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CITY COUNCIL MINUTES
August 7, 2003

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CITY OF MIAMI GARDENS
MINUTES OF THE THURSDAY, AUGUST 7, 2003
MEETING OF THE CITY COUNCIL
Miami Norland Senior High School
1050 N.W. 195 Street
Miami Gardens, FL 33169

1. CALL TO ORDER; ROLL CALL

Mayor Gibson called the meeting to order at 7:00 p.m. The following members of the City Council were present:

Mayor Shirley Gibson
Council Member Aaron Campbell, Jr.
Council Member Barbara Watson
Council Member Audrey J. King
Council Member Melvin L. Bratton
Council Member Sharon Pritchett
Council Member Oscar Braynon, II

The following staff members were present:

Interim City Attorney Hans Ottinot
Interim City Manager Cynthia Curry
Transitional Coordinator William J. Green
Acting City Clerk Meighan Pier

2. INVOCATION

Vice Mayor Aaron Campbell offered the invocation.

3. PLEDGE OF ALLEGIANCE

Council Member Oscar Braynon led the pledge of allegiance.

Mayor Gibson welcomed all and asked that members of the public who wish to be heard complete a "Speaker Card" and provide it to the Clerk. She asked the Clerk to keep a time limit of three minutes per speaker.

4. APPROVAL OF MINUTES: Minutes were not provided.

5. AGENDA/ORDER OF BUSINESS (ADDITIONS/DELETIONS/AMENDMENTS):

A Motion was made by Council Member Pritchett to move Item 9F to be heard prior to the items listed under under Section VII. Seconded by Council Member Braynon. All voted in favor. The Motion carried (7-0).

6. SPECIAL PRESENTATIONS: There were no special presentations.

(Item listed on Agenda as Item 9F)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPOINTMENT OF CYNTHIA W. CURRY AS INTERIM CITY MANAGER; AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE CONSULTANT AGREEMENT BETWEEN THE CITY AND CWC & ASSOCIATES, INC., ATTACHED HERETO AS EXHIBIT "A"; PROVIDING THE INTERIM CITY MANAGER WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO MANAGE THE DAY-TO-DAY OPERATIONS OF THE CITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gibson introduced the item and explained the need for smooth transition, with one individual that the Council may turn to for guidance. She noted that, with Council's approval, Ms. Curry has agreed to accept the position and increased responsibility with the monthly salary remaining the same.

Council Member King suggested that a nationwide search be conducted upon seeking a permanent manager.

A Motion to approve the Resolution was made by Council Member Braynon. Seconded by Council Member King.

Following Council Members Pritchett and King's concern regarding duties delineated for Ms. Curry, Curry clarified that she would perform all day to day duties of the City Manager, with the exception of Attorney and Clerk's duties, necessary for the successful operation of the City. She advised that she would require increasing current staffing levels. She noted that she would facilitate the process with a firm to be hired to conduct a national search for the Manager. She further noted that CWC would continue to serve its clients; however, she would be in contact with the City from 9 a.m. to 5 p.m.

A Motion to amend the Resolution to bring back a separate contract appointing Ms. Curry as Interim City Manager to include that the existing contract would be amended to include the information provided in Exhibit "A" was made by Council Member Braynon. Seconded by Council Member King. All voted in favor. The Motion carried (7-0); Resolution 2003-17 was adopted.

7. ORDINANCES FOR FIRST READING:

7A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, IMPLEMENTING THE UTILITY TAX AUTHORIZED BY FLORIDA STATUTE SECTION 166.231, ET. SEQ., UPON THE PURCHASE OF ELECTRICITY, WATER SERVICE, METERED OR BOTTLED GAS, FUEL

OIL AND TELECOMMUNICATIONS SERVICE WITHIN THE CITY LIMITS; PROVIDING FOR ASSESSMENT OF INTEREST AND PENALTIES; PROVIDING NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Ottinot explained the proposed Ordinance and recommended approval, noting that the Ordinance is required in order to receive revenues.

