

**CITY OF MIAMI GARDENS
REGULAR CITY COUNCIL MINUTES
MARCH 14, 2012**

(A) CALL TO ORDER/ROLL CALL

The City Council for the City of Miami Gardens, Florida, met in regular session, Wednesday, March 14, 2012, beginning at 7:10 p.m., in the City Council Chambers, 1515 NW 167th Street, Building 5, Suite 200, Miami Gardens, Florida.

The following members of the City Council were present: Mayor Shirley Gibson and Council members: Lisa C. Davis, Andre Williams, Felicia Robinson, David Williams Jr., and Oliver G. Gilbert III. Vice Mayor Campbell was out of town.

Motion offered by Councilman Gilbert, seconded by Councilman David Williams Jr., to excuse Vice Mayor Campbell's absence. This motion passed and carried by a unanimous voice vote.

Also in attendance were: City Manager Dr. Danny O. Crew, City Attorney Sonja K. Dickens and City Clerk Ronetta Taylor

(B) INVOCATION

Delivered by Councilwoman Davis.

(C) PLEDGE OF ALLEGIANCE

Recited in unison.

(D) APPROVAL OF MINUTES

Regular City Council Meeting – February 22, 2012

Motion offered by Councilman Andre Williams, seconded by Councilman Gilbert to approve the minutes, with necessary corrections, if any. This motion passed and carried by a unanimous voice vote.

(E) ORDER OF BUSINESS (Items to be pulled from Consent Agenda at this time)

Place on the Agenda as Item F-2) a presentation from the City Manager re: written communication from Vice Mayor Aaron Campbell Jr., with regard to Head Start Program.

Motion offered by Councilman Gilbert, seconded by Councilman David Williams Jr., to approve the official agenda with the applicable changes. This motion passed and carried by a unanimous voice vote.

(F) SPECIAL PRESENTATIONS (5 minutes each)

F-1) Mayor Gibson – State Representative John Patrick Julian

Marie Fabre, Aide to State Representative John Patrick Julian appeared before the City Council to present a Legislative Update from Tallahassee. She apologized for Representative Julian's absence due to an unscheduled hearing in Tallahassee relating to the Senate Redistricting Map issue.

F-2) City Manager Dr. Crew re: Written communication from Vice Mayor Aaron Campbell Jr., re: Head Start Program.

Mayor Gibson read into the record correspondence sent by Vice Mayor Campbell as follows: "Currently, I am out of town and therefore will not be able to attend the regular Council meeting for tonight, nor will I be able to attend the workshop covering the above subject on tomorrow. However, I thought it was important that I communicate my thoughts on how we should proceed on the subject matter. I believe we all agree that the Head Start Program has provided a much-needed service to the citizens of Miami Dade County. However, it is my opinion that the plans to delegate and/or outsource the services will fragment the objectives established many years ago for the program. Commissioner Barbara Jordan made a very passionate and compelling request for the City of Miami Gardens to consider serving as one of the service providers for the program. For the reasons I will mention below, I would not recommend that the City becomes a service provider at this time. First, I have had an opportunity to review the County's response to the City's initial REI. There appears to be too many so-called "deficiencies" the city must overcome in a short period of time. These items will require more study and due diligence than their timetable will allow. I strongly suspect that there are numerous policy, administrative, personnel, and financial issues that must be resolved before we can move forward. Secondly, and foremost in my mind, it is very apparent that the Governor and current State Legislators are making a concerted effort to reduce the ability of municipalities to raise sufficient revenues needed to provide local social services, while at the same time passing these services to local governments. A review of state legislation recently proposed and/or passed clearly indicates that municipal budgets for this upcoming fiscal year are going to be extremely difficult to construct. The city in the past year has been cutting services. We are in a climate where it is becoming more difficult to make budget projections related to revenues, and if my recollection is correct, limited budgets is the reason the County has decided to outsource the Head Start Program. It is my sincere hope that a suitable agency be selected to provide this much needed service. However, at this time I do not recommend that the city take on this additional service."

Manager Crew said this is a major program, a major undertaking and would be the city's third largest department. Furthermore, the city is only being given two weeks to make a decision on this. This is not about whether Head Start will be available to residents; it is about whether the city or a private non-profit entity provides the service. He opined the Head Start sites will continue to be operational in Miami Gardens. In terms of the city's control of this program there are some serious financial questions, which would include the hiring of 39 new employees. The federal government allows 20 percent for administrative cost. By outsourcing this program, Miami-Dade County is keeping ten (10%) percent of that Administrative cost. The federal

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government allows \$400,000.00 for administrative cost. Staff has estimated the basic administrative cost for this program is approximately \$520,000.00, which is approximately \$120,000.00 more than what the federal government allows. This means the city will have to make up the difference. In addition, the city will have to hire approximately 6.5 employees to be able to service the needs of the employees in the six locations. That would cost the city an additional \$300,000.00. There is also the cost of approximately 20 new computers for approximately \$80,000.00.

Manager Crew referenced the required in-kind services of twenty-five percent (25%), and said that amount may work for Miami-Dade County where they have 30,000 employees at its disposal. The City of Miami Gardens cut approximately 120 positions over the last two years. With the elimination of those positions the city does not have the manpower. Therefore, the city would be looking at hiring approximately \$300,000.00, in staffing. He further stated staff has not had enough time to do any research on this program. The city took six months to one year studying the police department before a decision was made to go forward. In addition, staff has asked Miami-Dade County for a number of documents, which it has not received, nor has staff seen one budget from the current sites in Miami Gardens. Furthermore, staff has not seen any of the existing site leases. Staff has also not had an opportunity to review the federal regulations. Also, the city would have to provide \$700,000.00 in match, which can be in-kind. He stated that he cannot figure out how the city can get that much in in-kind contributions. Staff has asked Miami-Dade County for the records of all the volunteer in-kind services provided at the sites, which has not been provided. He shared any portion that amount that cannot be made up in in-kind contribution+ would have to be in cash. Staff has not had an opportunity to visit the sites and is not aware of the conditions of the sites or what condition the furniture or equipment might be in. He further expressed concern with State's unknown licensing requirements and what that might entail for each site.

