing code violations, but the period of the violations starts May of 2022.

Code Compliance Director Perez explained that one of things that came up similar to the last property unfortunately, the business tax receipt was unable to be issued because of the violations and in this case his department reached out when the property owner reached out to Code Compliance about his difficulties and they were able to have the business tax receipt office issue a conditional license, so that he may resolve the violations and therefore, comply and be able to pay the liens and move forward with this process.

Councilwoman Ávila asked if he would be able to tell the Council what the calculation or the fine

would be if they did a stop on the day that Mr. Vento began to try to work this out with the City.

Code Compliance Director Perez responded he does not have those figures right now, it would take a second to calculate.

Mr. Vento stated he started wanting to work with the City from day one, he just did not have an ASPR because staff would not approve the ASPR and he was going through a vicious circle.

Councilwoman Ávila asked if the ASPR was the as per built.

Mr. Vento stated when finally, they approved of the ASPR he was ready to go get his permits. However, he could not get the permits because he had violations.

Councilwoman Ávila noted even with that said she think that the issue here is he had tenants moving in without the business license, they did not start from the beginning the right way. She stated if the Council was to apply the same calculation that the Council did on the last case she could support that.

Mr. Lopez asked if he could offer a suggestion and stated one of the things they calculated is had Mr. Vento been given those sixty day extensions right when the first one expired they calculated two years, and assuming it was the whole two years they were looking at about 730 days dividing that into 60 he got 12.16 and he would round it to 13 x $80 which the administrative fee is $1,040.00 which is probably what should have happen. He stated Mr. Vento should have 60 days' extension, the City has gotten it done yet we will give you another 60 days to give the City some more time because there is only so much Mr. Vento is responsible for, but there was a lot of back and forth.

Councilwoman Ávila asked Mr. Lopez to keep in mind that one of the violations is for large section of debris having been illegally dumped on the swale and that is a sensitive topic for a lot of the members on the Council.

Mr. Vento stated that was on the outside, he was cited, and he came to the City and he fixed the problem right away.

Councilwoman Ávila stated he resolved the dumping and did the City picked it up.

Mr. Vento answered no, he picked it up.

Councilman Davis thanked Mr. Lopez and Mr. Vento for their presentation. He asked if that was trash that was illegally dumped outside his property.

Mr. Vento answered yes.

Councilman Davis stated the Council have long discussed those types of legacy issues of illegal dumping, lack of effective enforcement in many cases and the property owner must clean it up and

they have discussed that at length, and they have discussed this entire permitting and zoning issues, which they have talked about at length. He gave another angle to this; Mr. Vento's property is designed to provide CDLs training and asked Mr. Vento what other training and services were provided.

Mr. Vento stated they provide motorcycle training, English classes, there is a carpenter, which is the same trade that he was doing before, so he does not know why he had a problem getting a business license, but obviously the old administration totally blocked the property. He has a gentleman that does continuing professional education for firemen, health hazards, CPR and a bunch of other things.

Councilman Davis stated he guess where he was going is everything that Mr. Vento wanted to do in that property led to people getting jobs and by impeding Mr. Vento from doing that, how many hundreds of people would have had a job.

Mr. Vento stated prior to changing his business model in the City of Homestead he employed over 60 people and in Miami-Dade County he employed over 300 people. He added now between the businesses that there are about 30 or 40 people that are employed.

Councilman Davis stated that is not counting the people that they get licenses for, which helps them to get jobs. He stated in this matter he kind of agreed with Attorney Lopez, he thinks that $1,200.00 is a very reasonable, again it is that legacy error that they keep coming back to and he does agree with his colleagues that the Council has to set a standard and eventually these legacy items are going to go and the a standard is going to be set, but there is enough questions being raise to say this is not right.

Mr. Lopez stated the Council the started the trend in the opposite direction in June with the code relief amendment because they were only able to finally turn the curb on that once that became law.

Code Compliance Director Perez stated he wanted to clarify that one of the key points that was brought up is in reference to the extensions, within that ordinance amendment that was adopted, the City now has the option to grant up to three extensions at the request from the property owners and businesses that have these issues, they are able to submit a formal request online through the Code Compliance portal and that should resolve this issue.

Mayor Losner reminded Councilman Davis that whatever the motion is staff has indicated that there is $1,540.00 in non-negotiable hard cost that is above and beyond any penalties and in proposing an amount of settlement this is a separate amount.

Councilman Roth stated his comment was addressed to staff, so when a business owner changes the status of the business and deploys four new businesses within that location are they required to go through a change of use.

Development Services Director Debora Storch answered it is required not only by the City, but also by the Building Code and DERM because if we do not comply with DERM the City gets fined. She stated

each different type of business has a classification in the Building Code, so when they change the use they need to comply with those requirements.

Councilman Roth stated his question would be, has there been a change of use issued on this property?

Development Services Director Storch asked if the property owner had pulled out a building permit, because they do the change of use through a permit.

Code Compliance Director Perez commented he was not aware of one.

Councilman Roth stated the business is still technically operating in violation of the South Florida Building Code if these businesses have not gone through the proper changes.

Mr. Vento stated he went through the ASPR.

Councilman Roth stated he did not know what the ASPR was.

Development Services Director Storch explained that the ASPR is the Administrative Site Plan Review.

Mr. Vento stated after that he needed to get permits to put the property in compliance that was required by the City, but that is when he hit a wall because he could not get a permit if he did not pay the fines.

Councilman Roth stated he understood all that, but many people who come into the City new get caught by the requirements of the South Florida Building Code when it comes to change of use. He stated Mr. Vento said he has been in the City as a businessperson for about 20 or 25 years. He stated he understands the hardships, but Mr. Vento must admit some fault, because he put four different businesses into a property that was not properly zoned for what the uses were, and he has been collecting rents all this time.

Mr. Vento stated he must make a living.

Councilman Roth stated he understand, but Mr. Vento also must be following the law.

