

**CITY OF MIAMI GARDENS  
REGULAR CITY COUNCIL MINUTES  
MAY 23, 2012**

**(A) CALL TO ORDER/ROLL CALL**

The City Council for the City of Miami Gardens, Florida, met in regular session, Wednesday, May 23, 2012, beginning at 7:03 p.m., in the City Council Chambers, 1515 NW 167<sup>th</sup> 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 III, and Council members Aaron Campbell Jr., Lisa C. Davis, André Williams, and Felicia Robinson. Councilman David Williams Jr., was not present.

Motion offered by Vice Mayor Gilbert, seconded by Councilwoman Robinson to excuse Councilman David Williams Jr. 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 Deputy City Clerk Mario Bataille, sitting in for City Clerk Ronetta Taylor.

**(B) INVOCATION**

Councilman Campbell delivered the Invocation.

**(C) PLEDGE OF ALLEGIANCE**

Recited in unison.

**(D) APPROVAL OF MINUTES**

Regular City Council Meeting – May 9, 2012  
Approval of minutes deferred.

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

Manager Crew withdrew Item L-1 from the official agenda. He indicated that the city has reached an agreement with Skanska.

Councilman Andre Williams opined even though this item is being withdrawn, it is important to have some discussion about it.

Motion offered by Councilwoman Robinson, seconded by Councilwoman Davis to approve the official agenda with the necessary additions/deletions. This motion passed and carried by a unanimous vote.

**(F) SPECIAL PRESENTATIONS (5 minutes each)**

**F-1) Proclamation – National Code Enforcement Appreciation Week June 4-8, 2012**

Mayor Gibson presented a proclamation proclaiming the week of June 4-8, 2012 as National Code Enforcement Appreciation Week to Roderick Potter, Division Director of Code Enforcement.

**F-2) Councilman Andre Williams - Chinese Heritage Month**

Councilman Andre Williams said it is so importance to celebrate multi-cultures in this community. This month is Asian American Pacific Island Heritage Month. He recognized Winnie Chang, President of the Florida Chinese Federation, and the Organization of Chinese American South Florida Chapter and President of the United Chinese Association of Florida. He presented Ms. Chang with a plaque on this momentous occasion.

Ms. Chang appeared before the Council to expound on this historic occasion. She introduced distinguished members of the United Chinese Association of Florida. According to the 2010 Census, the Asian population is the fastest growing group in the United States. In Miami-Dade County the Asian population ranks Number 4.

A dance ceremony was performed by the Asian group.

**F-3) Mayor Gibson – Youth Recognition**

Mayor Gibson shared this presentation involves students from Miami Norland Senior High and Miami Carol City Senior High Schools. This initiative was collaboration between Embrace Girls Foundation and the Mayor of Miami Gardens. Discussions centered on relationships between our young men and young women in high school. The movie “Think Like A Man” really focused on relationships, which was very involved and intense. The initiative involved a writing essay assignment after reviewing the movie, with their parents. Each participating student was recognized. The winner of the best essay was also recognized and rewarded with a \$100.00 gift certificate as well as the parents.

**F-4) Danny O. Crew, City Manager – Employee Recognition**

City Manager Crew presented the following individuals with Five Year Service Pins: William Garviso, Buyer with Procurement; Kathleen Grant, School Crossing Guard, School Crossing Guard Division; Damian Gonzalez-Tellez, Permitting & Licensing Clerk, Building Services; Kimberly Otis, Permitting & Licensing Clerk, Building Services; Michael Ramos, NSP Support Clerk, Community Development; Tarsha Harper, Permitting & Licensing Clerk, Building Services; Sherita Atterbury, Permitting & Licensing Clerk, Code Enforcement and Cyril Saiphoo, Zoning Administrator, Planning and Zoning.

Deputy Chief Miller presented the distinguished recognition as Officer of the Month for April 2012 to Officer Edgar Castelli.

**(G) PUBLIC COMMENTS**

Dagoberto Diaz, Vice President of Suffolk Construction, One Harvard Circle, Suite 100

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West Palm Beach, Florida, appeared before the City Council to clarify some of the issues discussed at the last City Council meeting. More particularly the timeline for bidding the project out if the Council was to select the second bidder. That timeline would not be three months as discussed, but more like six weeks from the time Suffolk provided the MGP. He questioned whether this was the best value, the best price that this project generates based on the bid of the community. He asked has staff been able to review all the bids, and been a part of the bidding process. He said it is important for staff to answer that because that would allow the Council to determine what is the best price for the project. If staff is not able to answer that question the question could be raised “how do you know this is the best value for Miami Gardens.”