Manager Crew further shared the city would not have any jurisdiction over the personnel hired by Miami-Dade County to operate these sites. According to the federal regulations any decisions regarding the sites would be decided by an Impasse Committee. He stated the city is not in the greatest of financial conditions right now. The recession has placed the city in a position where it is neither positive nor negative. He said this coming year will probably bring another drop in tax revenues. The first payment for the city hall is coming up. For two years in a row employees have taken furlough days; there have been no merit increases for two and a half years; no matching for the deferred retirement for two years; no cost of living for employees for two years; and gas prices are expected to go up.

Manager Crew explained this program operates on reimbursement bases, which means the city expends the funds and wait to be reimbursed. On the average, it has taken Miami-Dade County anywhere from one month to one year to reimburse the city for the six programs it currently has with the county; the average approximately two months. The city has had to issue Tax Anticipation Bonds (TAN) because we thought we were not going to have enough cash until Ad Valorem Taxes were received.

Mayor Gibson said in reference to what was anticipated to happen tomorrow, which is a

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scheduled workshop, staff has found out that council members were not going to be in attendance, which posed a problem. Therefore, staff suggested having discussion tonight so that Council can make some decision about where they wanted to give staff some direction because the application is due by next Wednesday.

Councilman André Williams shared he supports Head Start Programs and appreciates Commissioner Jordan's passion on this issue and her desire for the city to take this responsibility. However, in these difficult times and as the leadership of the city, we must remain focused, and fiscally sound. As all know he is a fiscal conservative and his commitment is to maintain the financial health of the city and cannot in good conscience direct staff to continue on the path of creating a new department, as the city manager articulated, that may cost the city an additional \$500,000.00 in General Fund expenditures. I know that we have heard that we could go after more revenue or that the city might be able to reduce its match requirement by obtaining the in-kind services of volunteers. But could and might in these financial times give me great pause. We have downsized operations and eliminated much needed capital improvements. I do not believe we should take on another responsibility when we are struggling to maintain the ones that we currently have. I would be willing to move forward if there were no others willing to offer these services. However I am advised that several existing early child care facilities have submitted applications, as well as the YWCA, which is successfully providing services to the children of this community already. For these reasons I will not support directing our staff to complete this RFP. It is a waste of staff resources and tax payers' dollars. He opined we should not continue the process and workshop on this issue.

Councilman Gilbert said he looked at all of his email addresses and did not see the memorandum provided to the Council at tonight's meeting, anywhere.

Manager Crew in response to Councilman Gilbert's statement said he had sent the email to the city council's email grouping.

Councilman Gilbert said understanding staff, but staff has taken the position that they did not want to do the Head Start Program, generally. He said he understood and respected staff's position. He opined his job as a council member is to provide an objective mindset that is responsive to the people, and wanted an opportunity to actually review the document that was presented to him on the dais right now; so that he can determine whether he believe the city should go forward.

Mayor Gibson asked Councilman Gilbert what is it he is suggesting.

Councilman Gilbert in response to Mayor Gibson's inquiry said that instead of a workshop on tomorrow that a Special Council meeting be held because no action can be taken at a workshop.

Mayor Gibson for clarification purposes asked whether he was suggesting holding a special city council meeting instead of the scheduled workshop.

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Councilman Gilbert clarified that if the council is going to deviate from the directions already given to proceed with the process, then yes he was suggesting a special city council meeting be held instead of the scheduled workshop. He said this is not the first time he has raised this concern about getting information on the day a decision has to be made. This report on first glance is clearly on why we should not do this, not on the pros and the cons but rather why we should not do it.

Mayor Gibson shared that Councilman David Williams Jr., requested a workshop on this item. That workshop is scheduled for tomorrow morning. Therefore, staff had to get prepared for tomorrow morning, which is a day before the scheduled workshop. The information provided on the dais is in response to that workshop. She asked whether any other council member wanted to discuss this item before considering Councilman Gilbert's suggestion of holding a special city council meeting instead of a workshop to deal with this.

Councilman Gilbert said the decision as articulated by council previously was to go forward.

Mayor Gibson clarified that the REI process was discussed at the last city council meeting. At that time the council made a decision to only go forward with the REI. Once the REI was reviewed by Miami-Dade County the city could make a decision to move forward with the process.

Councilman Gilbert said he understands there are strong feelings with doing this. In looking at his emails, and he was at city hall three different times today; no one gave him this information. He opined this deserves more deliberation than the manager doesn't want to do it. He said he would feel much better if the information presented was an objective view of the information. This is a memorandum on why we should not do it.

Councilwoman Davis shared that she had received this information today, and stated that she too had asked the city manager about scheduling a workshop on this matter. She asked whether the missing information could be obtained from Commissioner Jordan's office so that Council could review it.

Renee Crichton, Deputy City Manager appeared before the City Council to expound on the submission of the public records request made to Miami-Dade County. She shared the request was made to the Procurement Department. She did not know whether staff would be able to get that information by tomorrow.