Mr. Vento stated he started that process, and he was here because he could not resolve the issues.

Councilman Roth stated he understands, and they are going to reduce the fine, but what he is trying to say is business owners must comply with state law, they cannot just do what they want to do on their property. He stated he was looking at one of the issues and it says Mr. Vento is operating with an unsafe structure and he did not do his building recertification. He asked Mr. Vento if he has pulled his permits to do his building 40 year recertification.

Mr. Vento answered prior to this process he went through the 40 year and 50 year recertification and he was approved.

Councilman Roth asked if the City has the permits and approvals for the recertification of this building.

Development Services Director Storch answered she would have to check.

City Manager Dr. Ihekwaba directed Development Services Director Storch to look at Exhibit "A" in the package it says the compliance date for Unsafe Structures and Forty Year Recertification was done January 2, 2024, January 8, 2024 and the other one was March 11, 2024.

Code Compliance Director Perez stated that it was the compliance date that was provided to them from the Building Official back in 2024, so for them to comply with the 40-year building recertification the Building Official would notify his office, saying the property owner follows the forty-year building recertification.

Councilman Roth asked if that happened.

Code Compliance Director Perez responded that it happened on January 2, 2024, January 8, 2024, and March 11, 2024, as the City Manager advised.

Councilman Roth stated all he sees is that the building needed to be recertified per City of Homestead ordinances. He does not see an actual compliance date.

Code Compliance Director Perez stated Exhibit "A" on page 5 where it has the lien table he would see the deadline date and the compliance date. He noted it was a table that was built, it has the figures and the numbers on it.

Councilman Roth stated he would like to see the businesses have gone through the proper change of use and asked if staff could verify that today.

The response from staff was no.

Councilman Roth stated he would like to see that information to make sure the building complies before deciding on reducing the fines.

Councilwoman Ávila asked what the turnaround time was from when the new Director took over to compliance.

Code Compliance Director Perez stated if he was not mistaken it took approximately three months between when Mr. Vento reached out after he started for him to get the conditional license and get the compliance date.

Councilwoman Ávila stated if the Council does the 15% of the amount reduced by the Special Master plus the hard cost that comes out to $10,110.00 for four different businesses, which is about $2,500 per business. She noted this was a calculation based on the precedence and dividing that up per business.

Vice Mayor stated he just wanted to be clear, and added the Council was going to be reducing Mr. Vento's fines. He commented that they should not throw everything back on old staff, there were some component people who were not allowed to maybe do their jobs the right way, but let's give a little bit of benefit and there were some competent people in place that were actually going out and giving these code violations out and maybe it was not followed up on from the administrative side.

Mayor Losner stated that in that regard Code Enforcement did its segment of the job, but once it got into that area on the first floor that is where the permitting and other issues, the circular firing squad began.

Councilwoman Ávila stated this is the first time she is hearing about this case and she has been here six year and the majority of the members on the Council have been there for a long time and she asked if they had been brought into the conversation, they probably would have had this taken care of much sooner and Mr. Vento may have had a much lower fine.

Mr. Vento stated he reached out to a previous Councilperson and was told he had to go through the process.

Councilman Roth stated he has been on the Council for ten years and he has heard nothing from Mr. Vento.

Mayor Losner stated he has heard from Mr. Vento and that was the genesis of the legislation that was passed back in June. He stated he had met with Mr. Vento a couple of times and sharing those concerns with Attorney that Mr. Vento was on the hamster wheel, and there was no way to get off. He stated speaking for himself they have been proactive over the last 9 to 12 months.

Councilwoman Ávila stated she did not think $2,500.00 per business is steep if he was able to mitigate that with the other people responsible with the issue. She stated if Mr. Vento can accept that, he think it is fair for the City.

Councilman Roth stated Councilwoman Ávila was speaking about reducing the fines by 90% of the Special Master figure.

Councilwoman Ávila stated just using the 85%.

Councilman Roth stated 10% is $28,000.

Councilwoman Ávila stated the number she looked at was $57,135.00.

Councilman Roth stated the total amount that the Special Master reduced to was $285,925.00 and if the Council was going to do the 85% reduction it is going to be in the $35,000.00 range probably. He stated 10% as they did with the last person would take it down to $28,595.

Mayor Losner stated the Special Master reduction took it down to $57,135.

Councilman Roth stated $57,135.00 per case.

Mayor Losner stated that it was inconsistent with the staff report because the last paragraph of Exhibit 1 talks about the Magistrate's 85% reduction and asked if that was the outstanding amount or the amount of the reduction.

Code Compliance Director Perez stated the amount of the reduction was $57,135.00 plus the hard cost which is non-negotiable of $1,540.00 which brought up the total to $58,675.00 that was the offer that was provided during the Special Magistrate Hearing.

Councilwoman Bailey stated as the Council is taking these inconsistencies into account and pieces that they found unfair she thinks they also need to look at the issue itself and not go based off a total just because there are four different businesses involve it does not mean that Mr. Vento necessarily need to pay four times the amount the previous person did. She stated she thinks that the headaches and the stress of trying to deal with it so long as a local business owner is not necessarily based on the amount of money that the business is incurring. She stated if the Council wants to come to some type of term because she was sure they were going to have quiet a few more of these coming before them, maybe it should be something that has to do with the amount of time Code Compliance and staff spent trying to fix the issue, looking at previous emails and determining something maybe by year or by month of how long they have been trying to resolve the issues.

Councilman Roth stated not only that the Council still does not have the question answered that if Mr. Vento went through the actual change of use to allow all those businesses to be operating there today.

Mayor Losner stated that it was not a fine, it is like he might get a speeding ticket going home. He commented the Council need to stay within these four corners, but that can of worms have been open now.

Councilman Davis stated he would prefer to not put an additional arbitrary requirement on this applicant. He stated the change of use is important, but that is not what they were speaking about.

