

**CITY OF MIAMI GARDENS
REGULAR CITY COUNCIL MINUTES
JULY 10, 2013**

(A) CALL TO ORDER/ROLL CALL

The City Council for the City of Miami Gardens, Florida, met in regular session beginning at 7:06 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 Oliver Gilbert, Vice Mayor Lisa C. Davis and Council members: Lillie Q. Odom, Rodney Harris, David Williams Jr., and Erhabor Ighodaro. Councilwoman Felicia Robinson was out of town. Motion offered by Councilwoman Odom, seconded by Vice Mayor Davis to excuse Councilwoman Robinson's absence.

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

(B) INVOCATION

Delivered by Mayor Gilbert

(C) PLEDGE OF ALLEGIANCE

Recited in unison

(D) APPROVAL OF MINUTES

Regular City Council Minutes – June 26, 2013

Motion offered by Councilman Williams, seconded by Councilwoman Odom to approve the minutes, with necessary corrections, if any. This motion passed and carried by a unanimous voice vote of the members present.

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

The following item was added to the official agenda as Item K-5) **“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 NECESSARY STEPS IN ORDER TO RETAIN THE SERVICES OF AN INDEPENDENT FORENSIC ENGINEER(S) IN REFERENCE TO THE CITY HALL PROJECT; PROJECT; PROVIDING FOR AS WAIVER OF SECTION 287.055 FLORIDA STATUTES, IF REQUIRED; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.**

Motion offered by Councilman Williams, seconded by Councilwoman Odom to adopt the official agenda with necessary additions/deletions.

This motion passed and carried by a unanimous voice vote of the members present.

(F) SPECIAL PRESENTATIONS (5 minutes each)

None

(G) PUBLIC COMMENTS

Karl Dix, a representative of Ceres Environmental, 6960 Professional Parkway E, Sarasota, Florida, appeared before the City Council in reference to Item K-4 and encouraged the Council to take a look at the RFP Process already completed.

Tia Laurie, a representative of Ceres Environmental, 6960 Professional Parkway E, Sarasota, Florida appeared before the City Council in reference to Item K-4, and to share her company's experience within the State of Florida.

Floyd C. Parker, 1857 NW. 187th Street, Miami Gardens, Florida, appeared before the City Council to express concern with the bid process. He said he would like to sit down and have a discussion with Mayor Gilbert.

Mayor Gilbert advised Mr. Parker to contact his office to schedule a meeting.

Mr. Parker indicated that he has on several occasion tried contacting the Mayor's office as well as the other Council members, to no avail.

Councilman Williams informed Mr. Parker that when he contacts the Mayor's office, he is not contacting individual Council members, as well. He said if Mr. Parker contacts his office and leave a message, he will receive a return telephone call.

(H) ORDINANCE(S) FOR FIRST READING:

H-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 2-443(a) OF ARTICLE V OF THE CODE OF ORDINANCES RELATING TO QUALIFYING PERIODS; 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 CLERK)

Clerk Taylor explained the recent change in the State's Election Law, which moved the State's Primary Election from 12 to 10 weeks before the November General Election negated a change in the City's qualifying dates. This ordinance proposes that Miami Gardens' qualifying period to take place no more than ten (10) days and no less than five (5) days prior to opening of Miami Dade County Qualifying date.

Motion offered by Councilman Williams, seconded by Councilman Ighodaro to adopt this item on first reading.

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There being no discussion, the motion to adopt on first reading passed and carried by a 6-0 vote.

Vice Mayor Davis:	Yes
Councilman Harris:	Yes
Councilman Ighodaro:	Yes
Councilwoman Odom:	Yes
Councilwoman Robinson:	Yes
Councilman Williams:	Yes
Mayor Gilbert:	Yes

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

None

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

RESOLUTION NO. 2013-168-1964

J-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT EIGHTH PROGRAM YEAR ACTION PLAN, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Mayor Gilbert 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 Davis, seconded by Councilman Williams to adopt this item. There being no discussion, the motion to adopt passed and carried by a unanimous voice vote of the members present.