Wayne Messam, Asset Builders Partner, in partnership with Suffolk Constructions with a business address at, 111 NE 1<sup>st</sup> Street, Miami, Florida, appeared before the City Council to expound on the city hall project. He said in listening to the deliberations and hearing the concerns coming from the dais, whatever the process has been to date he opined it is fair to characterize the process as being less than ideal. He said Suffolk Construction is ready and qualified to take this project on, if it is the desire of the Council. He said since the City Manager has withdrawn the item he was not sure whether the Council had an option to consider the second option. He said his firm is ready, willing and capable of helping the city to realize its dream.

Angela Messam, Asset Builders LLC, 111 NE 1<sup>st</sup> Street, Miami, Florida, appeared before the Council and shared to summarize what had been stated by the previous two speakers.

Patricia Lightfoot, 2750 NW 172<sup>nd</sup> Terrace, Miami Gardens, Florida, appeared before the City Council to speak on Item -1, more particularly the language “presentations shall take place at 6:00 p.m., and end no later than 7:00 p.m. No quorum shall be required for presentations”. She expressed disagreement with this item and opined the young people, residents, and employees look forward to coming at this particular time and being in front of the Council, with the Council and recognized by the Council. She shared for some people the Council members are as close to a celebrity as they will ever get. In their minds you are their celebrity. Once you are elected, you belong to the people. She further questioned the quorum requirement and expressed concern that with four members, which constitutes a quorum matters can be voted on. She said four members of the Council is not a true representation of this city.

Vice Mayor Gilbert clarified that the quorum language is a part of the process right now. This ordinance only makes it clearer.

Attorney Dickens said the existing language says a quorum is necessary to transact business, which is really vague.

Sandra McDowell, 18240 NW 41<sup>st</sup> Place, Miami Gardens, Florida, appeared before the City Council to express concern with open permits issued by Miami-Dade County in 1993 or 1994. She said she did not have a clue who opened the electrical and plumbing permits. Miami-Dade County does not have a copy of the permits. She said if she had not requested a title search on her property she would not have known. Even though the Miami-Dade County does not

consider an open permit a lien, the title company does.

Shellie Ransom-Jackson, Interim Building and Code Compliance Director/Building Official appeared before the Council in response to Ms. McDowell's concerns. She shared the city does have a Miami-Dade County closure process in place. Normally on a permit application the owner of the property as well as the contractor has to sign. There have been instances where homeowners' associations will pull permits. In this particular case, according to Ms. McDowell, Miami-Dade County does not have a physical copy of the document. She shared that her resolution to Ms. McDowell was as a homeowner, she can cancel that permit. There is a \$75.00 fee for this process. That covers the cost of having an inspector visit the property to ensure that no work was done under that permit.

Vice Mayor Gilbert asked whether there were similar permits issues to all the homes in this area.

Ms. Ransom-Jackson indicated that Ms. McDowell showed her where permits were issued to other properties and this is why she asked Ms. McDowell whether she contacted the contractor.

Vice Mayor Gilbert commented we can reasonable assume that since the permits were pulled at the same time that the owners of the homes did not actually pull the permits. Maybe it was the homeowners association.

Ms. Ransom-Jackson said the problem is, the permit was still good and the work was either done or not done. Who pulled the permit is an issue. The bottom-line is that there is evidence, which is an electronic file that the permit was issued. That permit has to have proper closure.

Vice Mayor Gilbert said his issue was the fact that Ms. McDowell has to pay to close the permit.

Councilwoman Robinson asked whether staff can contact Miami-Dade County and have that entity close the permit.

Ms. Ransom-Jackson said Miami-Dade County will not touch it. She explained a lot of times staff has to physically go to Miami-Dade County and make them manually look for a permit. Miami-Dade County is quick to send property owners back to the City of Miami Gardens, telling them it is a city problem.

Councilwoman Robinson asked Attorney Dickens if there was anything the City could do legally to have Miami-Dade County address the closure of the permit.

Attorney Dickens said usually Miami-Dade County has the file, but as the Building Official stated there are times when no physical file exist. She said she was aware of files being destroyed by Miami-Dade County.

Ms. Ransom-Jackson further stated that Miami-Dade County will not close a permit until after she sends a letter stating this permit can now be closed.