Mayor Losner stated that fine has not been vested.

Councilwoman Ávila asked if they are not supposed to comply to get to this point.

Mayor Losner stated they have not determined that is a factor of non-compliance. He added the Code Enforcement and Building Department have not yet identified that as an issue, so he thinks the Council must put their blinders on for purposes of this discussion with respect to the change of use.

Councilman Davis stated this goes to his argument a few moments ago, they have been going around with this for thirty five minutes and they are all smart people, and they have all the facts laid out in front of them and Mr. Vento has been dealing with this for ten years, just assess him the hard cost and move on because even with the Councilmembers who have knowledge of this, pretty smart people, smart staff put it all on paper and they are still messing around with it for thirty five or forty minutes. He reiterated that the Council should assess Mr. Vento the hard cost and move it on.

Mayor Losner asked Councilman Davis if that was his motion.

Councilman Davis replied that it is.

Councilman Roth recommended $10,000.

A motion to reduce the Mr. Vento's fines to $10,000.00, which is inclusive of the hard cost of $1,540.00 and to work with staff on installment payment to be paid in full not later than six months from today, was made by Councilwoman Ávila, and seconded by Councilman Roth.

Mr. Vento asked with the installment payment would he be allowed to go to permitting.

Councilwoman Ávila answered if he was compliant with the installment payment, yes.

Roll call:

| | | |
|---|---|---|
| Councilwoman Bailey | - | Yes |
| Councilman Canabal | - | Absent |
| Councilman Roth | - | Yes |
| Councilman Davis | - | Yes |
| Councilwoman Ávila | - | Yes |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

A motion was made to extend the meeting to 10:30 p.m., by Vice Mayor Fletcher, seconded by Councilwoman Ávila.

Mayor Losner asked, "All in favor?" Ayes: All.

c. CAR 4783 **–** Code Compliance Lien Mitigation Request for Property Owner – 730 NW 17 Street (Tab 19)

Mr. Juan Carlos Arrojo stated he purchased this house in 2017 and when they did the closing he went to the title company, and they called Code Enforcement to see how much money they owed, and no one could tell them. He stated the seller told him it could not be that much because the fire happened in late 2015 and he had low income, and he thought the City was going to give him a break. He stated he went that year and got the permit and he thought once he got the permit he was complying. He stated they knocked down the house and left two walls standing. He mentioned that his mom got cancer that year and it was extreme hardship, and she transitioned in 2019, six months later his brother transitioned and seven months after that his sister also died. He stated he has been going through a lot of stuff, and nobody told him he had a lien and that it was increasing, he mentioned he tried to go to the City a bunch of time, but they would not tell him anything. He stated he had all the emails from 2021, and he went to Code Enforcement himself. He added he does not know how to do emails; it is his daughter is the one that sends them, they send emails, but he did not get anything back. In 2023 he had a friend of his to talk with Code Enforcement and he was told the fines were $180,000.00 and he wondered how that could be. He stated he finished the house in 2023, and he was given a fine over $280,000.00 and then it was brought down to $189,000.00. Then he went in front of the Special Magistrate, and he explained to him his hardship and everything and that he did get the permit and thought he was complying, but the fines increased to over $200,000.00 and the Magistrate gave him an 85% reduction, which was $39,000.00 in thirty days. He stated he could not come up with $39,000.00 in thirty days. He commented he did not think he should pay anything because he bought the house in 2017 and the seller was going to get a discount, so he should apply for that discount. He fixed the house up, no more police officers there, the house is the nicest house in the neighborhood, and he thought he was doing something good, and it has been tough.

Mayor Losner stated as opposed to the last two cases where they could not pull permits to remedy the violations, is it factual that a building permit was issued to rebuild this house not withstanding all the pending violations and liens.

Mr. Arrojo stated the violations was for an unsafe structure, but the structure was not there.

Code Compliance Director Perez stated because of the nature of the violation the work would need to be completed to satisfy the violation. As it is unsafe structure in nature they do not want to on the basis of a permit being issued, there are times when property owners drag their feet and just by the issuance of a permit the work does not get done and then there is an unsafe structure in the community, and it poses a hazard to the residents and children of the community. He stated in addition the property had to be boarded up twice if he was not mistaken by Code Compliance because it was neglected at that point in time.

Mayor Losner stated that he did not answer his question. He stated they had the last two cases where the City would not issue permits because and now the assertion here is that the City did issue a permit.

Code Compliance Director Perez answered yes.

Mayor Losner stated, and a CO was issued.

Code Compliance Director Perez answered yes.

Mayor Losner stated the house can be occupied. He asked Mr. Perez during the pendency of all these board ups and several years of non-compliance going forward was Code Compliance sending certified mail notices and to what address.

Code Compliance Director Perez responded per Florida Statute 162 that all their notices get sent via certified mail to the registered property owner at that property address. He noted in this case since Mr. Arrojo bought the property in 2017 he would not have received the first batch of notices, he would have only received the second batch of notices if there are any, for example, the violations that came subsequently in 2018 he received notices for those via certified mail, but the one for 2015 he would not have received those.

Mayor Losner stated not at this property address because it was as burned out vacant house.

Code Compliance Director Perez stated correctly, he would have received it to whatever the Miami-Dade County Property Appraisal mailing address would have been at that time.

Mayor Losner stated here is where he is going with that, this reminds him of the case last month, he just looked it up on Miami-Dade.gov, this is not homesteaded property and by the photographs in the agenda packet it looks like it is a highly occupied flop house in the middle of what used to be a nice single family neighborhood. He stated Mr. Arrojo is an investor from outside of Homestead, he came and bought this house, it was burned, he did not board it up, he did not start the work, yes he had a lot of family tragedy, but he was getting certified mail notices somewhere, Mr. Perez is telling him that they were signed for. Mr. Arrojo had a permit and has as rebuilt house, but he let it detract from the neighborhood from 2017 until whenever the certificate of occupancy was issued and the Council is taking a very dim view of people who are not in Homestead who are just milking and degrading our neighborhoods. He added he does not see anything in this package that tells him that is not what Mr. Arrojo did here, and he turned his back on a house that was a significant danger, even after getting notices.