Councilman André Williams said we have heard Councilman Gilbert talk about not getting the information, and he respects that. And then there is this talk about this Body as a whole needs to make a decision based on him (Gilbert) receiving the information. He opined that is really insulting to the rest of the council members because we all did receive and made some assessment or conclusions about where we were. He said if Councilman Gilbert would like to excuse himself because he did not get that information, in his (Williams) opinion that would be appropriate. He voiced, please do not make decisions for the entire council based on one

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person's lack of information. He opined that is not appropriate.

Councilman David Williams Jr., shared that he has been in the field for most of the day and just printed the information out in order to read it. He said this is one of the reasons why he wanted to have a workshop. He said whether we vote this issue up or down he could not make decisions on the spot. He opined it is not fair to the Council. He said although Miami-Dade County could not make it work does not mean that it cannot work. There are a lot of questions that he has that he cannot begin to address tonight.

Attorney Dickens said no matter what Council decides the meeting scheduled for tomorrow needs to be a special city council meeting and not a workshop. Councilman Gilbert is correct no action can be taken at a workshop. She said if the Council decides on the special city council meeting the City Clerk needs to amend the notice to reflect this change.

Motion offered by Councilman Gilbert, seconded by Councilman David Williams Jr., to hold a Special City Council Meeting for Thursday, March 15, 2012, beginning at 10:00 a.m., instead of the Workshop originally scheduled. The Special City Council meeting is being scheduled to go through the applicable information relating to the Head Start Program.

There being no further discussion, the motion to hold a Special City Council Meeting for Thursday, March 15, 2012, passed and carried by a 4-2 vote.

Councilwoman Lisa Davis:	Yes
Vice Mayor Aaron Campbell Jr.:	Not present
Councilman Oliver G. Gilbert III:	Yes
Councilwoman Felicia Robinson:	Yes
Councilman Andre Williams:	No
Councilman David Williams Jr.:	Yes
Mayor Shirley Gibson:	No.

F-3) City Manager Dr. Crew – Annual Audit Report

Patricia Varney, Finance Director for the City of Miami Gardens along Mr. Rod Harvey and Dwaune Mathis, Auditors appeared before the City Council to present a PowerPoint Presentation of the 2011 Comprehensive Audit Report. That Report is attached as Exhibit "A", and made a part of the record.

Rodney Harvey, of Harvey, Covington & Thomas, LLC, Certified Public Accountants and Consultants, appeared before the Council in the capacity as the city's auditor. He stated that he wanted to spend some time talking about the financial condition assessment. This is a preventive method administered by the State through the Auditor's General Office, which looks at a couple of things and do a measure, which includes: the five (5) year trend of the city; comparative to bench mark cities (other cities around the state with similar attributes). There are eighteen (18) cities in this bench mark group, with Miami Gardens being the highest in population, and the first highest in taxable value. There are nineteen (19) indicators and of those indicators you can be graded favorable, inconclusive or unfavorable. This determines if a

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municipality is headed into a state of deteriorating condition, or a state of financial emergency. City of Miami Gardens has no such notification for the year ending September 30, 2011. Those nineteen (19) indicators broke down as follows: six favorable, seven inconclusive and six unfavorable. This gives an overall rating of inconclusive, which means the measure does not lean one way or the other to indicate favorable or unfavorable. Some of those with a favorable rating were: Intergovernmental revenue over total revenue; total expenses over total population; cash over current liability and cash over total expenditures. Unfavorable rating involves: Unassigned fund balance over assigned fund balance; unassigned or assigned fund balance over total expenditures; long term debt over population; debt services over expenditures.

Mr. Harvey share from his forward looking, it appears that the city based on the 45 Million dollars in debt proceeds will help this year. If the Council does not consider that, then you might have the possibility of shifting to unfavorable, next year. He said he brought this up because if you shift one way or the other you may need to look at it because the city may be deemed headed in an area of deteriorating conditions. He said he wanted to point this out now. He said he did not know all of the positive things that the city may have coming to it in revenue or other characteristics that may offset this. He opined that it is important that he bring this matter up now, based on the information that he has now, based on this inconclusive rating, and the city being so close with the number of favorable and the number of unfavorable.

Councilman André Williams asked Mr. Harvey to explain this again, in laymen's terms as it relates to the 45 Million Dollar bond proceeds.

Mr. Harvey in response to Councilman André Williams' request explained when you receive bond proceeds, from a governmental accounting perspective that is considered revenue in the year that it is received. Therefore, that is what made the city's income balance sheet look good in year one. However, it is not anticipated that the city will get a bond proceed every year. Therefore you are now back to your normal operations. He explained therefore in looking forward that was what made the city okay for now, we might not be okay later. He said this is his professional opinion.

Councilman André Williams said basically Mr. Harvey is saying we are going to have a financial situation next year because the 45 Million dollar bond issue will not be relevant next year for incoming revenue.

Mayor Gibson for clarification purposes said the 45 Million dollars is on the books when the city actually gets the bond.

Mr. Harvey said that is correct.

Mayor Gibson said once the bond is received the city is actually on the other side of the measure, expending that money.

Mr. Harvey in response to Mayor Gibson's comment said that is correct. He clarified, the bond proceed comes in as revenue. As we go forward in time that cash is spent and turns into

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expenditures.

Mayor Gibson commented as we actually spend that 45 Million dollars, it becomes a zero on our revenue balance, and it becomes expenditure. The city is now paying the payments due on the balance during whatever that period of time is, going forward. She said the first payment on the bond is due June 2013, and then December 2013.

Mr. Harvey clarified on the payment side, which is two times a year, June and December. The money, as you spend it for whatever reason you got the bond for, that can happen every month.

