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April 28, 2004

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CITY OF MIAMI GARDENS
CITY COUNCIL MINUTES
April 28, 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 28, 2004, beginning at 7:15 p.m., in Suite 201 of the Administrative Offices, 17801 NW 2nd Avenue, Miami Gardens, Florida.

The following members of the City Council were present: Vice Mayor Aaron Campbell, Jr. and Council members Audrey J. King, Barbara Watson, Melvin L. Bratton, Sharon Pritchett and Oscar Braynon, II. Mayor Shirley Gibson was out of town.

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:

Reverend Wade Jones delivered the Invocation.

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 - April 14, 2004

It was moved by Councilwoman Watson, seconded by Councilman Braynon to approve the minutes with the following addition/deletions: Page 5, line 12, delete the word "the", page 8, line 30 add the words "with prejudice" to Councilwoman Pritchett's vote. There being no further discussion, the motion **passed and carried by a 6-0 vote.**

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

Manager Crew requested that the official agenda be amended to include the following: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDEN, FLORIDA, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE SERVICE AND INSTALLATION AGREEMENTS WITH BELLSOUTH FOR TELEPHONE UTILITY SERVICE, SUBJECT TO THE APPROVAL OF THE CITY ATTORNEY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE;** This item was added as Item No. 10A.

Manager Crew further requested that the official agenda be amended to include under Item 12 a report from the Assistant City Manager.

It was moved by Councilwoman Watson, seconded by Councilman Bratton to amend the official agenda, by adding the above referenced items. This motion **passed and carried by a 6-0 vote.**

6. SPECIAL PRESENTATION(S):

6A) Miami-Dade County Fire Department – No representative was present.

6B) Budget Workshop Discussion.

Manager Crew referenced the Tentative 2004/2005 Budget Schedule and asked that the Council members consult their respective calendars to ensure that the dates did not conflict with their schedules. He related that a public workshop between the City Council and administration is tentatively scheduled for June 11, 2004, to discuss FY 04/05 Budget. A special City Council meeting to set a tentative millage rate, date and time of first budget hearing is scheduled for July 29th. At that time, the public will have an opportunity to participate in the process.

Councilman Braynon conveyed the importance of having the public participate in the process of setting the millage. He further gave emphasis to the significance of getting the word out to the community about this upcoming public hearing.

Vice Mayor Campbell asked that the City Manager set the public hearing dates and exclude obvious dates that the Council members can not attend. He further referenced the organizational chart and suggested that each Council member meet with the City Manager individually to provide their input.

Councilwoman King indicated that she would like to see employees' salaries listed.

Councilwoman Pritchett referenced the Vehicle and Financing item listed on page 13 of the Budget 101 Memorandum. She said. "We as members of the Council should not allow ourselves to be a part of a leveling of allocation of funds for any extended period of time; without having the ability to revisit, restructure and reallocate those funds as deemed necessary; because ultimately it is this Council, each one of us sitting here, will be the only entity that will have to give an accounting to the residents, businesses and interested parties in the City of Miami Gardens, for our actions and our subsequent decisions. And we need to be very, very careful with that kind of concept."

7. ORDINANCE(S) FOR FIRST READING:

There were none

8. ORDINANCE(S) FOR SECOND READING (PUBLIC HEARINGS):

ORDINANCE NO. 2004-12-28

8A) 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) (1st Reading – April 14, 2004)

Manager Crew related the relevant issues involved with this item, and shared that all fees are established by ordinance. The City is moving forward with putting the Lien Search service in place.

Vice Mayor Campbell opened the floor for the public hearing. After there were no interested parties to speak on behalf of this item, the public hearing was closed.

At the conclusion of this discussion, it was moved by Councilwoman Watson, seconded by Councilwoman King to adopt this ordinance. 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

ORDINANCE NO. 2004-13-29

8B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2003-5; AMENDING THE CITY’S BUDGET FOR 2003-2004 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 DIRECTION TO THE CITY MANAGER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER) (1st Reading – April 14, 2004)

Manager Crew recounted the events taken place prior to this issue being brought before the City Council for approval. He said this is the same budget the City has been operating from since October 2003. He opined that this budget is more accurate than the budget originally adopted in September 2003.

Vice Mayor Campbell opened the floor for the public hearing. After there were no interested parties to speak on behalf of this item, the public hearing was closed.

Councilwoman King referenced page five of the attachments, which showed a line item for

Finance Director. She indicated that the Council had appointed Manager Crew as the finance director and opined that the document should reflect the Council's action, and not have a conflict in the documentation.