Mr. Arrojo asked if he degraded the place.

Mayor Losner answered yes, it was a burned out house that Mr. Arrojo failed to board up after the City sent certified notice, so to keep kids safe, the neighborhood safe and to keep vagrants from camping out in there the City boarded it up.

Mr. Arrojo stated he un-boarded it to work on it because he had the permit. He asked Mayor Losner if he messed up the house.

Mayor Losner stated no, he is saying that between the time Mr. Arrojo un-boarded it to do the work pursuant to a permit he failed to secure the house and the City on two occasions had to secure the property.

Mr. Arrojo stated that it was not true. He stated he did not receive any notices at all.

Code Compliance Director Perez stated they would be in the case file.

Mr. Arrojo requested the notices be shown to him because he did not have them.

Councilwoman Ávila stated if the Council is going to hear these cases they need to have the evidence. They would need the file prepped and ready to go to answer these questions because they are not trying to add this to another agenda and delay the situation. She stated if they are going to say they were sending certified letters they need to have the evidence because this is a hearing, and the Council is going to decide, and they do not have the evidence to support why the City should be stricter or firmer in their decision. She stated maybe the information is not in the file or it is hard to get to because of the practices from before, but it is going to be very difficult for the Council to hold up a consistent decision if they do not have the evidence that they need.

Code Compliance Director Perez noted that per Florida Statute 162 one caveat is if City receives back certified mail unclaimed, the City post it at the property, the second caveat is all these facts are taken into consideration during the Special Magistrate Hearing where they review the due process and make sure that all violations administers and adheres to due process rights.

Councilwoman Ávila stated understood, but the Council is hearing it independently because they did not witness what questions that the Special Magistrate asked or what information they looked at or what was absent in the file and may have come to light since then to now. She commented she did not say this as a reflection of the way he has been prepared in the past but going forward, they need to have a full file available for the Council.

Mayor Losner stated with that understanding that this information was considered at the Special Magistrate Hearing. He stated the property owner has alleged that sometime in 2021 he began making effort and had a hand full of emails. He asked the Code Compliance Director if he okayed those, were they located in the City's system, is he privy to them or is this new evidence.

Code Compliance Director Perez stated this was new to him, and those were not provided to him.

Mr. Arrojo stated that Mayor Losner should have those because he provided the whole file to Mayor Losner's Executive Assistant.

Councilwoman Ávila stated what the Mayor was asking for is the received emails from Mr. Arrojo on the City's side, so the Council is not questioning that what Mr. Arrojo have was not provided or legitimate, but the City needs to validate through the City's side.

Mayor Losner stated Code Enforcement needs to see Mr. Arrojo's efforts, and the Council needs to know as part of the record that he tried.

Mr. Arrojo stated he did try and added he was a little bit insulted at what the Mayor said. He commented he came in to help a community and make it better. He took a drug infested house and made it a decent place.

Mayor Losner stated apparently this house sat for several years unrepaired.

Mr. Arrojo stated his mom died, his brother died, and his sister also died after that he started repairing the house in 2019. He added he had to take the boards off to take all the burnt stuff out of there. He further stated when they were building the house why didn't the City staff knock on the door and ask what was going on. He added when he went over to the City in person, and they would not tell him anything, and he was told he had to send an email. He noted they sent five or six emails, and nobody did anything.

Mayor Losner stated that the Council needs to see that, in the last two cases, Mr. Arrojo had to endure the rest of the City they focused on what efforts had been made to resolve this.

Mr. Arrojo attempted to hand the emails to Mayor Losner, and he was advised to hand them to the Clerk.

Mayor Losner stated that is something that the Council needs to see.

Assistant City Manager Crystal Ollivierre stated for clarity Code Compliance cannot provide a pay off amount when the property is still in violation, so the permits were allowed to be obtained by the new property owner, the violations were in place prior to his ownership, and he had come to the Police Station, and she had spoken with him. She reiterated that she could not provide a payoff nor can anyone when it is a running daily fine until there is a compliance date. She noted they can tell him the daily fine amount, they can tell him when the fine starts, but they cannot project into the future until when they are going to comply and that is how they base the level of reduction. She stated what Mr. Arrojo was asking for could not be provided at the time. She added what was allowed, permits were allowed to be pulled, the work that was done by Code Compliance to board up the prior home because it was a fire, and the landscaping was also taken care of by Code Compliance prior to Mr. Arrojo's ownership. She stated once he bought the property with the violations on it the only thing that staff could tell is that it was brought to hearing on a certain date and there is a lien recorded on the property, there so many dollars a day per fine, and the sooner he gets it into compliance it looks favorable on the reduction, the way the code was structured before, bring his hardships, that cost to come into compliance and the Special Master factors that in. She emphasized that the only information staff can provide anyone that has an active code violation. She stated that is why they could not give Mr. Arrojo a number.

Mayor Losner stated he understands that, but going forward Mr. Arrojo's efforts to resolve the code violations after the house was completed. He mentioned the alleged emails from 2021 that went unanswered.

Assistant City Manager Ollivierre stated that she could not answer that right now, but she does remember having more than one conversation about this property because there are not many properties that burn down in Homestead. She added that was the basis for this one because it was very remarkable because of the circumstances surrounding it and what is said to the property owner is that the faster they come into compliance, they have to get permits, the Code Compliance staff lays the basis and also the Building Official at the time is advised that this person needs to get permits even though they have violations.

Councilwoman Ávila asked if there was no way to know a current balance, even though it is not a payoff. She asked Mr. Arrojo how much he was renting the property for.

Mr. Arrojo answered $2,800.