Attorney Dickens indicated that there are certain liabilities involved therefore the Building Official is not going to close a permit without an inspection.

Councilman Campbell said there has got to be a way to initiate an exception. He said all of the property owners with similar issues need to be identified.

Manager Crew said he did not remember the exact number but there are thousands of these permits. He said it cost the city real money to have an inspector go out to the site to conduct an inspection.

Councilman Campbell said this was a liability issue we took on when we became a city. He opined we should deal with this situation and did not care if it was a hundred thousand permits.

Vice Mayor Gilbert said let's not assume the cost all at once, but spread it out over time. He said we can address it as people come in.

Ms. Ransom-Jackson shared that she has a dedicated staff person assigned to Miami-Dade County permit closures, due to the volume of work.

Vice Mayor Gilbert said not everybody is in Ms. McDowell's situation where the owner did not actually pull the permit.

Ms. Ransom-Jackson said she would need a record to show who pulled the permit because everybody can say they did not pull the permit.

Mayor Gibson asked for clarification purposes, if the city closed a permit without an inspection and the homeowner sold the property. After the property is sold there is an issue with the electrical and it is traced back to that permit, who would be held liable.

Ms. Ransom-Jackson said if she closed a permit without an inspection that liability would fall to her. She said it is her responsibility to ensure that all permits receive an inspection.

Mayor Gibson asked what would happen if an inspector discovers upon inspecting the property that something is not up to code.

Ms. Ransom-Jackson said if an unsafe condition is found that property owner would have to bring the property into compliance, even though they did not pull the permit initially.

Mayor Gibson said staff needs to come back with a resolution on how this to address this type of situation.

Attorney Dickens made reference to the re-inspection process already in place when property is being sold. She shared that she had suggested to the City Manager that the fee be reduced because an inspection is already required at that point.

Ms. Ransom-Jackson said the re-occupancy ordinance does not address building, code issues. The person doing the re-occupancy inspection is a housing inspector, not a licensed building inspector.

Vice Mayor Gilbert said if we can just direct the city manager to come up with some alternatives.

Mayor Gibson asked whether Ms. McDowell was on a timeline.

Ms. McDowell said that she was in the process of selling her property therefore she was on a timeline. Given the situation her closing was scheduled for Monday, but has been rescheduled.

Mayor Gibson asked Ms. McDowell how many open permits were on the property.

Ms. McDowell in response to Mayor Gibson's inquiry stated there are two open permits on the property.

Mayor Gibson said she did not know how long it would take to get this matter resolved and did not want it to impact Ms. McDowell's closing.

Ms. McDowell said she did not have a problem paying the \$150.00 for the inspection. She saw this as a problem and wanted to bring it to the Council's attention.

**(H) ORDINANCE(S) FOR FIRST READING:**

**H-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE 2, DIVISION 2, SECTIONS 2-49, 2-54 AND 2-56 OF THE MIAMI GARDENS CODE OF ORDINANCES TO ESTABLISH A TIME FOR SPECIAL PRESENTATIONS; 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 MAYOR SHIRLEY GIBSON)**

Mayor Gibson passed the gavel to Vice Mayor Gilbert before she shared her rationale for sponsoring this item. In explaining this item she said a lot more time is being spent on presentations, which she believes is important. She said the Council is supposed to start its city

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business at 7:00 p.m., as per the City’s Charter. In doing the presentations at 6:00 p.m. does not mean that Council will not come. If a council member is doing a presentation that individual is going to be here. Those individuals that come for presentations are only here for that purpose and do not stay for the entire meeting.

Motion offered by Mayor Gibson to adopt this item on first reading. This motion was seconded by Councilwoman Robinson.

Attorney Dickens said she had research this item as it relates to whether a quorum was required. No quorum was required. Some cities have presentations before regular business and some have presentations during regular business.

Councilwoman Robinson recommended not placing presentations on the agenda that would take a lot of time, at the same time.

There being no further discussion, the motion to adopt failed by a 1-5 vote.

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

Vice Mayor Gilbert relinquished the gavel to Mayor Gibson.