Manager Crew related that he did not want to make any changes to this original document, because this is the budget the City has been operating from since October 2003.

Attorney Knighton indicated that the attachment is a memorandum that was written in October 2003 therefore, it can not be changed because that is what it was at that date. The actual amendments to the budget are contained in the body of the ordinance. The attachment is not incorporated into this ordinance, neither is the language Councilwoman King was concerned with.

Councilwoman Pritchett related that the City has been operating from this budget since October 1, 2003, and opined that the results of the six months of operation should be included with this information. She inquired as to the City's finances to date, and why wasn't that information a part of what the Council has been provided with.

Manager Crew related that it has taken the Finance person approximately a month and a half to reclassify all the expenses that have been done this fiscal year. The other problem is that the City has not been able to secure from Miami-Dade County the figures for all of the revenues. Staff is trying to put together a year-to-date expenditure and revenue schedule. It is anticipated that this information will be provided by either the next Council meeting or the one after that.

Councilman Bratton concurred with Councilwoman Pritchett's comments. He shared that he is in contact with Manager Crew and Mr. Green on a weekly basis regarding this same issue.

Councilwoman King emphasized the importance of providing information to the City Council of the expenses and revenues. She related that she'd like to see whatever figures the City has received from Miami-Dade County. She emphasized the need for taking an aggressive approach with Miami-Dade County as it related to getting appropriate revenue and expenditure information relative to the City of Miami Gardens. She further accentuated the importance of having the correct figures from Miami-Dade County; and opined that the City Council needed to be bolder in its dealings with Miami-Dade County, its elected officials and County staff. She put emphasis on the significance of confronting Miami-Dade County in a united front.

Manager Crew shared that he'd met with officials from Pinecrest, who'd indicated that they'd encountered the same problems, and were never able to resolve those issues, but they moved on.

Vice Mayor Campbell conveyed his confidence in Manager Crew and his staff and commented that he hoped the discussion taking place tonight was for the benefit of the residents and not this Council. He related that many of the things being suggested by the Council are already being done by the City Manager.

Councilman Bratton commended Manager Crew and staff on a job well done. He then inquired about the status of the pending lawsuit against Miami-Dade County.

Manager Crew shared that he along with Mayor Gibson, and an attorney doing pro bono work for the City, as well as City staff attended a meeting with the Miami-Dade County Manager. He said that before a lawsuit is filed, the City has to satisfy the provisions of Chapter 163 of the Florida Statutes.

Vice Mayor Campbell referenced the item on tonight's agenda relating to FY 2003/04 budget and said that if the budget is adopted at 29 Million, that means, the City would have to stay within that adopted budget, and make whatever adjustments needed to ensure that, the budget is followed.

Manager Crew related that this is correct; however, Miami-Dade County is also making expenditures for the City. He emphasized that the City will not be in control of its budget until it brings all those services currently being provided by Miami-Dade County in-house. He said the City did not have actual costs for those services. In addition, the City is trying to take over those services as quickly as possible. He further shared that there is nothing in the budget to address the School Crossing Guard expenditure. There are other things not addressed in FY 2003/04 budget, which the City is being charged for. Next year however, the City will have control over what it does with the budget.

Councilman Braynon commented that the adoption of this budget is only for purposes of satisfying the State of Florida, in case there are questions. The figures presented for adoption reflect what was presented October 2003. He opined that it is only a simple mistake as to why the Council hasn't voted on this item already. He further expressed concern that the City did not have the latest figures from Miami-Dade County.

At the conclusion of this discussion, it was moved by Councilman Braynon, seconded by Councilwoman Watson to adopt this ordinance. Motion **passed and carried by a 6-0 vote.**

Councilman Braynon:	Yes
Councilwoman King:	Yes

Councilwoman Pritchett stated, "I have very specific concerns regarding what is before this Council this evening. And these concerns are shared by the residents in our City. Our concerns have not been adequately addressed this evening. For me I can not understand why basic fundamental Budgeting 101 Principles, as it relates to those budget adjustments are not reflected in any document that we have before us. However, I do fully understand as Councilman Braynon said the necessity for having this document go forward, so I do vote "yes" but I definitely want my concerns registered with that yes vote. So, **I vote yes** with the concerns expressed."

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

9. PUBLIC COMMENT – 10 MINUTES

Ms. Sharon Frazier-Stephens, residing at 145 NE 193rd Street, Miami Gardens, appeared before the City Council to express concern on behalf of the City's small businesses, and whether the City will require those businesses to obtain an occupational license permit, in addition to Miami-Dade County's.