A Motion to approve the proposed Ordinance on first reading was made by Council Member Pritchett. Seconded by Council Member Bratton.

Council Member Pritchett asked if staff had an approximate figure for this revenue stream.

Ms. Curry replied that staff believes the figure to be approximately \$4-\$5 Million; however, there is some disagreement with the County and City Charter process and that meetings would be held next week for further clarification.

Vice Mayor Campbell clarified that the tax is not additional tax, rather the revenue is currently being collected by County.

Council Member Watson asked if the tax would be retroactive to when the City was incorporated.

Mr. Green replied that it would not be retroactive and the County is currently providing services in the area. Ms. Curry added that the funds being advanced by the County are utility tax revenues due to City of Miami Gardens

Following discussion, all voted in favor of the foregoing Motion. The vote was as follows: Mayor Gibson: Yes; Vice Mayor Campbell: Yes; Councilmember Pritchett: Yes; Councilmember Watson: Yes; Councilmember King: Yes; Councilmember Bratton: Yes; Councilmember Braynon: Yes. The proposed Ordinance was approved on first reading.

- 7B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, IMPLEMENTING THE LOCAL COMMUNICATIONS SERVICES TAX AUTHORIZED BY FLORIDA STATUTE SECTION 202.19, ET. SEQ.; PROVIDING FOR INTENT; PROVIDING FOR THE IMPOSITION OF A LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Attorney Ottinot explained the proposed Ordinance, noting that this Ordinance concerns local communications providers.

A Motion to approve the proposed Ordinance was made by Vice Mayor Campbell. Seconded by Council Member Pritchett. Following discussion, all voted in favor of the foregoing Motion. The vote was as follows: Mayor Gibson: Yes; Vice Mayor Campbell: Yes; Councilmember Pritchett: Yes; Councilmember Watson: Yes; Councilmember King: Yes; Councilmember Bratton: Yes; Councilmember Braynon: Yes. The proposed Ordinance was approved on first reading.

8. ORDINANCES FOR SECOND READING (*PUBLIC HEARINGS*): (None)

9. RESOLUTIONS:

- 9A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DESIGNATING THE NORTH DADE REGIONAL LIBRARY AS AN ADDITIONAL FACILITY TO REVIEW AND INSPECT AGENDA ITEMS FOR COUNCIL MEETINGS; PROVIDING FOR AN EFFECTIVE DATE.

A Motion to adopt the proposed Resolution was made by Council Member Watson. Seconded by Vice Mayor Campbell.

Council Member King asked when the Agenda packet will be made available.

Mr. Green advised that the packet is available two to three days prior to the Council meeting.

A Motion to amend the Resolution to include that the Agenda packet would be provided to Council four days prior to each Council meeting was made by Council Member King.

Attorney Ottinot asked if staff could be provided the opportunity to review the matter and provide a timeline with regard to practical realities of providing the Agenda.

Council Member King withdrew her amendment.

Council Member Pritchett suggested the following additional repository: The Resource Room, 19715 NW 37 Avenue; Memorial College, 15800 NW 42 Avenue; and St. Thomas University, 16400 NW 32 Avenue.

Council Member Watson added that the east side of the City should also have a repository.

Ms. Curry advised that staff would bring the matter back and identify additional locations.

All voted in favor of the foregoing Motion. The vote was as follows: Mayor Gibson: Yes; Vice Mayor Campbell: Yes; Councilmember Pritchett: Yes; Councilmember

Watson: Yes; Councilmember King: Yes; Councilmember Bratton: Yes; Councilmember Braynon: Yes. Resolution 2003-18 was adopted unanimously (7-0).

- 9B) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE PAYMENT OF INVOICE FOR LEGAL SERVICES SUBMITTED BY CLYNE & SELF, P.A. AND CYNTHIA A. EVERETT P.A. IN THE AMOUNT OF THIRTY ONE THOUSAND TWO HUNDRED AND FORTY FIVE DOLLARS AND FOURTEEN CENTS (\$31,245.14), ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Green explained the matter.