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

None

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

None

**(K) CONSENT AGENDA:**

**RESOLUTION NO. 2012-74-1669**

**K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO CALVIN, GIORDANO & ASSOCIATES, INC. TO PROVIDE CONCEPTUAL DESIGN AND PREPARATION OF CONSTRUCTION DOCUMENTS FOR A PEDESTRIAN TRAIL AT ROLLING OAKS PARK; AUTHORIZING THE CITY MANGER AND THE CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY, THAT CERTAIN AGREEMENT FOR THIS PURPOSE, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT “A”, IN ITS**

**SUBSTANTIAL FORM; 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. 2012-75-1670**

- K-2) 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 PUBLIC SCHOOLS’ PROJECT VICTORY PROGRAM, 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. 2012-76-1671**

- K-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO TAKE ANY AND ALL STEPS NECESSARY TO ACCEPT THE CONVEYANCE OF PROPERTY GENERALLY LOCATED ADJACENT EAST OF 2775 NORTHWEST 183RD STREET FROM MIAMI-DADE COUNTY IN THE AMOUNT OF TEN DOLLARS (\$10.00); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.(SPONSORED BY THE CITY MANAGER)**

Motion offered by Vice Mayor Gilbert, seconded by Councilwoman Robinson to adopt the Consent Agenda. This motion passed and carried by a unanimous voice vote.

**(L) RESOLUTION(S):**

- L-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO TERMINATE NEGOTIATIONS WITH SKANSKA BUILDING INC., FOR GUARANTEED MAXIMUM PRICE TWO (GMP2) FOR CONSTRUCTION SERVICES RELATING TO THE MUNICIPAL COMPLEX; AUTHORIZING THE CITY MANAGER TO PROCEED TO NEGOTIATIONS WITH THE SECOND RANKED BIDDER, SUFFOLK CONSTRUCTION COMPANY INC., FOR GMP2 IN AN AMOUNT NOT TO EXCEED FORTY FIVE MILLION DOLLARS (\$45,000,000.00); AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, AN AGREEMENT FOR**

**CONSTRUCTION SERVICES FOR THIS PURPOSE UPON SUCCESSFUL NEGOTIATION; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)  
Deferred from April 25, 2012)**

Manager Crew said this item was placed on the agenda because at the time he was not sure whether they could reach an agreement. Since that time meetings have been held two to three times each week, and all the issues have been worked through. This morning the final issues were worked out. He said we do have a GMP that he believes reflects what the city wants. He stated that he pulled the item because he was no longer recommending that the city terminate the contract.

Councilman André Williams said his comments were being directed to the residents. He shared that he has expressed some serious reservations about the city undertaking this project in the first place. He conveyed belief that the city did not need to be in the business of undertaking at 40 Million dollar capital improvement project right now, based on our financial condition. But the train has already left the station. We have already started negotiations. He addressed comments made when this item was last discussed. He commended Kevin Lawler and Brandon DeCarlo, and opined they are consummate professionals. Mr. Lawler has 38 years of experience. Mr. DeCarlo is an architect who worked for Miami-Dade County Public Schools for many years and has been involved in many capital improvement projects in the past. He said he has the utmost confidence in their abilities to negotiate with Skanska.

Councilman André Williams shared that he is a real estate attorney and has been practicing law since 1993. He said he has some serious issues with Skanska and their approach to negotiating with the city. We have had our city manager come to us on several occasions to ask us to terminate this contract. Mr. Lawler has been steadfast in saying that Skanska has not been operating in good faith. Skanska is asking the city to give them millions of dollars to begin this project. He said he was very uncomfortable with that. If they are not in a position to assume this contract without preconstruction fees, then they do not need to be in the business of working on behalf of the city.

Councilman André Williams said it was also extremely troubling to him that Skanska submitted an RFP for the City Hall Project, and they included a list of legal proceedings they were engaged with from 2006. Skanska has been involved with capital improvement projects with the school board and Miami-Dade County. He provided for the public record a list of the law suits Skanska filed against Miami-Dade Public Schools for: Holmes Elementary School in the amount of 8.87 Million Dollars; Miami Central High School Phase 1 project in the amount of 1.8 Million Dollars; Miami Central High School Phase 2 project in the amount of 2.3 Million Dollars; Miami Central High School Phase 3 project in the amount of 2.3 Million Dollars; Miami Central High School Phase 4 project in the amount of \$194,000; Miami Central High School project in the amount of \$614,000.

Kevin Lawler appeared before the Council to address questions.

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Councilman André Williams asked what are the financial concerns about this deal.

Mr. Lawler corrected for the record that he has never that Skanska has not been operating in good faith.

Councilman André Williams apologized for making that comment.

