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# CITY OF MIAMI GARDENS

## CITY COUNCIL MINUTES

April 14, 2004

### 1. **CALL TO ORDER/ROLL CALL OF MEMBERS:**

The City Council of the City of Miami Gardens, Florida, met in regular session on Wednesday, April 14, 2004, beginning at 7:25 p.m., in Suite 201 of the Administrative Offices, 17801 NW 2<sup>nd</sup> Avenue, Miami Gardens, Florida.

The following members of the City Council were present: Vice Mayor Aaron Campbell and Council members Audrey J. King, Barbara Watson, Melvin L. Bratton, Sharon Pritchett and Oscar Braynon, II. Mayor Gibson was not present due to a delayed flight.

Also in attendance were: City Manager Dr. Danny O. Crew, Assistant City Manager Horace A. McHugh, City Attorney Sonja K. Knighton and City Clerk Ronetta Taylor.

### 2. **INVOCATION:**

The Invocation was delivered by the Reverend Dr. Willie Golden.

### 3. **PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited in unison.

### 4. **APPROVAL OF MINUTES:**

#### 4A) **Approve Minutes of City Council Meeting of:**

Regular Council Meeting - March 24, 2004

Moved by Councilman Braynon, seconded by Councilwoman Pritchett to approve the minutes with the following additions/deletions/corrections: Page 5, line 1, insert the word "that" after the word "City"; line 3, the word "representative" should be plural by adding an "s" at the end of the word; line 5 insert the word "that" after the word "indicate"; line 7 insert the word "information" after the word "forthcoming"; line 9, change the word "judicially" to "judiciously"; and line 21, delete the word "elderly." The motion **passed and carried by a 6-0 vote.**

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

Manager Crew requested to have the official agenda amended to include the following item "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2003-5; AMENDING THE CITY'S BUDGET FOR 2003-04 FISCAL YEAR; ADOPTING REVISED BUDGET ESTIMATES; AUTHORIZING THE CITY MANAGER TO MAKE CERTAIN ADJUSTMENTS; AUTHORIZING THE CITY MANAGER

TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE”.

Vice Mayor Campbell further amended the Agenda by adding Major Marshall’s monthly report under Presentations.

There being no further discussion, it was moved by Councilwoman Watson, seconded by Councilman Bratton to amend the official agenda. This motion **passed and carried by a 6-0 vote.**

## **6. SPECIAL PRESENTATION(S):**

Major Marshall, District Commander for the Carol City District/Miami Gardens District Police Department appeared before the City Council to report that crime continues to decline in the City. Overall crime is down eight percent across the board. Compared to last year, sexual battery is down 63%, which is a significant number being that there is a North Dade serial rapist out there. Residential and commercial burglaries are down 19%. There is however a slight increase in robberies (February through March up by 9%).

Major Marshall related that a formal request has been made to the Police Administrative Bureau requesting that a monthly report on Specialized Services be provided to the City of Miami Gardens; that report will be forthcoming. He referenced the Alarm Registration data base and the numerous discussions had regarding whether the City of Miami Gardens should be charged for this data base. He conveyed Director Parker’s concurrence that the City of Miami Gardens should not have to pay Miami-Dade County Police Department for this information. He further related that Director Parker has authorized the information extracted from the data base. The Miami-Dade County Police Department is now in the process of rewriting the program so that the information can be extracted and provide to the City of Miami Gardens at no charge.

Councilwoman King provided Major Marshall with a copy of an email from a constituent residing in Seat 3. The email in essence is a complaint about the neighbors in this area being verbally abused and the activities occurring there were not conducive to the quality of life for this particular neighborhood.

Major Marshall related that Captain Rifkin is already working on this issue.

Captain Rifkin appeared before the City Council and shared that he too had received a copy of this email and has already forwarded it to the Investigation Unit Lieutenant.

Councilwoman King related that she’s received a complaint from another resident in the Scott Park area about park patrons parking their vehicles in such a way as to block the driveways of residents. The complaint further expressed concern with the amount of beer bottles and trash being left after the organized activities.

Major Marshall said that on-duty police officers are monitoring the activities at all City parks.