Mayor Gibson said she understood what Mr. Harvey was saying because the city would be using the bond money for what it was issued for.

Manager Crew said this should not have come as any surprise to any of us because what this means is money that comes in as a result of bonds, the city does not have that cash to use. As previously, we know each year we run short of cash when it comes to October, November, and December.

Mayor Gibson interjected and stated what we have been doing in the past is issuing the tax bond (TAN), so that we can have a cash flow until the money (Ad Valorem Tax Dollars) actually comes in from Miami-Dade County. She said she do understand this is how the city may be covering that payment.

Mr. Harvey reiterated there may be some things the city has coming in the future that he would not know about. He said what he is concern with is the ratio analysis that the auditors do is based on that picture. As city hall is built it is going to be built uneven, meaning a lot of money will probably be upfront and then a lot at different intervals. But if it flows when the auditors calculate a ratio to go from inconclusive, or against the bench mark, then we may flip to unfavorable, based on the ratio. Since we are so close instead of moving, based on ratio analysis we can go from inconclusive, possibly, potentially to unfavorable.

Mr. Harvey said he just wanted to make that point when you look at these bench marks. They are not perfect. They are just something to be considered because then you have a possibility based on ratio analysis there may be a deteriorating condition. He said he just wanted to make sure that he presented this to the Council.

Mayor Gibson said looking at the 45 Million Dollars that came in as a net proceed because it was a bond that showed up as revenue, if there is any other money that the city know that is coming in, would it get booked the same way; would the city have to make up the difference at any point on the expenditure side because you don't have that money that would be the same but for a different reason.

Mr. Harvey in response to Mayor Gibson's comment said it would be the same result. There is a sixty (60) day window after the fiscal year ends that you can broker revenue that is

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measurable and available. Therefore, there is a time if you know you are going to get it that it can be measured, if it is available. It is just a matter of it coming to the auditor so that it can be declared as revenue. He said this money does not need to be in hand but the auditor needs to know that it is on the way.

Councilman Gilbert asked if we receive the money from CITT would that be considered revenue.

Manager Crew in response to Councilman Gilbert's inquiry said that would be revenue, and would probably keep the city solvent for another year, anyway.

Councilman Gilbert asked if this would also be revenue going forward each year.

Manager Crew in response to Councilman Gilbert's comment said as long as it is revenue coming in, in that year it would be fine.

Councilman Gilbert said he was thinking of the fact that the city would be getting a yearly allotment.

Manager Crew said yes that would be considered revenue. That would be a new source of revenue each year.

Mr. Harvey said as it relates to the schedule of findings and management comments based on the audit procedures no management comments were found as it relates to the year ending September 30, 2011. He said if the Council has any questions later he is always available through email or will personally come and meet with any council member to discuss the finances of the city.

Mayor Gibson thanked Mr. Harvey for his report. She commented so this year there were no areas of concern because in the past there have been areas of concern.

Mr. Harvey reaffirmed there were no areas of concern this fiscal year.

Councilman David Williams Jr., asked how does the retirement plan play into this, or does it play into this.

Mr. Harvey said is the Florida Retirement System is covered. The other is the OPED liability discussed earlier by the finance director. From that perspective, the city is good and is covered.

Manager Crew shared that the city has to carry on the books an implied cost that will happen twenty (20) years from now.

Councilman André Williams referenced the favorable, inconclusive and unfavorable indicators. He asked for clarification purposes if the city were to fall in the unfavorable category

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which indicated a deteriorating condition, how would that work.

Mr. Harvey in response to Councilman Andre Williams' inquiry said the city should monitor itself to see if there is a financial deterioration condition. The auditor comes in once a year and measures based on the (19) methods. If a municipality proves out based on ratio analysis to be in a state of deteriorating condition the auditor has to contact the Governor's office. Based on that contact with the Governor's office it will depend on discussions (negotiations) between the city and that Office as to how much the State will want to monitor or be involved. He said there might be some things the city has that will happen in 2013 or 2012, which he as the auditor would not know about, which would make the city fine, but since it is so close he would not want to be there, not knowing and then have to based on law, contact the Governor's office. He said he just wanted the council to be mindful that it is there, potentially.

Councilman Gilbert asked how would this affect us if we took some of the money that we receive from the lump sum payment from the County.

Manager Crew said it would help but much of this has to do with the Fund balance ratio.

Mr. Harvey said there are several fund balances that will be looked at, as well as various liabilities to see where you are going. It also depends on the bench mark group, which in this case is 18 other cities.

Councilman Gilbert asked how much money is expected as the lump sum payment from Miami Dade County.

Manager Crew in response to Councilman Gilbert's inquiry said approximately 11 Million Dollars. Right now staff is trying to calculate how much has to be left in the Transportation Fund and how much can be put in the General Fund.

At the conclusion of this presentation, Mr. Harvey was thanked by the Council for his report.

F-4) Commission For Women Quarterly Report

Dannie McMillon, Chair of Commission For Women appeared before the City Council to present the "Commission" Quarterly Report, which included a schedule of events.

F-5) Proclamation Proclaiming March as Purchasing Month

Mayor Gibson presented a Proclamation proclaiming March as Purchasing Month to Pamela Thompson, the City's Procurement Manager.

~~F-2) Councilman David Williams Jr. Grace United Methodist Church Youth Choir~~

~~F-6) Caribbean Affairs Advisory Committee Quarterly Report Wendell James~~

~~F-7) City Manager Dr. Crew Employee of the Month~~

Please note that Councilman Andre Williams left the meeting at 9:00 p.m.