Councilwoman Ávila asked Mr. Arrojo how much he has invested in repairing the property.

Mr. Arrojo answered a couple hundred grand.

Councilwoman Ávila stated it is easy to say that he not going to recoup what he has invested in this property in any reasonable amount of time, and she would be okay with doing a reduction consistent with what the Council has done in the past for a flat rate of the $10,000.00 that the Council just did to the last case. She stated it is not a burned down house anymore or if Mr. Arrojo wants to come back and table the item to get more information the Council can do that to, but they must decide on this.

Mayor Losner stated given all the cars in the front yard in the photos and knowing what the market is today he seriously doubt Mr. Arrojo is getting $2,800 a month.

Councilman Roth asked staff when the CO was, issued after he rebuilt the property.

Code Compliance Director Perez answered the CO was issued on March 17, 2023.

Councilman Roth asked how it is possible that the City would allow somebody to obtain a CO with liens and fines on the property.

Code Compliance Director Perez deferred the question to Development Services because they were the ones that issued that conditional occupancy.

Development Services Director Storch stated she had no answer because she was not here at the time.

Councilman Roth stated he was in Mr. Arrojo's position before and when he bought the property prior to being on Council he accepted whatever liens were on the property. He went to the Special Magistrate; they reduced his fine and he paid it.

Mr. Arrojo stated he accepted the fines, but once he got the permit and started building the house the fines should have stopped.

Councilman Roth stated he get the accruing part, he understands, because it happened to him. He told Mr. Arrojo that was his responsibility and not the City's responsibility. He stated he was not trying to belittle Mr. Arrojo in any way, but when you make a purchase on a property knowing that there is some type of a lien or violation on it that should throw up a red flag in your head that say maybe he should not be buying this property. Now he was down the road, and he owed the City $259,000.00, the Special Magistrate reduced it to $183,000 and now it has been reduced to $40,000.

Mr. Arrojo stated $39,400.00

Councilman Roth stated that amount plus the hard cost.

Councilwoman Ávila stated in the agenda packet it states Mr. Arrojo was fully aware of the existing code violations and recorded liens, but she does not see the amount of the liens of what was recorded on April 2017 when he purchased the property.

Assistant City Manager Ollivierre stated when Code Compliance record a lien and a fine is still accruing they do not record the amount as of that date, they record the daily accruing amount, which can easily be calculated, the information is on the front page of the lien cover sheet where it says from April 1, 2020 at $250.00 a day or whatever it is until the fine is paid.

Councilwoman Ávila asked staff if they knew when the lien started to accrue before he bought the property in 2017 because that might just take care of the whole conversation where he pays what the fine accrual amount was at the time of purchase.

Mayor Losner stated it shows in the staff report in the second paragraph in the background, it talks about the violation period November 14, 2015, to March 17, 2023.

Code Compliance Director Perez stated those were the dates of the violation, but the Order from the Magistrate is what determines the date that the fine starts and the date it was ordered the fines to start is September 23, 2016, and it was $100.00 a day.

Mayor Losner noted that it was prior to Mr. Arrojo's acquisition.

Councilwoman Ávila stated Mr. Arrojo purchased it with full knowledge that the lien existed. The calculation is 365 x $100.00 = $36,500.

Councilman Roth commented it is basically where it is at today.

Mayor Losner stated there are other new violations that accrued during his ownership which were cured prior to the issuance of the CO. He stated the fact remains for him that during his ownership an unsecured burnt out house in a traditional single family neighborhood that is his issue.

Councilwoman Ávila asked Mayor Losner if he would like to have this item moved to the COW meeting.

Mayor Losner stated he thinks that probably in this case the best scenario to defer this item to the next Council Meeting.

Councilwoman Ávila stated the Council was not going to deny Mr. Arrojo's request for a reduction, it is going to be deferred to the COW meeting which is dated for November 12, 2025 and noted he was not accruing any more fines.

Mr. Arrojo asked if there was any way they could reduce the fines tonight.

Councilwoman Ávila stated the Council wants to make sure they are being fair to the process, to him, to the neighborhood and to the residents and taxpayers.

Councilman Roth stated he was going to make a motion that the Council proceed with what fines as written on the paper $40,635.38 unless Mr. Arrojo request the deferral to the November 12, 2025 meeting.

Mayor Losner asked if there is something built into these Magistrate reductions that payment has to be made within a certain amount of time.

Code Compliance Director Perez stated per the City's ordinance after the Magistrate's ruling they have thirty days to make the payment.

Mayor Losner asked where that puts us in the process that Mr. Arrojo is present and the Council has moved to defer. He asked if that toll his time for payment.

City Attorney Pearl asked Mayor Losner if the Council would like it to toll.

Mayor Losner stated no, he was asking does it and what does the Council need to do so that Mr. Arrojo does not violate that thirty day window for the existing reduction.

Mr. Arrojo stated he was always under the impression that the moment he applied for the reduction the fines accrued stop.

Mayor Losner asked the City Attorney if they had the ability to build in a tolling.

City Attorney Pearl stated the Council has the discretion to eliminate, so they will say the Council can toll it.

Mayor Losner stated implicit in the motion to defer is the tolling of the deadline to make payment or lose the reduction that has already been granted.

City Attorney Pearl stated just to be clear they spoke about the COW, but this would be a Special Call meeting so that the Council could take the action.

Councilwoman Bailey stated it would be beneficial to see the minutes from the Magistrate's meetings because just like a board would recommend something it would be helpful to see all the process that went through.

Mayor Losner requested a roll call vote on the motion to defer.

Roll call:

| | | |
|---|---|---|
| Councilman Roth | - | Yes |
| Councilwoman Bailey | - | Yes |
| Councilwoman Ávila | - | Yes |
| Councilman Canabal | - | Absent |
| Councilman Davis | - | Yes |
| Vice Mayor Fletcher | - | Yes |
| Mayor Losner | - | Yes |

Motion carried.

