

**CITY OF MIAMI GARDENS
REGULAR CITY COUNCIL MINUTES
MARCH 28, 2012**

(A) CALL TO ORDER/ROLL CALL

The City Council for the City of Miami Gardens, Florida, met in regular session on Wednesday, March 28, 2012, beginning at 7:20 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, Vice Mayor Oliver G. Gilbert, and Council members Lisa C. Davis, Aaron Campbell Jr., Felicia Robinson, Andre Williams and David Williams, Jr.

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

(B) INVOCATION

Invocation delivered by Father Horace Ward.

(C) PLEDGE OF ALLEGIANCE

A member of the Miami Gardens Police Explorers led the audience in reciting the Pledge of Allegiance.

(D) APPROVAL OF MINUTES

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Approval of minutes deferred.

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

Mayor Gibson provided an opportunity for Father Horace Ward to come forward for comments at this particular time.

The following item was added to the official agenda and heard after public comments: 'A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A SETTLEMENT IN THE CASE OF CITY OF MIAMI GARDENS VS. MIAMI DADE COUNTY, FLORIDA; CASE NUMBER 11-00822 CA 11; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY THAT CERTAIN SETTLEMENT/INTERLOCAL AGREEMENT IN SUBSTANTIAL FORM AS THAT AGREEMENT ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Councilman David Williams Jr., added a presentation as Item F-6

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Councilman Andre Williams added a presentation as Item F-7)\

Motion offered by Vice Mayor Gilbert, seconded by Councilwoman Davis to approve the official agenda with the necessary changes. This motion passed and carried by a unanimous voice vote.

Father Horace Ward, 18501 NW 7th Avenue, Miami Gardens, Florida, appeared before the City Council to get clarification as to where the city's financial situation stood. He said he had received email communication from Councilman Andre Williams, which he read into the record as follows: "As you may know, I am financially responsible and do not support wasteful spending at the City of Miami Gardens for tax payers' hard earned dollars – taxpayers who are struggling with a 15% unemployment rate. I have a responsibility and fiduciary duty to ensure the city's financial future. I was the only City Councilman who voted against the city's 11% property tax increase because I determined that our city budget was bloated by wasteful spending on items that are not important public services. For example, the city allocates over \$2 million of its budget for media and events, which is certainly not vital to the health and welfare or public safety of our residents. I believe that in these troubled times that the city needs to exert even more restraint in its spending. Well, my worst fears have materialized. At our last city Council meeting, our independent auditor revealed in its report and financial assessment of the city that the city's financial condition is poor. The auditor revealed that there are a number of important financial indicators that are unfavorable to the city that may ultimately require intervention by the State of Florida if our financial position worsens. I will be happy to forward you a copy of that report upon request. I will continue to provide leadership to the residents of the city to improve the financial condition of this city even if it requires bold action on my part and even if I am not supported by my colleagues on the city Council. The residents of this great city expect nothing less from me. Please join me in this process. I will need the support of all good people in this community to right this ship."

Mayor Gibson asked the city's auditor Ron Harvey to come forward for comments, and address Father Ward's concerns.

Mr. Harvey appeared before the City Council and introduced the Auditor Director Dwaune Mathis who will provide some detail to the matter at hand.

Mr. Mathis appeared before the Council and stated his belief that the question at hand is whether the city is in a state of emergency. As stated a few weeks prior based on the auditor's financial condition assessment the results came back inconclusive, with several key indicators being unfavorable. The auditors also indicated at that time that management and council oversight should be adhered to understand and going forward, to understand the financial situation of the city to make any preparations or improvements where necessary. It was also indicated that some of the changes that had taken place over this past year with a key point of reference were employee benefits. A year ago that accrued amount was 2.3 million dollars. Due to financial monitoring in that area it was reduced to \$300,000. The auditors come in on a yearly basis, add the numbers and do a financial condition assessment. This assessment has indicators: favorable, which means everybody is happy. If you are unfavorable, this means you are in a