(G) PUBLIC COMMENTS

Beverly Bush, appeared before the City Council to express concern with the unlawful activities of individuals hanging out near the public park after hours.

Chief Boyd appeared before the City Council in response to Ms. Bush's concerns. He said the police department receives complaints about people hanging out. In a lot of those instances there are no crimes being committed at that particular time. If these people are just standing and not committing any crimes there is nothing the police department can do.

Councilman Gilbert opinioned if there are groups of individuals just standing around for five hours that would be loitering or suspicious behavior.

Chief Boyd concurred with Councilman Gilbert however the police department is not being inundated with calls about this suspicious activity.

Councilman Gilbert said if these individuals can give a good reason for being there then they are not loitering.

Chief Boyd said that is correct there is nothing the police department can do.

Councilman Gilbert opined the law has constraints and you just cannot arrest people for standing around.

Ms. Bush reappeared before the Council and said these individuals are having block parties (loud music), blocking the sidewalks, relieving themselves (has not personally witnessed). The house these individuals are congregating in front of is in foreclosure, and vacant. She said she asked one of the individuals why were they not socializing the park and was told because they were drinking and no drinking is allowed in the park. There is also a mobile carwash vehicle that washes cars at this location.

Mayor Gibson asked Ms. Bush to provide her list of concerns to the police department.

Miami-Dade County Commissioner Barbara Jordan appeared before the City Council and shared that she had not been notified of the special city council meeting scheduled for tomorrow, but heard about it. She shared that she had informed Mayor Gibson that a very close friend died and she is on program to make a presentation. She shared that the morning is going to be very difficult. In addition, the application process is done by a consultant, who cannot be here as well. She asked for consideration to reschedule the meeting after 3:00 p.m.

In response to Commissioner Jordan's request several council members indicated their afternoon were totally booked that is why they had requested an earlier meeting.

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Councilman Gilbert indicated that he made the motion to have a special meeting for tomorrow because staff has said they can't get it done on Monday, and he knows just how tasked they are with Jazz in the Gardens. Lastly, he would prefer more time.

Commissioner Jordan stated she was surprised at what she was hearing. She indicated some scheduling conflicts she may have with the special meeting, due to the funeral of a close family friend. Nonetheless, she would be able to attend the special meeting from ten to noon.

Commissioner Jordan in response to previous comments she brought up during initial conversation with the Mayor regarding the Head Start Program; where Commissioner Jordan brought up the notion to the Mayor on whether the City would entertain applying for the program. She shared that the Mayor's response was yes because we would like to protect the integrity of the program.

Commissioner Jordan recalled when she came to the Council meeting following her discussion with the Mayor she was stunned by the types of questions that were being raised until she received a copy of the briefing notes that Council had received from City staff. After reviewing the briefing notes she understood why Council had so many questions regarding the program and she too would have been ready to vote no on the program based on the briefing notes. Additionally, she opined that everything listed in the briefing notes is wrong. She then questioned who prepared it, because whoever prepared it wants the Council to say no.

Commissioner Jordan gave an example listed in the briefing notes indicating that the City would be required to pledge 25% of the cost to operate this program, which will be covered by the City's General Fund and to operate this program would cost \$700,000. She responded that these examples are not true. Commissioner Jordan continued to go over additional bullet points, such as building renovations and licensing, within the briefing and brought clarification to those concerns regarding the program.

Mayor Gibson interjected and shared while sitting in the audience during County Commission meeting she witnessed Commissioner Jordan's discussion with the County Commissioner where Commissioner Jordan raised concerns regarding numerous deficiencies and not addressing those deficiencies within the program. Mayor Gibson then questioned what are those deficiencies?

Commissioner Jordan responded that these are not deficiencies but areas of noncompliance. She indicated there are overall program standards that must meet with regards to the safety and needs of the children. She added these issues are with delegated agencies and there needed to be compliance by May 5th.

Mayor Gibson questioned whether that compliance was based on federal regulation that goes with the program?

Commissioner Jordan stated the County has to submit a plan to Atlanta on how those issues will be resolved.

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Mayor Gibson asked whether the County or someone from Atlanta inspects the sites?

Commissioner Jordan replied that every three years there is a Federal Review where a Federal Reviewer goes to where you are, and most importantly that you will not have any deficiencies. Currently there are no deficiencies but there are noncompliant areas. And that is why she wanted the County to submit a plan on how they will respond to the noncompliant areas.

Mayor Gibson asked does the noncompliance go away when there is a new service provider.

Commissioner Jordan indicated that you will have 4 months to clear up those areas of noncompliance.

Mayor Gibson asked for clarity on whether the new service provider would be responsible for the clearing up the noncompliance during that 4 month period.

Commissioner Jordan replied no, the County would have to clear them up before they are transferred over to the new service provider.

Mayor Gibson showed some reservations with the City attempting to become a service provider of the Head Start program. This is because of the poor relationship the city has had in the past with the County in regards to past partnerships; and a lot of the unknowns with regards to the program.

Commissioner Jordan reiterated her position regarding the briefing that was provided to the City Council. She added that the City's application was one of the best and strongest that was submitted and went over the program funding.

Councilman Gilbert stated it would be very difficult to do this. The one point that was indicated by the City Manager in the briefing was that this was an alluding financial proposition for the County and the City would operate the program with less money than the County did. He raised concern with the County keeping 10% of the funding for administration purposes because the County had problems with 20% funding for administration purposes of the program and with the City taking over the program the City would only have 10% funding for administrative purposes.