(K) CONSENT AGENDA:

RESOLUTION NO. 2013-169-1965

K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO PIERSON INC., FOR THE RETROFIT OF STORMWATER OUTFALLS ALONG N.W. 178TH DRIVE, IN THE AMOUNT OF NINETY-ONE THOUSAND, FOUR HUNDRED FORTY-FIVE DOLLARS AND EIGHT CENTS (\$91,445.08), WHICH INCLUDES A TEN PERCENT (10%) CONTINGENCY; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

(SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2013-170-1966

- K-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT FOR A PROPERTY LOCATED AT THE NORTHEAST CORNER NORTHWEST 173RD STREET AND 20TH AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2013-171-1967

- K-3) 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 INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR THE MUNICIPAL PARKING FINES REIMBURSEMENT PROGRAM, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH AGREEMENTS RELATING TO THIS MATTER IN THE FUTURE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2013-172-1968

- K-4) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REJECTING ALL BIDS SUBMITTED FOR EMERGENCY DEBRIS REMOVAL AND DISPOSAL SERVICE; IN RESPONSE TO RFP# 12-13-036, IN ACCORDANCE WITH SECTION 2-752 (4) OF THE CITY CODE; AUTHORIZING THE CITY MANAGER TO ISSUE A NEW SOLICITATION FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2013-173-1969

- K-5) 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 NECESSARY STEPS IN ORDER TO RETAIN THE SERVICES OF AN INDEPENDENT FORENSIC ENGINEER(S) IN REFERENCE TO THE CITY HALL PROJECT; PROJECT;

PROVIDING FOR AS WAIVER OF SECTION 287.055 FLORIDA STATUTES, IF REQUIRED; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Motion offered by Councilwoman Odom, seconded by Councilman Harris to adopt the Consent Agenda. There being no discussion, the motion to adopt passed and carried by a unanimous vote of the members present.

(L) RESOLUTION(S):

None

QUASI-JUDICIAL ZONING HEARINGS:

Cyril Saiphoo, Zoning Administrator for the City of Miami Gardens appeared before the City Council to state for the record the process used for this Quasi-Judicial Proceeding.

Clerk Taylor swore in all parties participating in the Quasi-Judicial Hearing.

(M) ORDINANCES ON FOR FIRST READING/PUBLIC HEARING (S):

None

(N) ORDINANCES ON FOR SECOND READING/PUBLIC HEARING(S)

None

(O) RESOLUTION(S)/PUBLIC HEARING(S)

RESOLUTION NO. 2013-174-1970-Z-134

O-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY ANTHONY AMOS FOR A SPECIAL EXCEPTION TO ALLOW A NIGHTCLUB USE TO BE LOCATED LESS THAN 1500 FEET FROM ANOTHER ESTABLISHMENT THAT SALES ALCOHOLIC BEVERAGES; A SPECIAL EXCEPTION TO ALLOW A NIGHTCLUB USE TO BE LOCATED LESS THAN 2500 FEET FROM A PLACE OF RELIGIOUS ASSEMBLY; A SPECIAL EXCEPTION TO ALLOW A NIGHTCLUB USE TO BE LOCATED LESS THAN 500 FEET FROM A RESIDENTIAL ZONED PROPERTY, FOR THAT PROPERTY GENERALLY LOCATED AT N.W. 2ND AVENUE AT N.W. 195TH STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING

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FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER) (DEFERRED FROM JUNE 26, 2013)

Cyril Saiphoo, Zoning Administrator appeared before the City Council and shared the applicant currently operates a restaurant in the Caribbean Shoppes shopping center located at NW 2nd Avenue and NW 195th Street, and is proposing to open a nightclub at an independent location within the same shopping center.

Mayor Gilbert 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 Davis, seconded by Councilman Harris to adopt this item.

Vice Mayor Davis inquired about the hours of operation.

Mr. Amos said the hours of operations would be Thursday through Friday, from 11:00 a.m. – 2:00 a.m. He further asked that the name be changed on the application to Edith, Inc.

Edith Amos appeared before the Council to clarify that the applicant would be adhering to the hours of operations established by the city.

Vice Mayor Davis inquired about the maximum seating capacity.

Mr. Amos clarified that he did not want to operate as a nightclub, but rather a bar. However, in order to operate as a bar he would have to apply for a nightclub license.

Ms. Amos said the establishment can seat between 30-50 people.

Mr. Amos opined for party purposes the capacity can be increased to 150 people.