Manager Crew related that if the businesses currently have a Miami-Dade County occupational license through October 2004, they are not required to have a City of Miami Gardens License. However, after October 2004, businesses will be required to have both, a City of Miami Gardens and Miami-Dade County Occupational License. Furthermore, those businesses opening for the first time will have to obtain both a City of Miami Gardens and Miami-Dade County Occupational License.

Ms. Barbara Pratt, residing at 4441 NW 171st Terrace, Miami Gardens, appeared before the City Council to express dissatisfaction with the response time of the Miami-Dade County Fire Department, when called to her residence to put out a fire. She further conveyed the importance of having adequate fire trucks and equipment within the City of Miami Gardens to handle emergency situations.

Vice Mayor Campbell advised Ms. Pratt that a representative from the Miami-Dade County Fire Department was invited to attend tonight's meeting. He encouraged her to not leave the meeting, in case that representative did show up, she would have an opportunity to speak with that individual about her concerns.

Ms. Paulette Sims-Wimberly, residing at 17351 NW 29th Avenue, Miami Gardens, appeared before the City Council to express concern with the City's budget, and asked whether any of the Council members had been in contact with Miami-Dade County about this issue, rather than leaving all the responsibility on the City Manager. She related that if Manager Crew was dealing with the County on his own, it's like a one man army, but if each Council person took it upon themselves to make sure they are heard, it makes a difference. She opined that the County is negligent and questioned whether there was a State Statute that could be used against such negligence. She further encouraged the Council members to not over discuss an issue, and opined that this is being rude to the residents.

Attorney Knighton addressed Ms. Wimberly's question as to whether there was a Florida Statute that address negligence on the part of Miami-Dade County, and related that there was no such statute.

Councilwoman Watson shared that she has been having conversation with people at both the local and state levels in regard to the City's finances and the purported debt incurred by the City.

Councilman Braynon related that he too has been discussing this matter at the local, state and federal levels. He related that the Council is trying to represent its City, and all members are on one accord when it comes to this issue.

Councilman Bratton shared that he too spoke with State Representatives during the Dade/Broward Days in Tallahassee, regarding the City's issues.

Vice Mayor Campbell opined that talking with County staff about this issue is a waste of time. He shared that he's met with at least three County Commissioners, as well as with State Representatives from Tallahassee. He opined that the problem with Miami-Dade County is its staff. He further related that the issue with the Miami-Dade County Fire Department should be addressed at the County level because the City is not in control of that service.

Ms. Marsha Hillman-Harris, residing at 3143 NW 213th Street, Miami Gardens, appeared before the City Council to thank the Council members for their efforts with Miami-Dade County. She shared with the Council a situation she has been dealing with, with Miami-Dade County's Risk Management Division for the past four years. She suggested getting the media involved. She further expressed concern with the design and colors on the building of the tattoo parlor located at 167th Street NW 27th Avenue.

Mr. Les Williams, residing at 17204 NW 49th Place, Miami, appeared before the City Council to express his views about the relationship between Miami-Dade County and the City of Miami Gardens in regard to the City's budgetary issues. He referenced a situation he'd witnessed while attending a Miami-Dade County Commission meeting where Commissioner Morales posed the question to the County's Budget Director, as to whether the County had a balanced budget, and whether the County could afford to pay for the services being provided to the City of Miami Gardens. He further related that the Budget Director had answered yes to both questions. He related that Commissioner Morales then asked, "Why are we charging Miami Gardens for those services when we already have a balanced budget to pay for them"? He indicated that neither the Budget Director nor the County Manager could answer that question, and opined that there is something illegal about this process.

Vice Mayor Campbell shared that he'd met with Commissioner Morales and expressed his concerns over this issue.

Councilman Braynon shared that he's met with Commissioner Morales on several occasions and continues to talk about this issue. He further shared that he's also spoken with all 13 members of the County Commission regarding this issue. He emphasized that the City has a legal issue, which has prompted this Council to seek legal counsel.

Councilwoman Watson shared that she's met with a County Commissioner who initially said that the City owed the money. However after explaining the City's position, that County Commissioner re-thought her original position and conceded that perhaps the City did not owe the amount, County staff has indicated.

Mr. Thomas Spaulding, residing at 18805 NW 32nd Place, Miami Gardens, appeared before the City Council to express his concern with the apathy shown by African Americans during the election process. He gave emphasis to the power of the vote. He further applauded Mayor Gibson and the Council members for their efforts. He informed the City Council members that they were

not alone in this fight, and implored them to tell the residents what it is they want them to do to help with this issue.