Mr. Lawler said what Manager Crew stated is correct. The city and Skanska has come to terms after weeks of negotiations. If the issue is the numbers GMP2, and only the numbers, as acceptable at forty million, seven hundred forty-nine thousand, two hundred eighty-three dollars, that is fine. If the issue is not only the GMP2 numbers, but all the collateral consideration that seem to go into the relationship, that is a different matter. The number that is being arrived at for GMP2 went through a Value Engineering process. He said Skanska is an International company with over 80 billion dollars in revenue. He said he did not see why the city would be fronting upfront fees (2.5 Million dollars) to a company that is much more financially sound than the city.

Mr. Lawler stated from a financial and risk management point of view he did not get it, but the decision was made. If something happens and you have to go to your bonding company are they going to reimburse you for front loading fees. He said his observation is that the relationship that the city has with Skanska is flawed and was flawed from the onset. It started and continued with the misunderstanding in the representation. The GMP2 is very specific it is looking for a general contractor. Skanska has made it very clear in verbal and written communication that they consider themselves to be a construction manager. This is actually not the same. This relates to operational issues, how they view budgets as well as a whole lot of things. So there was a misunderstanding on that point from day one. He said GMP1 had less than ten staff members. He opined the project has been under resourced since the onset. Probably the last issue is pricing from a business point of view. The most difficult thing was, and this is a two-sided misunderstanding, the city contracted and was not specific as to what kind of bids they were looking to guarantee. We did not understand until December that Skanska has a business matter and a business practice, where they in fact incurred soft bids, and they do not finalize the subcontractor's bids until the conclusion of GMP1. This is a different practice where the contractor has gone to subs and priced it out. At this point the city's expectation has been that there would be due diligence and that has been one of the divisions. He conveyed belief there may be possible a million to a million and a half dollars floating around in the GMP2 numbers that is not specifically identified. He said if it is only about the money then you can probably live with it.

Councilman André Williams for clarification purposes said there is a 750,000 upfront fee that Skanska is asking for.

Mr. Lawler in response to Councilman André Williams comment, said correct.

Councilman André Williams said Mr. Lawler talked about the difference between a contractor and a construction manager. He further asked about the million or so dollars floating

around in the GMP2.

Mr. Lawler said he cannot document this. He gave examples of different amounts being presented at varying times for the same service. When Skanska was questioned about the differences no direct answer was forthcoming. He said he was just uncomfortable with the entire process.

Mayor Gibson asked Manager Crew who is the designated individual on staff that understands contracting, a general contractor and what they do, how project go and how pricings go.

Manager Crew in response to Mayor Gibson's inquiry identified Brandon DeCarlo and Jimmy Allen as the two staff members.

Brandon DeCarlo, Director of Capital Projects appeared before the City Council to answer any questions relating to this item.

Mayor Gibson shared that she has concerns which she has expressed previously. She said it is taking too long to work out this contract. She said she was concern about the fact that the city had to provide upfront money, which she discussed with the city manager. The manager indicated that we are below the numbers now, but that is because we have decreased the quality of this project.

Mr. DeCarlo in response to Mayor Gibson's comment said that is correct.

Mayor Gibson said the city and residents are losing out on the top project that we wanted. Now we are not getting all of that because we have to save on some of the costs.

Mr. DeCarlo said some of the reductions we found less expensive ways to do things that we do not feel affected the quality. Some of the reductions, we just took things out of the building. He said to get to those reductions there are about two thirds of things that were removed from the buildings and one third was an even swap.

Mayor Gibson commented so now this project is not over budgeted because of that reduction.

Mr. DeCarlo in response to Mayor Gibson's comment said that is correct.

Mayor Gibson asked whether Mr. DeCarlo had the list of reductions available for review.

Mr. DeCarlo said he did not have the list with him. He said a different quality blind for the windows was one item but many were technical items. The paging system was eliminated. Some of the projection screens were eliminated in the Chambers.

Councilwoman Davis asked whether Council can get the list.

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Mr. DeCarlo said he did not have the complete list in front of him but he would provide the list to the Council.

Mayor Gibson said this was the city manager's item, which he pulled. The manager has the authority to negotiate with Skanska. That negotiation does not have to come back to the Council. Council will move on his recommendation. She asked Attorney Dickens, though the city manager has the item, and if Council does not want to move forward, what is the process.

Attorney Dickens said someone else other than the city manager would have to sponsor this resolution. All that is required is to do a motion to adopt this resolution.