A motion was made to extend the meeting to 11:00 p.m., by Vice Mayor Fletcher, seconded by Councilwoman Ávila.

Mayor Losner asked, "All in favor?" Ayes: All.

## 9. BUSINESS FROM THE CITY MANAGER

City Manager Dr. Ihekwaba stated tomorrow morning Development Services is hosting a concierge service in collaboration with Miami-Dade County staff to address small businesses and homeowners that need assistance with issues about CUs, BTR and building permit questions from 8:00 a.m. to noon.

Councilwoman Ávila asked if these could be added to their calendars because those are things they can share with their circle of influence.

City Manager Dr. Ihekwaba stated he would not be available next week in person, but he will be available via phone and email to attend the ICMA Conference in Tampa and proceed to the City of Phoenix, Arizona with the Vice Mayor and the Police Chief they want to preview the preparation for the NASCAR so when they come back they will have a template on how to prepare for the next year's 2026 event. They will also be accompanied with Mr. Santa Cruz from the Speedway.

He also stated that Deputy Kemarr Brown is also going to be out next week on vacation that was approved several months ago.

He stated the City is conducting the last sessions of the conversation with the community on the bond program, it will be held on the 28th at Phichol Williams Community Center at 6:00 p.m. and October 30, 2025 they will have a citywide virtual session at 6:00 p.m., to capture anyone that missed.

## 10. CITY ATTORNEY'S REPORT

City Attorney Pearl requested an Executive Session in the litigation matter of Broward County Minority Builders V. City of Homestead CRA; Case No. 2024-015316 in Miami-Dade County.

## 11. REPORTS OF MAYOR AND COUNCIL

### a. COUNCILWOMAN ÁVILA

i. Presentation by Walter Jenkins – Champion Health Champ Plan

Councilwoman Ávila stated under her business she had a presentation that Mr. Jenkins would like to give for the Council's consideration for City Manager and staff.

Walter Jenkins, 4075 NE 40 Road, Homestead, Florida 33033, stated he was before the Council today Because he thinks it is so important for the City to participate where there is an opportunity to leverage better utilization of the City's spending and to be able to bless the City's employees with as much benefits as it can and to be as attractive of a City as they can to those City staff members, as well as to be able to reduce our cost as a City. He understood that the City was hard at work with some bond referendums and he thanked the Council for the improvements to the City, but he does believe that the City internally also needs care that supersedes any other municipality around to attract the talent like our new City staff and other team members that the City has. He stated one of the Directors for Champion Health Champ Plan Distribution is accompanying him today, and the reason why Mr. Jenkins looks at this is because it is a multiple floor benefit and he wanted to bring this benefit to the City because other municipalities across the state and the country are benefitting from this cost saving tool that also gives the City employees additional benefits. He stated the reason why this was created is because they do not know which of the City's employees are going to be fighting a cancer battle, a heart attack, a stroke or something to that effect because they did not take preventative care, they did not have the opportunity because their utility bill or their rent was more expensive than the cost to the urgent care or the hospital to find out what was going on. He stated Colton was going to speak more about how this

plan works and what it is. He stated this is a goal to remove any barrier from preventative medical care for all the City's staff. He added the by product of this plan is savings for the municipality; approximately $1.6 million impact per year and noted there are many different layers to that; some of it is guaranteed and some of it is based on other levels of investment and discovery. He stated his goal is for the City to look at this and find out what other cities are doing and if it applies to this City.

Colton Ben from Wisconsin and resides at 743 Fiesta Drive, Nusa, Wisconsin 54457, he stated they are bringing forth the educational session on Champion Health as a Product Matter Specialist, he works with public and private entities across the country promoting better health care spending, benefits, zero cost access to health care and preventative measures and that is why he was in attendance to present it to the Council. He stated they did supply their overview of this and shared the history of what his company has been doing with this program. He noted they have been offering the Champion Health Plan for about ten years and he has been working with them for over seven years and in that time they have brought this onboard with thousands of employers across the nation, and there are three key things; they are able to coordinate some zero cost access benefits for employees organizations where they otherwise may have a cost to seek preventative health care, visitations, blood work and they get to remove that barrier for them. At the same time, they can reduce the tax bill overall for an organization that is supplying this to their employees along with the real magic ending of it and that is increasing take home pay/wages for employees that are part of the program as well. They do it with other cities across the country; some of them are in the State of Florida. He noted there are a few dynamics to this program; the primary piece to it is supplementing somebody's current medical benefits or providing them with benefits that do not have now. He stated there are ways to prevent people from having heart attacks or strokes, there are ways to detect that early, so their entire program has been designed around prediction and prevention of illness, injuries and diseases using technology and education. At the same time funding health care benefits that employees can use daily across the country to seek out doctor visits, walk-in clinic visits, their medications being covered and they do not have to choose between keeping the lights on and their utility bills, putting groceries on the table and going to a doctor visit. He stated this is unlimited, zero copay, primary care visits, urgent care walk-in center visits, anything that is Affordable Care Act, preventative care gets covered on this outside of an existing insurance policy. He stated another avenue that this product brings is monetary benefit to the organization because when you have a health insurance policy and you use it the rates tend to go up year after year, but with this health plan they are able to mitigate that by putting this in front of a health insurance policy reducing plan utilization, reducing claims spent for self -insured plan account and in turn reducing long-term health care cost for the organization, which they have proven with a track record of large insurance carriers for over the past 10 years, at the same time providing other support services for employees, unlimited 24/7 virtual care in both the physical and mental health space and the number one utilized piece on this is the mental health component, which is something that is better than EAP, it is better than waiting four weeks to seek out a therapy visit in person. It is something that employees can gain access to immediately, visit with a therapist, visit with a counselor, have their children seek out teen mental health and wellness programs through his plan. He added his plan also provides additional perks that employees can use on a day-to-day basis; one of them being virtual veterinarian services without a copay or out of pocket cost along with laboratory testing kits and vital track technologies that can be integrated. He noted there is another piece in preventing injuries and disease that comes with a simple