10. RESOLUTIONS:

RESOLUTION NO. 2004-57-108

10A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDEN, FLORIDA, AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE SERVICE AND INSTALLATION AGREEMENTS WITH BELLSOUTH FOR TELEPHONE UTILITY SERVICE, SUBJECT TO THE APPROVAL OF THE CITY ATTORNEY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR AN EFFECTIVE DATE.

Assistant Manager McHugh explained that there are a couple of items coming up with the finalization of the new City Hall renovations; and the telephone system is one of them. The Florida Statutes does not require an RFP for utilities. However, the City did approach two vendors for estimates. BellSouth came in a little higher; on the other hand this company has a reputation in terms of products, service and service reliability, and has been around for years. Administration recommends adoption of the resolution, authorizing the city to execute the agreement with BellSouth for telephone utility service. He asked that the resolution be approved subject to the correction being made to the page numbering.

Councilman Braynon related that he'd read the cover memorandum and understands the logic behind the recommendation. He said that he is always uncomfortable when the City spends money, not knowing how much is being received and how much is in the budget.

Assistant Manager McHugh appreciated Councilman Braynon's comments and related that there were certain expenses that the City would be incurring anyway. He opined that this is the most cost effective way to go considering the number of staffing being proposed. Once the City is fully functional, the cost effectiveness of the Plan will be realized. He related that he understood the concept that the Council was uncomfortable with being asked to make a decision on the dais.

Councilwoman Pritchett related that the Council just received this item tonight and indicated that she's not had a chance to read the documentation. She said there is no way that she can vote on this item because she's not had a chance to read it, and given the enormity of fact that this is providing a contract for telephone services. She said that she feels very uncomfortable with voting on this item tonight without having had an opportunity to read it.

Manager Crew conveyed his understanding of Councilwoman Pritchett's comments. He said unfortunately the construction contractor will be closing the walls on this Friday, and if the City waited until after the walls are done, the City would be spending fifty percent more. He said this should all have been done at the time the decision to move City Hall was made. Now the City is in a position of having to play catch-up.

Councilwoman Watson indicated that she'd love to have the luxury of having an opportunity of trying to digest all the information that's provided in this package. She shared that when one looks at construction, the infrastructure must be constructed first (wiring, electrical, etc.) behind the wall. She emphasized the importance of the Council being able to make some decisions by relying on the experts that are providing the information. She conveyed her understanding of how uncomfortable it is, not knowing what's in the budget. However, the City can't just sit back and wait. The City will also incur additional expenses if this decision is postponed tonight. She gave emphasis to the fact that the Council must have some comfort level with the City Manager and his staff.

Councilman Braynon related that during his many travels, he encounters individuals who think that starting and building a new city from the ground up is an awesome experience. He conveyed his understanding that one of the challenges of becoming a new city, and building a new city is the fact that there are certain things that must be approved right away because of circumstances. He concurred that the Council needed to move on this item. He said the Council did make the decision to move in. He asked that when there are issues like this coming before the Council as an add-on item, that he be inform and provide with a copy as soon as possible, prior to the meeting.

Councilwoman Pritchett thanked administration for their due diligence. She conveyed that if there had been a representative from BellSouth present to explain the technical language, not only to the Council, but the residents who come out to support the Council, her comfort level would have been better, than voting for something right now on the spot.

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 4-1 vote.**

Councilwoman King:	Out of room
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes
Mayor Gibson:	Out of town

11. REPORT OF THE CITY ATTORNEY

No Report.

12. REPORTS OF CITY MANAGER

12A) Horace A. McHugh, Assistant City Manager Status Report.

Mr. McHugh reported that one of the other issues as it relates to the wiring of the new City Hall facility is the Security Alarm and access to the building. Three bids were received and the amount was under the threshold that requires Council's approval. In addition, bids are being received on the audio recording and sound system, as soon as the three bids are received

administration will have to make a decision. Therefore, administration is informing the Council that there might be an item coming back for their approval at the next meeting in regard to audio sound/recording equipment and installation.

Councilwoman Watson asked if Administration could provide Council with an estimated figure for the audio sound/recording system and installation.

Manager Crew said probably in the \$17,000.00 range.

Councilman Bratton asked Clerk Taylor to expound on the digital recording equipment outlined in the bid specs.

Clerk Taylor related that the digital recorder would eliminate the audio cassette tapes. The audio recording would be downloaded onto the computer, a floppy or a CD. A recording of the Council meeting could be downloaded to the website, as well as emailed to anyone making a public records request.