Mr. Green, Assistant to the City Manager appeared before the City Council to further expound on the park situation. He related that he'd visited the park on this past weekend and did not witness anything out of the ordinary.

Manager Crew suggested having this resident speak with Mr. Green, as well as having all park complaints forwarded to him.

Vice Mayor Campbell thanked Major Marshall for the accomplishments the Carol City District/Miami Gardens Police Department has been able to obtain for the City of Miami Gardens, under his leadership.

Major Marshall accredits this accomplishment to the fact there is more police presence on the streets. The police department now only patrols as far south to 151<sup>st</sup> Street instead of 103<sup>rd</sup> Street. Therefore, the police officers are able to make the loop much quicker, resulting in more uniform police presence, and a quicker response time.

Councilwoman Watson asked how is the City looking overall as compared to Miami-Dade County's statistics.

Major Marshall shared that the Northside Station is having an outstanding year. The City of Miami Gardens is next following Northside in terms of Miami-Dade County's statistics. He further shared that the Carol City District/Miami Gardens Police department is doing an excellent job with its budget, and present is operating under budget (the budget the city adopted).

Councilwoman King asked that a congratulatory letter of support be written to Major Marshall and the Carol City District/Miami Gardens Police Department, on behalf of the City of Miami Gardens.

Vice Mayor Campbell related that one has to be careful about making comparisons with other districts in Miami-Dade County because not all conditions are the same.

## **7. ORDINANCES FOR FIRST READING:**

### **7A AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE IMPOSITION OF LIEN SEARCH FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew indicated that this was a house keeping ordinance. The City has as yet, no liens to search. However this is a provision that should be on the books in preparation for this in-house function.

Moved by Councilman Braynon, seconded by Councilwoman Watson to approve this item on first reading, with second reading and public hearing scheduled for April 28, 2004.

There being no further discussion, the motion **passed and carried by a 6-0 vote.**

Councilman Bratton:	Yes
Councilman Braynon:	Yes
Councilwoman King:	Yes
Councilwoman Pritchett:	Yes
Councilwoman Watson:	Yes
Vice Mayor Campbell:	Yes
Mayor Gibson:	Out of town

**7B AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2003-5; AMENDING THE CITY'S BUDGET FOR 2003-04 FISCAL YEAR; ADOPTING REVISED BUDGET ESTIMATES; AUTHORIZING THE CITY MANAGER TO MAKE CERTAIN ADJUSTMENTS; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR DIRECTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew explained that the City adopted its FY 2003/04 last September. Then Interim City Manager Curry came back to the Council advising that she'd received revised estimates from Miami-Dade County. A workshop was held during the month of October 2003 in regard to this issue. At that time, the budget was adjusted and a lot of changes were made however, that revised budget was never officially adopted. He opined that it is prudent for this Council to go ahead and adopt those changes that were made during the workshop held in October 2003.

Moved by Councilman Bratton, seconded by Councilman Braynon to approve this item on first reading, with second reading and public hearing scheduled for April 28, 2004.

There being no further discussion, the motion **passed and carried by a 6-0 vote.**

Councilman Braynon:	Yes
Councilwoman King:	Yes
Councilwoman Pritchett:	Yes
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Vice Mayor Campbell:	Yes
Mayor Gibson:	Out of town

**8. ORDINANCES FOR SECOND READING (PUBLIC HEARINGS):**

None

**9. PUBLIC COMMENT – 10 MINUTES**

Mr. Lemuel Wims, residing at 19675 NW 32<sup>nd</sup> Court, Miami Gardens, appeared before the City Council and referenced the Robert’s Rules of Order as it related to Council members making comments when an item has been moved and seconded and the vote called. He encouraged the Council members to continue with the process of explaining they why were voting a certain way.

A discussion ensued as to whether there was a prohibition against making comments after it has been motioned, seconded and appropriate discussion held on an item. Attorney Knighton indicated that there is no legal prohibition against making comments after it has been motioned, seconded and the vote called.