blood test on a yearly basis and so many people do not do that because of the inconvenience or the cost, he stated they are supplying that to employees to order through their accounts so that they can actually do it themselves at home with a simple prick of the finger and send it into the labs. They can get all kind of results from metabolic panels, lipid panels, pre-cancerous markers, pre-diabetes, which can extremely help with the prevention of those diseases being discovered and treated. He stated he wanted to promote the heartbeat of what Champion Health has been and that is prediction and prevention of injuries and illnesses using their technology and education based on risk, assessments, family history, and medications that are being taken, so employees that are a part of this program they are starting off with assessment of risk and Champion Health will determine what their high risk factors are, what type of illnesses or what medications they are on and then his plan prescribe them actionable items they can use on a daily, weekly, monthly basis from the Mayo Clinic that are designed to help manage, treat, prevent illnesses, injuries and disease. He stated the overall analysis of this plan; there are two components through Champion Health; one of them being the Section 125 Medical Plan that is going to go in front of any other benefits that employee currently has, but it take a pre-tax funding mechanism through payroll and it ends up directly reducing payroll tax matching cost for employer group and it applies to any size, type of industry public or private, they all have to pay social security and medicare tax matching within payroll or payroll taxes in general, they are able to reduce that with what they are funding through the Champion Health Plan, and at the same time rewarding employees for being a part of this plan with medical benefit payouts to them simultaneously. He noted the result of that being the organization sponsoring the plan reduces their overall taxes which they can reallocate into their budget and in this case apply to public projects. He also noted that incentives to employees will end up completing some of the things the City is looking for money to complete for the City. He added at the same time employees end up retaining more of their earnings and wages because they also have less tax being withheld. He noted based on the City's employee count there are some guarantees and some variable savings that come into play based on their national averages it is about $1.6 million annually.

Councilwoman Ávila thanked the presenters for bringing this item to her attention because the City is always trying to find ways to find money and saving and she wanted to make sure they all had an opportunity to hear the presentation at least once and hopefully for the Council to give their general consensus to the City Manager and staff to review it further and digest it and may be give the members of the Council one on one meetings as to what the numbers confirm to be after the analysis is done and may be bring it back for a future meeting.

Mayor Losner stated it is his understanding that the City Manager and his staff have received a presentation and have done some preliminary review of vetting of this plan, and he would like to have a briefing from the City Manager and his staff on their perspective as to this plan.

City Manager Dr. Ihekwaba stated several month ago another group had come into the City with this same presentation about the Champ Plan and staff had asked for references of any governmental entity that has done a similar program and was assured there were, especially Miami-Dade County, a resolution was presented to the City's Administration as coming from the County. He stated staff read through the resolution, it was more a direction from the Board of County Commission asking their Administration to

look into the feasibility of this plan and nothing moved forward from then and the entity was unable to provide any further proof of any municipal or governmental entity that has accepted this plan or implemented this plan after it has been presented to them, and that is why the Administration did not move forward. He added the City advertised for the City's health plan. He stated the City did not receive any further representation from the entity that interested in offering any type of plan to the City. He asked the Human Resources Director to add any more comments if she had any.

Human Resources Director Babette Friedman stated she had reviewed several of these programs and as the City's subject matter expert she did not recommend moving forward with this program, there are no cities that she was able to locate that have implemented or provided her any feedback regarding these programs.

Mr. Jenkins stated he had an opportunity to meet with City Manager Dr. Zerry, and he never had a chance to speak with Ms. Babette. He stated they would love to explore this plan for our City, there are other municipalities and there was no open dialogue between himself and Ms. Babette. He noted neither Dr. Zerry or Ms. Babette represent the entirety of our City, everyone in this community are the representatives of paying tax members who should see this through as an opportunity, and whatever it is that Dr. Zerry and his staff has looked at so far, none of it came from a dialogue with him and Mr. Ben to show them the answers to the questions. He commented he understood the staff is very busy, but the full due diligence has not been completed and there are other municipalities that are on this plan already.

Mayor Losner stated from his understanding and asked if this would be a supplement to the health insurance plan the Council recently adopted or is it a potential replacement because when he reviews it there seems to be a lot of duplication from what was recently represented to the Council in the health plan the Council adopted a couple months ago.

Mr. Jenkins stated he loved that question because he has spent over twenty-four years in insurance and there is no mitigation for our rising costs. He commented there is a single business owner that can say they received overwhelming rate decreases from the same insurer year over year. Most of the time people are expecting rate increases, sometimes in tune of double digits. He stated this stands in front of the health insurance policy the City has, it does not have to do any coordination with benefits and it off loads all those claims whether it is severe claims through prevention or regular urgent care doctor visits, prescriptions none of those hit the major medical and that is where a lot of the savings are coming from. He noted the Champs Health Plan works in front of the City's existing health insurance plan and it does not do anything to replace it, and it also extends to family members who may not currently have benefits through their existing health insurance.

City Manager Dr,. Ihekwaba stated that Mr. Jenkins mentioned that they do have other additional cities that he has information, the Administration welcomes him providing them that additional information because the only one that was provided in the past did not pass muster, the County did not have any information. He noted the County passed a resolution back in November of 2024 asking their Administration to come back within 120 days and this is October 2025, and none has happened. However, if Mr. Jenkins has additional information the Administration welcomes receiving it.

Councilwoman Ávila stated the Council was not passing any motions at this meeting, this was just a matter of presentation and she appreciated the opportunity for the City Manager's Office to continue the dialogue and for Mr. Jenkins to bring back something that the City can support or additional questions and concerns for review.

Mr. Ben stated he would provide some references for the cities that are currently using this plan.

Mayor Losner stated that was his thought before the City Manager jumped in and stated the City does not have complete information and if Mr. Ben could provide it so that the Manager can make contact and try to determine the legitimacy of the plan and program he was offering.