Councilwoman Pritchett asked if there were warranties on the equipment being purchased.

Assistant Manager McHugh related that he'd prefer to not go into many of the details, only because the bids are still coming in. Pertinent information will be provided to the Council members, once available.

12B) Christopher Steers, Assistant to the City Manager Monthly Status Report:

Manager Crew announced that Code Enforcement is up and operational; and in this business you are not going to always please everyone.

Mr. Steers appeared before the City Council and provided a report on the Code Enforcement Activities that have taken place thus far. He related that a sweep to deal with the vendors selling from the right-of-ways is scheduled for this coming weekend. He further shared that he's been able to coordinate some issues with the police department. The data base for Code Enforcement, and Occupational Licenses is up and running. It is anticipated that the Alarm Registration will be coming on line within the next month. He further provided a status report on B & M Brother's Restaurant and indicated that the restaurant did pass the preliminary inspection, with the final inspection scheduled for later this week.

Mr. Frankie Rutherford, the owner of R & M Brothers Restaurant, with a business address at 2730 NW 183rd Street, Miami Gardens, was afforded an opportunity for comments. He related that he has been working closely with Miami-Dade County staff to bring the restaurant into compliance. A final inspection is scheduled for sometime this week.

13. REPORTS OF MAYOR AND COUNCIL MEMBERS

13A) GENERAL REPORTS FROM MAYOR AND COUNCIL MEMBERS

Councilman Braynon reported on his recent trip to Washington, D.C., and the positive

response and show of support he received at the federal level.

Councilwoman Pritchett thanked the residents for engaging the City Council members to come to their homeowner association and community crime watch meetings. She encouraged the residents to continue to invite the Council members.

Councilman Bratton asked if the City of Miami Gardens would be recognizing the veterans on Memorial Day.

Manager Crew indicated that nothing has been brought forward from this Council. He recommended issuing a proclamation.

Councilwoman Watson reported on the Dade/Broward Days trip to Tallahassee, Florida. She reported that she attended Phase Two of the Local Elected Officials Institute, and brought back documentation on Growth Management and Building a City Team to be shared with her colleagues. She further shared that she'd attended an event at Norwood Elementary School where she presented a Report Card on the City.

Councilwoman King gave emphasis to the power of the vote. She related that she wanted to spearhead a voter registration drive in the City of Miami Gardens within the next two months; as well as provide information on the upcoming elections.

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

14A) PUBLIC COMMENTS – 20 MINUTES

Mr. Thomas Spaulding, residing at 18805 NW 32nd Place, Miami Gardens, appeared before the City Council to express his views about Item No. 10A. He encouraged the City Council to provide information to the general public about construction RFP's and RFQ's at the City Council meeting because not everyone read the newspapers or have computers.

Manager Crew indicated that the City had nothing to do with the construction RFP. This was done by Golden Glades, LLC.

Ms. Bennie M. Grant, residing at 17740 NW 14th, Miami Gardens, appeared before the City Council to express concern with the vendors selling from the public right-of-ways. She suggested posting signage prohibiting this activity.

Mr. Steers, Assistant to the City Manager appeared before the City Council to convey Code Enforcement's commitment in addressing this problem.

Ms. Naomi Wright, residing at 18330 NW 38th Court, Miami Gardens, appeared before the City Council to inform the members of the situation evolving between Miami Dade County and the Citizens' Independent Transportation Trust (CITT). She asked for the Council's support by sponsoring a resolution in support of CITT.

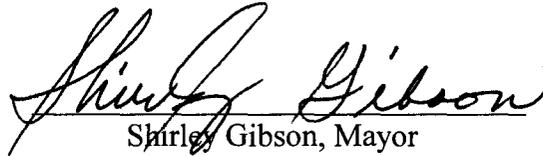
Vice Mayor Campbell asked Attorney Knighton to draft the appropriate language for a resolution to be considered for the Council's approval at the May 12, 2004 City Council meeting.

15. SPECIAL PRESENTATION(S)

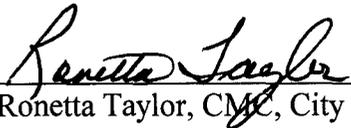
None.

16. ADJOURNMENT:

There being no further business to come before this Body, and after being duly motioned by Councilman Braynon and seconded by Councilwoman Watson, the meeting adjourned at 10:11 p.m.


Shirley Gibson, Mayor

Attest:


Ronetta Taylor, CMC, City Clerk