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deteriorating condition. When you are in a deteriorating condition you definitely want to make sure you take proper measures to improve that condition. You would also want to look at whether you are in a state of financial emergency, which occurs if you cannot pay your bills or fund the operations of the city due to lack of funds. For example if you received 15 million dollars in property taxes, and the next year you expect to receive 13 million dollars in property taxes one of the things you would do is to not prepare a budget based on 15 million dollars. Furthermore, you would want to be prepared on a monthly basis (monthly financial reports) to determine where you are at a certain point in time. During the year if something changes significantly, you would have adjust your budget, accordingly. That way you are not operating on a budget that was approved in September that is no longer valid. He said one of the things the auditors is required to report is if a city is in a state of deteriorating condition or state of emergency. He cautioned the Council to remember that the auditors were only here once a year therefore, they can only report to you at that time. Management, which does a good job monitors the city's financial situation on a monthly and daily basis, and provides the Council with updated reports on where the city's financials are.

Mr. Harvey reappeared before the City Council and shared that Mr. Mathis gave a very good roadmap of what you could do. He stated that as of September 30, 2011 the city was not deemed to be in a state of financial emergency. He shared that the comment he made was a prospective comment looking forward saying, if the city is not aware, keep an eye on it, as Mr. Mathis stated. Continue to monitor it. That there was a possibility that potentially next year, September 30, 2012 we may go from an inconclusive situation to unfavorable. He stated that he was stating his opinion as a professional, ring the bell to say this is out there. The city can take measures over that time to strengthen its position. Good examples of that were given by Mr. Mathis. Even as a result of the auditor's financial condition assessment the city still has the opportunity to prove to the auditors that they can implement measures to put in place to turn the corner. He reiterated that based on his opinion going forward, as a professional there was a possibility of something to consider. As of September 30, 2011 the city was not in a state of deteriorating condition, emergency or financial condition. Mr. Harvey in conclusion said he is more than happy to entertain any questions.

Mayor Gibson shared that the city manager has in the past brought to the Council for consideration during a fiscal year, budget amendments. Those budget amendments are done to move money from one account to another as indicated by the city manager in order remain financially healthy within that fiscal year. She said she did not hear Mr. Harvey say that there was a report that went to the State of Florida saying the City was in a state of financial emergency or deteriorating condition.

Mr. Harvey said there was no report sent to the State of Florida.

Councilman David Williams Jr., asked whether Mr. Harvey can provided a written explanation on the points he made tonight. That information would be useful for the citizens to have.

Mr. Harvey said he can have those points typed up and provided to Councilman Dad

Williams Jr.

Councilman Andre Williams said the auditors did a great job and conveyed appreciation of their professionalism.

(F) SPECIAL PRESENTATIONS (5 minutes each)

~~F-1) Vice Mayor Gilbert – Miami Norland Vikings Basketball Team~~

F-2) Deputy Chief Miller – Kiwanis Scholarship Announcement

Paul Miller appeared before the City Council as the Miami Gardens Kiwanis club representative to make a few announcements as follows: Scholarship Awards will go to two students at Miami Norland, two students at Miami Carol City, one to a Key Club member at Miami Carol City High School, which is the high school version of Kiwanis, and one to a City of Miami Gardens employee whose son or daughter is a high school senior. The applications will be available on-line, at city hall and the Miami Gardens Police Department. The application deadline is April 29, 2012. Another project the Kiwanis undertook was the painting of one of the Miami Gardens Police Explorer's grandmother's house, with the assistance of the Miami Carol City Key Club members and police explorers. Lastly, on May 17, 2012 the second annual Taste of the Gardens event at the Mercedes Benz will take place. Ticket sales will be announced in the very near future.

F-3) Officers J. Bradwell/J. Nargiso – Police Explorer Recognition

Officers Bradwell presented members of the Miami Gardens Police Explorers with a plaque for all their hard work while competing in a State-wide competition.

Officers Nargiso said the City of Miami Gardens has approximately 30 individuals participating in its Police Explorers program.