Councilwoman Odom asked based on the square footage is this facility large enough to accommodate 150 people.

Mr. Saiphoo said he could not confirm the maximum capacity.

Mayor Gilbert said if it is found there is nuisance activity on the premises, the City can always come in and take back the use. He emphasized the importance of having establishments within the city that allows people to socialize. This might not be the biggest or best bar, but it is a beginning. He opined that staff has worked with the applicant to ensure proper measures are in place. This is the first time something like this has been applied for within the city. He conveyed his support of the item. He also stated that this establishment cannot interfere with the quality of life for the residents or other businesses in this complex.

Councilman Williams asked whether there was a school close to this location.

Mr. Saiphoo said the Sierra Norwood Charter School is 2,041 feet from this location.

There being no further discussion, the motion to adopt passed and carried by a unanimous vote of the members present.

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

Manager Crew announced the budget workshop for FY 2013-2014, Wednesday, July 17, 2013 beginning at 9:00 a.m.

Clerk Taylor provided the Council members with a memorandum she received from Miami-Dade County Ethics and Public Trust. The memorandum is in regard to an ordinance recently adopted by the Miami-Dade County Board of County Commission. The ordinance provides that newly and re-elected officials must receive ethics training no more than 90 days after being elected or re-elected. Any official violating this provision would be subject to an Ethics Complaint and brought before the Ethics Commission.

Councilman Williams asked whether the City can adopt its own Ethics rules.

Attorney Dickens in response to Councilman Williams' inquiry said the City can adopt additional Ethics rules however the City is still governed by Miami-Dade County's Ethics.

(Q) REPORTS OF MAYOR AND COUNCIL MEMBERS

Councilwoman Odom shared that she had attended a Miami-Dade County Community Relations Advisory Committee meeting regard the Trayvon Martin Verdict. She asked whether the City of Miami Gardens had a plan in place depending on outcome of the verdict.

Mayor Gilbert in response to Councilwoman Odom replied the answer is, "Yes."

Vice Mayor Davis stated the Council will not tolerate any unrest in the City of Miami Gardens, if there is an unfavorable verdict.

Mayor Gilbert said he has thought a lot about this issue and shared we do not want to hear the name Trayvon Martin ten years from now, and associate it with riots. He is a teenager who was killed when he was walking home from a store after buying snacks. He opined we owe Trayvon Martin and his family more than that. We all bring to that hearing our particular experiences and prejudices therefore we are all going to think we know what the verdict should be. He said he has his opinion of what the verdict should be, but the system is the system in America. We do not adjudicate whether you did it. We adjudicate what the evidence will show. That is the system we have. It is not perfect. It is not great but it is the best in the world. He conveyed his hopes that the jury that interprets the law and the fact brings forward a just verdict. In the event they do not, the Vice Mayor is exactly right this community is not served by not guilty verdict, and it absolutely will not be tolerated. The City of Miami Gardens Police Department has a plan in place to deal with any unrest.

Mayor Gilbert introduced some special guests in the audience: Newly Elected Mayor of North Miami Mayor, Lucie Tondreau, City Attorney Regine Monestime, and City Manager

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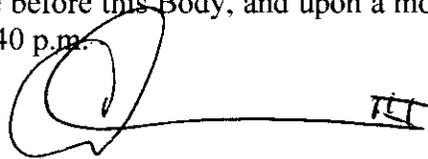
Stephen E. Johnson.

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

None

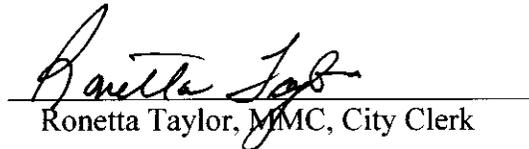
(S) ADJOURNMENT

There being no further business to come before this Body, and upon a motion being duly made and seconded the meeting adjourned at 7:40 p.m.

A handwritten signature in black ink, appearing to read "Oliver Gilbert", with a horizontal line extending to the right. The initials "O.G." are written at the end of the signature.

Attest:

Oliver Gilbert, Mayor

A handwritten signature in black ink, appearing to read "Ronetta Taylor", with a horizontal line extending to the right.

Ronetta Taylor, MMC, City Clerk