Commissioner Jordan explained the complexity and issues of the salary structure of the county with the effects of merit, cola, and union influences, which results in cost overruns resulting in some of the problems and push of the Head Start Program.

Councilman Gilbert conveyed his understanding that the administrative cost overhead is not the cost of the teachers but actually the operation infrastructure cost.

Commissioner Jordan indicated that Head Start is not delegating everything. You still

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have training, monitoring, and the back office administrative operations. Therefore, if any staff person within the program wanted to go to training then it would come from the overall administrative fund that the County is keeping and not from the City's fund.

Councilman Gilbert questioned in addition to the 10% the County is keeping are they also keeping positions.

Commissioner Jordan explained the County is keeping components that are required such as training, fiscal operations, administration back officer operations and monitoring components.

Councilman Gilbert raised concerns whether the City has the capacity to take on this program.

Commissioner Jordan requested for a copy of the Manager's memo that was provided to the Council.

Councilman David Williams Jr. asked who would the employees of the program work for?

Commissioner Jordan responded the City.

Councilman David Williams Jr. questioned whether the County would have any say so on the hiring and firing of employees of the program.

Commissioner Jordan stated what the City Manager was alluding to is the Policy Council and Shared Governance. She explained the Shared Governance process and its design to allow parents have a say so on what happens in the program and its effects on the children. She continued to give examples on the Shared Governance process.

Councilman David Williams Jr. stated he would not like for the City to be put in the position where the County dictates who can and cannot be retained in the program.

Commissioner Jordan made it known the County will not have a role to tell the City who to hire. What the County is recommending as part of the application is to look into hiring existing personnel in key position because the City does not have the expertise in the program. Nonetheless, the City should hire someone who is qualified to run the program.

Councilman Gilbert questioned whether Councilman David William Jr. meant to say the Policy Council instead of the County.

Councilman David Williams Jr. stated within the document provided by the City Manager the City did not have any say so as to who would be hired.

Councilman Gilbert clarified within the document the Policy Council is a Council of parents and not the County.

Sonja Dickens, City Attorney, indicated the document provided the City Manager states the Policy Council is a committee of parents that would have input and final say on any person who primarily for the agency, to include the Director and Grantee. And this is a requirement of the Government.

Commissioner Jordan stated this is the Manager's interpretation and would like to share the Federal Regulation with the Council.

Mayor Gibson stated the Council has not gotten into the Agenda; therefore these are items that can be discussed during the Special Council meeting tomorrow.

Councilman David Williams Jr. questioned whether instead of going to a formal public records request can the City simply request the information needed directly from the County Manager.

Commissioner Jordan stated the City can get the information, however they cannot turn over the records within a 24 hour period based on the fact the County staff is in the process of reviewing the whole RFP process. Had she known the City made a public records request, she could have provided the information being requested.

Councilman David Williams Jr. stated the information being requested is prior/past information that should be readily available.

Commissioner Jordan stated that she does not disagree with Councilman David Williams Jr., in terms of pulling the requested information. The problem lies on whether there is staffing available to do that. She added that some of the information being requested has already been provided through the REI, for example the leases.

Dr. Crew, City Manager, indicated they do not have any of the private leases.

Commissioner Jordan stated based on the review of the consultant there is no way she would encourage the City to go after this program if she did not truly believe this would help the children and not change the faces of the children in two years. She would encourage the City to continue in the process and not stop the process because the City would still have an opportunity to not take on the program after it has been awarded.

Mayor Gibson thanked the Commissioner for coming before the Council to bring further clarification. Additionally, she stated the Council gives the Manager and Staff a lot of grief and criticism when they bring something before the Council without providing sufficient information for the Council to make an informed decision. Thus, today you hear staff error on the side of caution. Lastly, she shared her comfort level with this undertaking because she does not have all the information to make a decision because staff does not have all of the information.

(H) ORDINANCE(S) FOR FIRST READING:

H-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, PROVIDING FOR AN AMENDMENT TO SECTION 2.3(C), OF THE CHARTER OF THE CITY OF MIAMI GARDENS, TO AMEND THE BOUNDARY DESCRIPTIONS FOR RESIDENTIAL AREA SEATS ONE AND FOUR TO REPLACE THE REFERENCE TO 191ST STREET IN THE DESCRIPTION OF THE SOUTHERN BOUNDARY OF RESIDENTIAL SEAT ONE TO 178TH STREET AND TO REPLACE THE REFERENCE TO 191ST STREET IN THE NORTHERN BOUNDARY DESCRIPTION OF SEAT FOUR TO 178TH STREET TO REAPPORTION SEATS AS A RESULT OF THE DECENNIAL CENSUS; SUBMITTING THE QUESTION FOR APPROVAL OF THE ELECTORATE OF THE CITY OF MIAMI GARDENS AT THE SPECIAL ELECTION TO BE HELD ON AUGUST 14, 2012; PROVIDING FOR THE CALL OF THE ELECTION ON THE ISSUE TO BE PRESENTED ON THE BALLOT; PROVIDING FOR AUTHORITY TO THE CITY ATTORNEY AND CITY CLERK; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY ATTORNEY AND CITY CLERK)

Attorney Dickens stated the Council may recall this item was discussed a few months ago when there were two competing Ordinances before the City Council with regards to the proposed boundary changes that came about as a result of the Census. The City tried the first Ordinance which would have changed the charter and put it in as an Ordinance. This initial Ordinance was not approved by the voters. Therefore, the City has to take the boundary change to the voters. Hopefully the voters would approve it, if not we can still say we put it forward if this issue was to ever come up in a court of law. Lastly, she indicated the Ordinance before the Council would ask to change the boundaries of Residential Area 1 and 4 in an attempt to make them equal. Based upon an analysis giving by staff Area 1 has 2,308 too many people, and Area 4 has 2,368 too few people. This amendment would make those two residential areas more evenly in population. This item would put this question on the ballot for the August Election.