F-4) Caribbean Affairs Advisory Board Quarterly Report – Miguel Murphy, Board Member

Miguel Murphy a representative member of the City of Miami Gardens Caribbean Affairs Advisory Committee appeared before the City Council to provide a report. He said as of March 5, 2012, a vacancy has occurred on the committee. The committee is asking that that vacancy be filled as soon as possible. The committee hosted a "meet and greet" event at the end of the last quarter. There was a great turnout for this event. A great many ideas were presented to the committee such as: Immigration matters, programs for children, support for Caribbean owned businesses. Business owners are being invited and encouraged to attend at meeting to provide brief information about their business. Looking forward to getting involved with Carnival 2012.

F-5) Employee Recognition/Five year Pin – Dr. Danny O. Crew, City Manager

Manager Crew presented Quentin Pough, Supervisor with the City of Miami Gardens Parks and Recreation Department, with the distinguished recognition as Employee of the month for February 2012.

Mr. Pough was afforded an opportunity for comments.

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Manager Crew presented the following individuals with five (5) year service pins: Magalie Castor, Permitting & Licensing Clerk, Code Enforcement Department; Alan Mandelbloom, Police Commander/Major III, Police Division; Owen Jobity, Landscape Crew Worker, Parks Maintenance; Ignacio Scull, Building Inspector/Plans Exam; Armando Gallardo, Code Enforcement Officer, Code Enforcement; Rosamary Andrews, School Crossing Guard, School Crossing Guard; Jorge Rosales, Janitorial Crew Worker, Division.

F-6) Councilman David Williams Jr., Grace United Methodist Church Youth Choir

The Youth Choir at Grace United Methodist Church performed a moving rendition of “Come by here by Lord.”

F-7) Councilman Andre Williams

Councilman Andre Williams presented Denise White with a plaque for her outstanding volunteer efforts while serving for four years on the Commission For Women Advisory Committee.

(G) PUBLIC COMMENTS

There were no public comments.

(H) ORDINANCE(S) FOR FIRST READING:

H-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING DIVISION 3 OF CHAPTER 28 OF THE CODE OF ORDINANCES ENTITLED “UNSAFE STRUCTURES” TO REPEAL ALL EXISTING SECTIONS, AS ADOPTED BY MIAMI-DADE COUNTY; AMENDING SECTIONS 28-68 THROUGH 28-123 TO CREATE A NEW UNSAFE STRUCTURES ORDINANCE; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Shellie Ransom, Acting Building Official and Building Official for the City of Miami Gardens appeared before the City Council to explain the relevant entailed in this ordinance.

Motion offered by Vice Mayor Gilbert, seconded by Councilman David Williams Jr., to adopt this item on first reading.

At the conclusion of this discussion, the motion to adopt passed and carried by a 7-0 vote.

Councilwoman Lisa Davis: Yes

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Councilman Aaron Campbell Jr.:	Yes
Vice Mayor Oliver G. Gilbert III:	Yes
Councilwoman Felicia Robinson:	Yes
Councilman Andre Williams:	Yes
Councilman David Williams Jr.:	Yes
Mayor Shirley Gibson:	Yes

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

ORDINANCE NO. 2012-04-277

- I-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. (1st Reading – March 14, 2012 (SPONSORED BY THE CITY ATTORNEY AND CITY CLERK))

Mayor Gibson opened the floor for this public hearing. After there were no interested parties to speak on this item, the public hearing closed.

Motion offered by Vice Mayor Gilbert, seconded by Councilwoman to adopt this item.

Councilman Campbell asked whether this item had been presented before.

Attorney Dickens explained initially she had presented this item along with a companion item, which the Council approved to go to the voters. That companion item provided that the boundary provision be removed from the Charter and that Council would change the boundaries by ordinance every decennial year. That charter amendment failed. This particular item would provide for a charter amendment to the actual boundaries.

Councilman Campbell that a lot of the citizens explained that they just did not understand the previous ballot question. He asked whether the city is allowed to spend money to educate the public on what it is the city is really trying to do.

Attorney Dickens said the city can spend money but it has to be careful. She said her office can only give out factual information. She said she would be preparing something in writing that can be distributed to the churches, as well as to the city Council.

Vice Mayor Gilbert said the city cannot advocate with city money but it can advocate with private money.

At the conclusion of this discussion, the motion to adopt passed and carried by a 7-0 vote.