**10. RESOLUTIONS:**

**RESOLUTION NO. 2004-54-105**

**10A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT REQUIREMENT FOR PROPERTY GENERALLY LOCATED AT NORTHWEST 161ST STREET AND NORTHWEST 42ND AVENUE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew explained that this is a waiver of plat resolution, which is a standard administrative practice.

Moved by Councilman Braynon, seconded by Councilwoman King to approve this item.

At the conclusion of the discussion, this motion **passed and carried by a 6-0 vote.**

Councilwoman King:	Yes
Councilwoman Pritchett:	Yes
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes
Mayor Gibson:	Out of town

**RESOLUTION NO. 2004-55-106**

**10B) A RESOLUTION OF THE CITY OF MIAMI GARDENS, AUTHORIZING MIAMI-DADE COUNTY TO REVOKE THE CERTIFICATE OF USE AND OCCUPANCY ISSUED TO B & M BROTHERS RESTAURANT LOCATED AT 2732 N.W. 183RD STREET IN MIAMI GARDENS, FLORIDA; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING**

**AN EFFECTIVE DATE. (SPONSORED BY THE CITY ATTORNEY)**

Attorney Knighton explained that this matter came to her from Miami-Dade County as an issue, whether or not the Certificate of Use and Occupancy was issued properly. Miami-Dade County has made a determination that it was not. However, Miami-Dade County is reluctant to revoke the Certificate of Use and Occupancy without the City Council's approval.

Mr. James Byers from Miami-Dade County Department of Planning and Zoning appeared before the City Council to further expound on this issue. He said the Use is permitted as a restaurant but it should have been established through the building permit process because the property went from a retail store to a restaurant; therefore, the proper permits were never issued. The Building department has not notified the property owner directly, however the tenant, as of this date, has been made fully aware of the circumstances and not complied at all. He reiterated that Miami-Dade County is seeking the authorization to revoke the Certificate of Use and Occupancy when the time comes, being that the property owner has been given due process to comply. If the property owner fails to comply then Miami-Dade County would go ahead and revoke the Certificate of Use and Occupancy.

Attorney Knighton related that in order for the Council to comply with this request, an amendment to the resolution stating the City gives authority to Miami-Dade County to revoke the Certificate of Use and Occupancy subject to the property owner being given due process must be made.

Manager Crew pointed out that the propane system installed at this location failed its inspection. This is a hazardous condition to have in a restaurant.

Councilwoman Watson asked if Miami-Dade County would be reporting back to the City Council on the outcome of this situation.

Mr. Byer related that he would advise the City Manager as to the outcome of this situation.

Moved by Councilwoman Watson, seconded by Councilman Braynon to amend the resolution with the following language: "Miami-Dade County is hereby authorized to revoke the Certificate of Use and Occupancy for the property located at 2732 NW 183<sup>rd</sup> Street, operating as B & M Brothers as of April 27<sup>th</sup>, unless there is compliance or unless the County deems otherwise."

There being no further discussion, the motion to amend **passed and carried by a 6-0 vote.**

Councilwoman King:	Yes
Councilwoman Pritchett:	Yes
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes
Mayor Gibson:	Out of town

Councilman Bratton asked if the affected parties were notified of tonight's meeting.

Mr. Frankie Rutherford the restaurant owner of B & M Brothers, residing at 18200 NW 4<sup>th</sup> Avenue, Miami Gardens, was afforded an opportunity for comments. He said that the restaurant facility was already in existence prior to his leasing the property. He related that he'd been told by the contractor that had installed the propane gas stove that all the proper permits were taken care of.

Councilwoman King emphasized the importance of Mr. Rutherford getting this situation resolved due to the safety issue involved.

Councilwoman Pritchett related that she wanted Mr. Rutherford to understand that this situation must be satisfied through Miami-Dade County and their Building and Zoning Department and not the City of Miami Gardens.

Mr. Rutherford shared that he'd gone to Miami-Dade County previously. He related that he'd just received this information approximately two days prior, and had called the telephone number provided however he was not able to reach anyone.

Mr. Freddie Valderada, a representative from the Miami-Dade County Building department appeared before the City Council and related that this gas problem started three years ago. The last inspection was done on December 2, 2002. He said that each time this property has come up for inspection, it has failed the inspection.