A motion to move the Item was made by Councilman Gilbert and properly second by Councilwoman Robinson.

Councilman Gilbert said there is an upcoming Election in Seat 1, would it be better to do this after the Election.

Attorney Dickens indicated that it would not be affected till after the Election.

Councilman Gilbert further expounded his concerns on how it would impact the voters' representation.

Mayor Gibson brought some clarity on how it will not impact the voters' representation.

Attorney Dickens indicated this ballot question is being put on the August ballot because there may not be a General County Election for a while.

Councilman Gilbert asked whether State Law would prohibit the City from advertising to explain the ballot question.

Attorney Dickens responded that she would review the law to see what the City can do.

There being no further discussion the motion to approve the Ordinance on First Reading passed and carried by a 5-0 vote.

Vice Mayor Aaron Campbell Jr:	Not Present
Councilwoman Lisa C. Davis:	Yes
Councilman Oliver G. Gilbert III:	Yes
Councilwoman Felicia Robinson:	Yes
Councilman André Williams:	Not Present
Councilman David Williams Jr.	Yes
Mayor Shirley Gibson:	Yes

(I) ORDINANCE(S) FOR SECOND READING/PUBLIC HEARING(S)

ORDINANCE NO. 2012-03-276

- I-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO ELECTIONS, CALLING THE 2012 GENERAL ELECTION FOR THE MAYOR AND CITY COUNCIL SEATS 1, 3, 5; SCHEDULING THE DAY, PLACE AND TIME OF THE ELECTION; PROVIDING FOR A MECHANISM FOR AMENDING THE DATES IF NECESSARY; PROVIDING FOR RUNOFF ELECTION, IF NECESSARY; PROVIDING FOR QUALIFICATION OF CANDIDATES; PROVIDING FOR CLOSE OF ELECTION BOOKS; APPROVING THE OFFICIAL BALLOT FORM; PROVIDING FOR NOTIFICATION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY CLERK)

Mayor Gibson opened the floor for public hearing. There being no discussion from the public the Mayor closed the floor.

Motion to move the item was made by Councilman David Williams Jr. and properly

second by Councilwoman Davis.

Attorney Dickens noted for the record that the exhibits from the First Reading of this Ordinance from the February 22, 2012 Council Meeting applies to this Second Reading.

There being no further discussion the motion to approve the Ordinance on First Reading passed and carried by a 5-0 vote.

Vice Mayor Aaron Campbell Jr:	Not Present
Councilwoman Lisa C. Davis:	Yes
Councilman Oliver G. Gilbert III:	Yes
Councilwoman Felicia Robinson:	Yes
Councilman André Williams:	Not Present
Councilman David Williams Jr.	Yes
Mayor Shirley Gibson:	Yes

(J) RESOLUTION(S)/PUBLIC HEARING(S)

RESOLUTION NO. 2012-41-1636

- J-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING AMENDMENTS TO COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLANS FOR FISCAL YEARS 2007 THROUGH 2011, AS OUTLINED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Mayor Gibson opened the floor for public hearing. There being no discussion from the public the Mayor closed the floor.

Daniel Rosemond, Assistant City Manager/Community Development Director, stated this is simply a clean-up item; which is an amendment of our Action Plan ensuring the money spent matches the City’s plan.

Attorney Dickens made it known the plan within the agenda package indicates that it is a draft. She questioned whether there would be any changes made to it after approval.

Mr. Rosemond explained it is indicated as a draft because it has not been approve by Council and there will be no changes made to the draft as is once Council approves it.

Motion offered by Councilman Gilbert, seconded by Councilman David Williams Jr., to adopt this item.

There being no discussion, the motion to adopt passed and carried by a unanimous voice

vote.

(K) CONSENT AGENDA

RESOLUTION NO. 2012-42-1637

- K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACCEPTING THE FISCAL YEAR 2010-2011 COMPREHENSIVE ANNUAL FINANCIAL REPORT FROM THE CITY'S AUDITOR, HARVEY, COVINGTON AND THOMAS LLC; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

RESOLUTION NO. 2012-43-1638

- K-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CONFIRMING COUNCILMAN OLIVER G. GILBERT'S RE-APPOINTMENT OF CHRISTOPHER BENJAMIN TO THE NUISANCE ABATEMENT BOARD FOR A TWO (2) YEAR TERM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.(SPONSORED BY COUNCILMAN OLIVER G. GILBERT III)**

RESOLUTION NO. 2012-44-1639

- K-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CONFIRMING COUNCILMAN ANDRÉ WILLIAMS' APPOINTMENT OF KAREN A. TYNES TO THE CITY OF MIAMI GARDENS COMMISSION FOR WOMEN COMMITTEE FOR A THREE (3) YEAR TERM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN ANDRÉ WILLIAMS)**

RESOLUTION NO. 2012-45-1640

- K-4) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CONFIRMING COUNCILWOMAN LISA C. DAVIS' APPOINTMENT OF PATRICIA ROBERTS TO THE NUISANCE ABATEMENT BOARD FOR A TWO (2) YEAR TERM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY COUNCILWOMAN LISA C. DAVIS)**

RESOLUTION NO. 2012-46-1641

- K-5) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY, THAT CERTAIN AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS WORK SQUAD NO. WS755 FOR PUBLIC WORK SERVICES IN THE AMOUNT OF FIFTY-EIGHT THOUSAND FOUR DOLLARS (\$58,004.00), A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2012-47-1642

- K-6) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CREATION OF THE CITY OF MIAMI GARDENS SCIENCE AND ENGINEERING SUMMER CAMP; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN DAVID WILLIAMS JR.)