Councilman Aaron Campbell Jr.:	Yes
Vice Mayor Oliver G. Gilbert III:	Yes
Councilwoman Felicia Robinson:	Yes
Councilman Andre Williams:	Yes
Councilman David Williams Jr.:	Yes
Councilwoman Lisa Davis:	Yes
Mayor Shirley Gibson:	Yes

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

None

(K) CONSENT AGENDA:

RESOLUTION NO. 2012-53-1648

K-1) 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 AMENDMENT TO THE AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS WORK SQUAD NO. WS670 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. 2012-54-1649

K-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AUTHORIZING, THE CITY MANAGER TO EXPEND AN AMOUNT TO EXCEED TEN

THOUSAND DOLLARS (\$10,000.00) FROM THE LAW ENFORCEMENT TRUST FUND FOR THE REPLACEMENT OF AN EXISTING CANINE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Motion offered by Vice Mayor Gibson, seconded by Councilman David Williams Jr., to adopt the Consent Agenda. This motion passed and carried by a unanimous vote.

(L) RESOLUTION(S):

RESOLUTION NO. 2012-55-1650

L-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A SETTLEMENT IN THE CASE OF CITY OF MIAMI GARDENS VS. MIAMI DADE COUNTY, FLORIDA; CASE NUMBER 11-00822 CA 11; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY THAT CERTAIN SETTLEMENT/INTERLOCAL AGREEMENT IN SUBSTANTIAL FORM AS THAT AGREEMENT 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)

Manager Crew expounded on this item and stated this is the settlement agreement resolving the litigation with Miami-Dade County concerning the County's failure to fund the City's share of the surtax proceeds.

Motion offered by Vice Mayor Gilbert, seconded by Councilwoman Davis to adopt this item.

Councilman Andre Williams commended the attorneys for their fine work on this matter.

Attorney Dickens pointed out that Mayor Gibson should be commended for their efforts in settling this matter.

Manager Crew said appreciation should also go to Mayor Carlos Jimenez who recognized that his people had been telling the County the wrong information.

There being no further discussion on this item, the motion to adopt passed and carried by a unanimous voice vote.

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

M-1) City Manager's Monthly Report

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M-2) Police Department Monthly Report

Manager Crew shared that the preliminary figures show that the City made approximately \$220,000 on the Jazz in the Gardens Festival.

Clerk Taylor shared that the City of Miami Gardens was given special recognition by the United States Department of State for its efforts on National Passport Day held March 10, 2012.

(N) REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilman David Williams Jr., asked about the status of the City Hall complex.

Manager Crew said the city is still pending an approved permit from Miami-Dade County. It is anticipated the permit will be approved by Miami-Dade County by the end of this week. Next week the developer will be bringing in his guaranteed maximum price. Bids are due in on next Thursday. After that it will take staff approximately two weeks to review the bids.

Vice Mayor Gilbert thanked Ula Zucker Williams, Vernita Nelson, the attorney and other staff members for their good work on Jazz in the Gardens. He shared that during the event he talked with residents and individuals who were visiting the area, they really enjoyed themselves. He said he was very happy the city made money on Jazz in the Gardens. He further said the police department did an excellent job.

Councilwoman Robinson announced that on April 7th, the second annual Easter Egg Hunt will be held at Rolling Oaks Park.

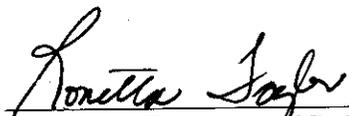
(O) WRITTEN REQUESTS, PETITIONS & OTHER WRITTEN COMMUNICATIONS FROM THE PUBLIC

None.

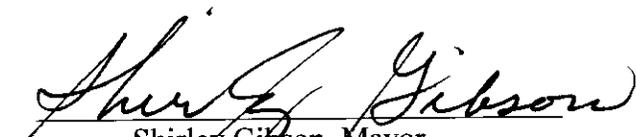
(P) ADJOURNMENT

There being no further business to come before this Body, and upon a motion being duly made, the meeting adjourned at 8:20 p.m.

Attest:



Ronetta Taylor, MMC, City Clerk



Shirley Gibson, Mayor