At the conclusion of the discussion, it was moved by Councilman Braynon, seconded by Councilwoman Watson to approve this item as amended. The motion **passed and carried by a 5-1 vote.**

Councilwoman King:	Yes
Councilwoman Pritchett:	Yes
Councilwoman Watson:	Yes
<b>Councilman Bratton:</b>	<b>No</b>
Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes
Mayor Gibson:	Out of town

**RESOLUTION NO. 2004-56-107**

**10C) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO BENCH ADS MANAGEMENT OF SOUTH FLORIDA, INC., TO PROVIDE BUS BENCHES AND TO ADVERTISE ON THE SAME; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO EFFECTUATE AN AGREEMENT WITH BUS BENCH ADS MANAGEMENT OF SOUTH FLORIDA, INC.; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew said that this issue came up a couple of months prior and at that time staff was directed to take the matter out for the bid process. There were three bids submitted. Subsequent to the bid opening a phone call was received from Martin Outdoor Media indicating that they'd made a mistake on the calculation and wanted to resubmit their proposal. Administration advised that this request was not possible. Administration recommended awarding the bid to Bus Bench Ads Management.

Mr. Scott Martin, with offices at 19501 NE 10<sup>th</sup> Avenue, Suite H, North Miami Beach, was provided an opportunity for comments. He asked for clarification as to whether Bus Bench Ads Management would be paying the City of Miami \$75,000 per year.

Manager Crew said this is correct.

Mr. Martin wished the City well with this contract.

Attorney Robert Holland, representing Bus Bench Ads Management was afforded an opportunity for comments. He said that he did not have any comments at this time in regards to this particular item. He further shared that he would be helping Mr. Rutherford free of charge, in resolving his issues.

Councilwoman Pritchett referenced page 1, line 20 of the resolution and indicated that a correction should be made for continuity purposes (e.g. Bench Ads)

Attorney Knighton indicated that she would make the correction as a scrivener's error.

At the conclusion of this discussion, it was moved by Councilman Bratton, seconded by Councilwoman Watson to approve this item. This motion **passed and carried by a 6-0 vote.**

Councilwoman Pritchett:	Yes (with prejudice)
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Councilman Braynon:	Yes
Councilwoman King:	Yes
Vice Mayor Campbell:	Yes
Mayor Gibson:	Out of town

## **11. REPORT OF THE CITY ATTORNEY**

No Report

## **12. REPORTS OF CITY MANAGER**

No Report

## **13. REPORTS OF MAYOR AND COUNCIL MEMBERS**

### **13A) GENERAL REPORTS FROM MAYOR AND COUNCIL MEMBERS**

Councilwoman Pritchett related that a few meetings back the Council asked that information be put out regarding the agenda proceedings so that the public would be made aware of the process.

Clerk Taylor said this information is provided on the yellow speaker's card.

Attorney Knighton opined that it was easier to do it this way, so the citizens will know when they fill out the yellow speaker's card for comments.

Councilwoman King emphasized the importance of patronizing the businesses within the City of Miami Gardens and shared that she has taken Commissioner Watson's initiative to heart. She encouraged everyone to utilize the services of merchants located within the City of Miami Gardens whenever possible.

### **14. REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC:**

#### **14A) PUBLIC COMMENTS – 20 MINUTES**

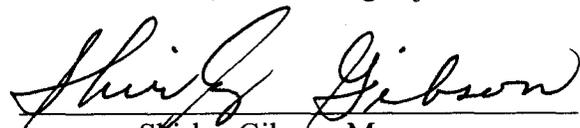
None

#### **15. SPECIAL PRESENTATION(S)**

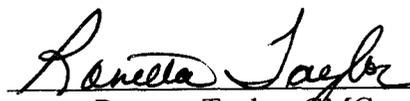
None

#### **16. ADJOURNMENT:**

There being no further business to come before this Body, and after being properly moved Councilman Braynon, and seconded by Councilman Bratton, the meeting adjourned at 8:48 p.m.

  
Shirley Gibson, Mayor

Attest:

  
Ronetta Taylor, CMC  
City Clerk