Councilman André Williams for clarification purposes asked whether a Council member can make a motion to bring this item back at the next meeting.

Attorney Dickens said absolutely, all you have to do is to order me to draft it.

Councilman André Williams in response to Attorney Dickens comment, order her to draft a resolution for the next Council meeting.

Manager Crew said if you are going to do this he would prefer that it is done tonight. He said this same resolution can be used. All that is needed is for a Council member to sponsor it.

Councilman André Williams withdrew his directions to the City Attorney and announced he is sponsoring the resolution already on tonight's agenda.

Motion offered by Councilman André Williams, seconded by Councilwoman Davis to add this item to the official agenda.

There being no further discussion, the motion to add this item back to the agenda passed and carried by a 5-1 vote.

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

Vice Mayor Gilbert asked Mr. Lawler if he was a part of the team that recommended Skanska.

Mr. Lawler in response to Vice Mayor Gilbert's question responded, "Yes sir."

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Councilwoman Robinson asked if another contractor is selected will that change ensure that the city will receive the quality project it originally wanted prior to the changes being made to bring the project under budget.

Manager Crew said he could not ensure that. Only Suffolk can ensure that. We will go through the exact same process (go out for bid, get subcontractors, etc). Value Engineering does not necessarily means cheaper. It is a typical standard process that everybody that has ever built goes through.

Mr. Lawler said Skanska has a good process for the soft bid, and Suffolk has a hard bid process.

Councilwoman Robinson asked Manager Crew if he felt good about his decision to go with Skanska. She said she did not see why we are discussing this if the city manager came to an agreement.

Manager Crew said he knows that Skanska as well as Suffolk can both do an award winning project. They both have done them, and he has seen their work. Working with Skanska has been difficult and he did not know if it would be any different working with Suffolk. It could be difficult too.

Motion offered by Councilman André Williams, seconded by Councilwoman Davis to adopt this item.

Vice Mayor Gilbert said this is like Ground Hogs Day, we are doing this over again. Before the issue was they gave us an ultimatum but it wasn't really an ultimatum. Now that we set a bar to resolve the issues, and the bar has been met, we are now saying it was something different. He opined that within and of itself this is a bit problematic. He shared that he has met with the people from Suffolk. as well as Skanska and did not have any illusions about either of them. He opined both groups want to make money. We charged the city manager to do something. He came back with a solution. Now we are revisiting the same conversation essentially, again. Skanska was the higher rated company. He asked the city manager what is the actual cost for a delay.

Manager Crew in response to Vice Mayor Gilbert's inquiry said approximately \$70,000 per month, not including any inflation.

Councilman Campbell said he was inclined to go with the recommendation of staff. Now that the resolution has been brought before the Council by other than staff he wanted to hear definitively what would be the recommendation of staff.

Manager Crew in response to Councilman Campbell said his recommendation is to go with Skanska.

Councilman Campbell said if the manager recommendation is to go with Skanska, he

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would be voting against this item.

There being no further discussion, the motion to adopt this item failed by a 3-3 vote.

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

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

M-1) City Manager's Monthly Report  
M-2) Police Department's Monthly Report

Attorney Dickens shared that Hanns Ottinot, City Attorney for Sunny Isles Beach has asked her to serve as Special Master on a complicated land use matter. This would be on a pro-bono basis. Attorney Ottinot has also done work for the City of Miami Gardens. She said she is coming to Council to get authority to do that.

Motion offered by Vice Mayor Gilbert, seconded by Councilwoman Robinson to allow the City Attorney to perform Special Master Services to Sunny Isles Beach. This motion passed and carried by a unanimous voice vote.

Manager Crew announced the Memorial Day Breakfast would take place Monday, May 28<sup>th</sup> at 8:30 a.m., at the Betty T. Ferguson Recreational Complex.

## **(N) REPORTS OF MAYOR AND COUNCIL MEMBERS**

Mayor Gibson commended staff for doing a wonderful job with her final State of the City Address. She further thanked everyone for coming out.

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

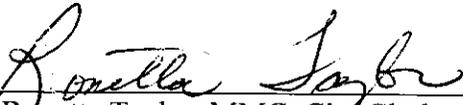
None

## **(P) ADJOURNMENT:**

There being no further business to come before this Body, and upon a motion being duly made the meeting adjourned at 9:28 p.m.

  
Shirley Gibson, Mayor

Attest

  
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Ronetta Taylor, MMC, City Clerk