A Motion to adopt the proposed Resolution was made by Council Member Watson. Seconded by Council Member Braynon.

Council Member Pritchett asked if any services were provided on a pro bono basis.

Attorney Reginald Klyne provided a brief history and advised that the firm had provided pro bono assistance during the election process and the firm would not have been paid if the Charter had not passed.

All voted in favor of the foregoing Motion. The vote was as follows: Mayor Gibson: Yes; Vice Mayor Campbell: Yes; Councilmember Pritchett: Yes; Councilmember Watson: Yes; Councilmember King: Yes; Councilmember Bratton: Yes; Councilmember Braynon: Yes. Resolution 2003-19 was adopted unanimously (7-0).

- 9C) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACCEPTING INVITATION TO JOIN THE METROPOLITAN PLANNING ORGANIZATION GOVERNING BOARD ("MPO" BOARD); PROVIDING FOR THE SELECTION OF _____ TO SERVE AS A VOTING MEMBER OF THE MPO BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gibson explained the item.

A Motion to accept the invitation was made by Council Member Pritchett. Seconded by Council Member King.

A Motion to adopt the Resolution and appoint Mayor Gibson as the voting member and appoint Council Member Oscar Braynon as the alternate was made by Council Member Pritchett. Seconded by Council Member King. All voted in favor of the foregoing Motion. The vote was as follows: Mayor Gibson: Yes; Vice Mayor Campbell: Yes; Councilmember Pritchett: Yes; Councilmember Watson: Yes;

Councilmember King: Yes; Councilmember Bratton: Yes; Councilmember Braynon: Yes. Resolution 2003-20 was adopted unanimously (7-0).

- 9D) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF COMPUTERS AND RELATED EQUIPMENT FOR THE ADMINISTRATIVE OFFICES OF THE CITY; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Green explained the item, noting that staff recommends waiving the competitive bid process and utilizing the State contract with Comp USA.

A Motion to adopt the proposed Resolution was made by Vice Mayor Campbell. Seconded by Council Member Watson.

Following discussion, Mr. Green provided the following figures: the amount allocated for computers: - \$15,258.99; Installation of network cables: \$3,434.00 for a total of \$18,692.99

All voted in favor of the previous Motion as follows: Mayor Gibson: Yes; Vice Mayor Campbell: Yes; Councilmember Pritchett: Yes; Councilmember Watson: Yes; Councilmember King: Yes; Councilmember Bratton: Yes; Councilmember Braynon: Yes. Resolution 2003-21 was adopted unanimously (7-0).

- 9E) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXPRESSING STRONG SUPPORT FOR THE PEP RALLY TO MARK NATIONAL NIGHT OUT AGAINST CRIME SPONSORED BY BRENTWOOD CITIZENS' CRIME WATCH, CRESTVIEW CITIZENS' CRIME WATCH, AND MYRTLE GROVE CITIZENS' CRIME WATCH; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Gibson explained the item.

A Motion to adopt the proposed Resolution was made by Council Member Bratton. Seconded by Vice Mayor Campbell.

Following discussion, wherein it was noted that another citizen's group was involved, staff advised that the additional names would be inserted in the Resolution.

All voted in favor of the previous Motion as follows: Mayor Gibson: Yes; Vice Mayor Campbell: Yes; Councilmember Pritchett: Yes; Councilmember Watson: Yes; Councilmember King: Yes; Councilmember Bratton: Yes; Councilmember Braynon: Yes. Resolution 2003-22 was adopted unanimously (7-0).

10. TRANSITION TEAM DISCUSSION ITEMS:

10A) REPORTS ON SEARCH FOR CITY MANAGER, CITY CLERK, AND BUDGET (Cynthia W. Curry)

Ms. Curry provided a report with regard to the transition budget. She noted that the City may receive an additional \$500,000 of State Revenue Sharing funds within the month. She explained that a millage rate would not be associated with the transition budget, rather revenue and expenditure would be stated.