Councilwoman Ávila stated it almost sounds too good to be true, so it does deserve some real good due diligence as they are all speaking about, and if there is a way to find some savings they would all be appreciative of it.

Mayor Losner stated he apologized, but he thinks Mr. Ben was snared into a really craving political stunt here tonight, there was no reason for him to have to come to Homestead from Wisconsin to do this. This was a very unusual procedure, it does not meet protocol of procurement, so on behalf of himself he apologized that Mr. Ben had been ensnared in something that could have been resolved otherwise without a trip to Homestead.

Mr. Ben stated he appreciated the visit.

**b. COUNCILWOMAN BAILEY**

i. CAR 4803 – Breast Cancer Awareness Walk at Roscoe Warren Park (Tab 20)

Councilwoman Bailey requested the Council to help her support the Breast Cancer Walk this Saturday. This is the third annual and it is hosted by Travon Brown with the BYOL. She stated she knows that she is doing wonderful things with helping to standardize processes and it is a little confusing for her to know what requires a permit and what the Police Department requires, so she would like some type of outline for anyone who wants to put on an event. If they are expecting more than a certain number of people, it would require the Police Department. She stated first they are going to acquire the site through Parks & Recreation, make sure it is available and then what is the next step.

Vice Mayor Fletcher stated there are some special events funds that could be used to support these types of events. He made a motion to have staff use those funds to support both events, the motion was seconded by Councilwoman Ávila.

Councilwoman Bailey stated especially taking into consideration that they have always done it for non-profit organizations events that are free to the whole community.

Mayor Losner asked who was doing this event and what organization is doing this event.

Councilwoman Bailey responded it is BYOL (Build Your Own Legacy). She stated it was one of the mentoring programs about eight years ago and he had a very successful mentoring basketball team. In the last three years he has had some family members and realized there was some need in the community to continue Breast Cancer Awareness and that is how this event started.

Mayor Losner stated he would not push it now, but the next term when the Council sits down to make some more policy and procedure decisions, if the Council is going to sponsor or assist these events the organizers need to have their ducks in a row with respect to being non-for-profit, including filing them 990s because everybody is running around with a non-profit, but it does not mean they are legit.

Councilwoman Bailey stated that would also be included on the quick and easy term sheet from staff for the Council to understand and help the community to know what they need to comply.

Councilwoman Ávila stated about the filing requirements the 990s are needed to update their registration with the Department of Agriculture to raise money. She added if the City just asks the non-for-profits for their certificate of registration with the Department of Agriculture that it is implicit that they have filed their 990s.

Mayor Losner stated he does not want to see a non-for-profit where all it does is pay salaries to the people who organize it and that is why he would like to see 990s.

City Manager Dr. Ihekwaba stated the Administration would need some kind of guidance in terms of what kind of support they are looking at.

Councilwoman Bailey asked if they could look at the special events fund.

City Manager Dr. Ihekwaba stated the next item specifies that the amount is $1,200.00, but this request does not have any amount.

Councilwoman Bailey stated they never had an amount before, the Council was able to vote “yes” to have the park fees waived, so that is why she is wondering where is this $1,200.00 now coming from and if there was a similar event two months ago that included the same type of walk they did not require a special event permit, she is just confused as to what the specifics are and she knows they are getting there, so let us just try to figure that out as far as the events are concerned it would help a lot.

Mayor Losner stated this is not actually handing out money, but waiving fees.

City Manager Dr. Ihekwaba stated just for clarity the way Codes read, government does not waive fees, what the Council does is to authorize staff to pay the fees from one account to another.

Mayor Losner stated to pay it from the left pocket and put it in the right pocket.

City Manager Dr. Ihekwaba stated exactly. The City would pay the fees associated with park and facility rental from the special events fund.

Councilwoman Bailey stated going forward they do need to look at that because that adds up very quickly, so they need to be on the same page on what they are waiving and what would trigger those waivers.

Mayor Losner stated the direction from Council is to move as to Tab 20 & Tab 21 motion by Vice Mayor Fletcher, and seconded by Councilwoman Ávila.

Mayor Losner asked, "All in favor?" Ayes: All.

**c. COUNCILMAN CANABAL**

None

**d. COUNCILMAN ROTH**

Councilman Roth asked staff if there are any plans in place if government employees run into any issues with paying utilities. He stated other places are reaching out and asking if people are furloughed, he does not know how long the government shutdown is going to continue, but he thinks the City needs to have something in place to help facilitate something as the City did during COVID, but not for as long.

City Manager Dr. Ihekwaba responded that the Administration would investigate that, in addition to that the City carried out a couple of recent hires and they gave priority to people who are furloughed.

Councilman Roth commended staff and everybody that worked on last weekend Fall Festival it was an amazing event and there was a lot more people in attendance. He expressed his appreciation for Pedro Reynolds and his staff.

**e. COUNCILMAN DAVIS**

None

**f. VICE MAYOR FLETCHER**

i. CAR 4797 – Orange Bowl Committee Turkey Giveaway Event – Sponsorship Request (Tab 21)

This item was approved along with Tab 20.

**g. MAYOR LOSNER**

Mayor Losner stated is the little things that happen that makes a big difference and he has noticed over the past several days that things are being done, pressure cleaning outside, taking the scuff marks off the

walls out in the foyer, doing a little extra cleaning that needs to be done for tomorrow night when they are going to have a couple of hundred people here and we need to have our best face forward. He stated that certain prior administrations walked around this building with blinders on and it was like pulling teeth to get things done, he just wants to say thank you Mr. Manager to him and his staff for taking care of those details for tomorrow night.

## 12. ADJOURNMENT

The meeting was adjourned at 10:46 p.m.

Respectfully submitted,

_____
Elizabeth Sewell, MPA, MMC
City Clerk

_____
Steven D. Losner
Mayor