RESOLUTION NO. 2012-48-1643

- K-7) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY, THAT CERTAIN AGREEMENT WITH MIAMI-DADE COUNTY FOR THE BILLING OF STORMWATER CHARGES, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2012-49-1644

- K-8) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE 2012 CALENDAR OF EVENTS FOR THE COMMISSION FOR WOMEN; APPROVING THE EXPENDITURE OF FUNDS FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY CLERK)

RESOLUTION NO. 2012-50-1645

- K-9) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT WITH THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO TAKE ANY AND ALL STEPS NECESSARY TO ACCEPT GRANT FUNDS IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00); AUTHORIZING A MATCH OF FUNDS; AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

RESOLUTION NO. 2012-51-1646

- K-10) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT WITH MIAMI-DADE COUNTY FOR THE ACCEPTANCE OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF ELEVEN THOUSAND, THREE HUNDRED AND SIXTY FOUR DOLLARS (\$11,364.00), A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Motion offered by Councilman Gilbert, seconded by Councilman David Williams Jr. to adopt the Consent Agenda. This motion passed and carried by a 5-0 voice vote.

(M) RESOLUTION(S)

RESOLUTION NO. 2012-52-1647

- L-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPOINTING OLIVER GILBERT III TO SERVE AS VICE-MAYOR UNTIL AUGUST 13, 2012; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY MAYOR SHIRLEY GIBSON)**

Mayor Gibson indicated she has brought this item to the Council to appoint a Vice Mayor for the next two years.

CITY COUNCIL MINUTES – MARCH 14, 2012

Mayor Gibson opened the floor for nominations.

Councilwoman Robinson made a motion to nominate of Councilman Gilbert as Vice Mayor.

Mayor Gibson cautioned this nomination due to the fact the Councilman Gilbert will be running for Mayor in the upcoming election therefore he would have to tender his resignation prior to the election. Nonetheless, she is fine if the Council agrees with Councilman Gilbert's appointment as Vice Mayor.

Councilman Gilbert opinioned his appointment as Vice Mayor would be better because it would allow the Council after the Election to appoint their own Vice Mayor for the next two years because his resignation would be tender prior to the election.

Councilwoman Robinson stated the only Council members that would not be affected by the upcoming election would be herself and Councilwoman Davis.

Councilman Gilbert indicated the only two people who are guaranteed to remain on the dais after the August election is Council Members Robinson and Davis. Thus if the Council appointed a Vice Mayor for the next two years it would be appointing a Vice Mayor for an entirely new dais. His appointment would allow the new dais to pick their Vice Mayor after the Election. Additionally, he would want the term of this new appointment to expire in August to allow for the new dais to appoint their Vice Mayor.

The motion made by Councilwoman Robinson was second by Councilman Gilbert.

There being no further discussion this motion passed and carried by a 5-0 vote.

Vice Mayor Aaron Campbell Jr:	Not Present
Councilwoman Lisa C. Davis:	Yes
Councilman Oliver G. Gilbert III:	Yes
Councilwoman Felicia Robinson:	Yes
Councilman André Williams:	Not Present
Councilman David Williams Jr.	Yes
Mayor Shirley Gibson:	Yes

A motion was made by Councilman David Williams Jr., seconded by Councilman Gilbert that the term of the appointment shall expire on August 13, 2012.

There being no further discussion this motion passed and carried by a 5-0 vote.

Motion to approve the Resolution with the approved nomination and term of appointment was made by Councilwoman Robinson and properly second by Councilwoman Davis.

There being no further discussion this motion passed and carried by a 5-0 vote.

(N) REPORTS OF CITY MANAGER/CITY ATTORNEY/CITY CLERK

M-1) City Manager's Report

Ronetta Taylor, City Clerk, reported on the success of Passport Day held by the Office of the City Clerk. She indicated the Office processed 111 passports and generated revenue in the amount of \$2,800.

(O) REPORTS OF MAYOR AND COUNCIL MEMBERS

Vice Mayor Gilbert reminded everyone about Jazz in the Gardens.

Councilman David Williams Jr. reported that he would like staff to look into the procedure in terms of the issuance of proclamation compared to neighboring Cities.

Attorney Dickens stated that she will meet with Councilman David Williams Jr. to develop a proposed amendment.

Councilman David Williams thanked Deputy City Manager Renee Crichton and Assistant City Manager Daniel Rosemond for their efforts in putting the Science Event together. He believes the Council will be really proud on what the outcomes of this event will bring.

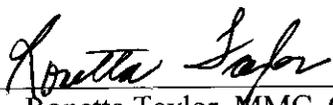
(P) WRITTEN REQUESTS, PETITIONS & OTHER WRITTEN COMMUNICATIONS FROM THE PUBLIC

None

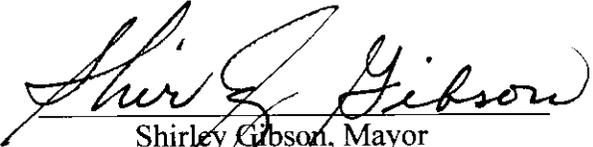
(Q) ADJOURNMENT

There being no further business to come before this Body and upon a motion duly seconded, the meeting adjourned at 10:15 p.m.

Attest:



Ronetta Taylor, MMC, City Clerk



Shirley Gibson, Mayor