Ms. Curry advised that staff is working on negotiating Interlocal Agreements and that the Charter allows for 180 days to negotiate these Agreements. She provided County budget hearing dates and advised that the budget workshop of the City Council is scheduled for September 8th. She advised that the Florida League of Cities could provide a training session to the elected officials regarding revenue sources (cost of \$150/hour for a minimum of six hours), if the Council so desires.

Ms. Curry advised that the job description and advertisement has been placed for the permanent Clerk position and a panel to review the resumes had been selected. She noted that the City Manager position is appointed by the Mayor, subject to approval by Council. She noted that the hiring of a search firm is underway and that a national search may cost 30-33% of the base salary of the Manager; therefore, the search could cost approximately \$60,000.

10B) REPORTS ON ADMINISTRATIVE OFFICES, PAYROLL, AND BANK ACCOUNT (William J. Green)

Mr. Green advised that administrative office space has been established at 17801 NW 2nd Avenue, Suite 201, which includes 7,600 square feet consisting of seven offices and a common area. He provided the phone number: 305-653-3944 and the fax number: 305-653-3955. Mr. Green reported that staff is in the process of purchasing office furnishings and has hired an administrative assistant through AIA Employment Agency (through State contract) at the rate of \$17 per hour (\$13 per hour paid to the individual). He advised that staff has secured a payroll company to simplify the accounting process of providing the Charter-mandated salary to the Council. He noted that the City would be utilizing the Miami Herald Neighbors – Zone 5 & Zone 6 for advertising all meetings and workshops, in addition to utilizing the Saturday Edition and the Miami Times on a monthly basis.

Following discussion regarding advertising, staff was directed to provide a report at the next Council meeting with regard to insuring full coverage of the City.

A Motion to approve furnishing the seven offices and to give authority to the Interim

City Manager and/or her designee to purchase office furnishings and supplies in an amount not to exceed \$10,000 was made by Council Member Bratton. Seconded by Council Member Braynon. All voted in favor, as follows: Mayor Gibson: Yes; Vice Mayor Campbell: Yes; Councilmember Pritchett: Yes; Councilmember Watson: Yes; Councilmember King: Yes; Councilmember Bratton: Yes; Councilmember Braynon: Yes.

11. REPORTS OF MAYOR AND COUNCIL MEMBERS

- A. Mayor Gibson read a proclamation provided by the Village of Palmetto Bay. She thanked all in attendance.
- B. Discussion ensued regarding insuring that the Agenda packets are provided timely. Council Member Braynon asked staff to create rules with regard to placing items on the Agenda. Attorney Ottinot noted that he would provide a draft Ordinance for the Council. Ms. Curry added that she would meet with the Council Members individually to determine the best way to provide the Agenda packets on a timely basis.

12. REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC:

- A) AMOS SAUNDERS, ECONOMIC DEVELOPMENT: Mr. Saunders provided information regarding governmental consulting and lobbying services his company could provide to the City. Mr. Fritz Roy, Vice Mayor of the City of Miramar, encouraged Miami Gardens to utilize all grant sources available and that his City would provide information to assist in this effort.
- B) PUBLIC COMMENTS

The following individuals addressed the Council: Billy ~~Isom~~, Isley 1740 NW 193 Street; Marlene ~~Arivas~~, Arribas 20630 N. Miami Avenue; Janice Copley, 19681 NW 33 Avenue; Dorothy Smith, 18900 NW 30 Court; Marsha Harris 3143 NW 213 Street- encouragement; Rosetta Hilton, 20211 NW 11 Avenue; Daryl Jones, 2601 S. Bayshore Drive; Jodie Porter, Saturday Edition publisher.

13. ADJOURNMENT:

Councilwoman Pritchett moved to adjourn. Seconded by Council Member Watson. The meeting adjourned at 9:55 p.m.

Prepared and submitted by:

Meighan J. Pier, Acting City Clerk

*Adopted by the City Council on
this ____ day of September, 2003.*

Shirley Gibson, Mayor