

**INDEX**  
**CITY COUNCIL MINUTES**  
**January 14, 2004**

1.	Called to Order/Roll Call of Members.....	Page 1
2.	Invocation.....	Page 1
3.	Pledge of Allegiance.....	Page 1
4.	Approval of Minutes.....	Page 1
	Approval of minutes of Special City Council meeting of December 3, 2003.....	Page 1
	Regular council Meeting of December 10, 2003.....	Page 1
5.	Agenda/Order of Business (Additions/Deletions/Amendments.....	Page 2
6.	Special Presentations.....	Page 2
	None.....	Page 2
7.	Ordinances for First Reading	
	7A) Relating to Lobbying.....	Page 2
	7B) Providing for the issuance of Gas Franchise.....	Page 3
8.	Ordinance for Second Reading (Public Hearings) .....	Page 3
	8A) <b>Deferred</b> Providing for the issuance of solid Waste Franchise for Commercial and Multi-Family Residential Solid Waste Collection... Page 3	
	8B) Ord. #2004-17 Establishing Purchasing Procedures.....	Page 3-4
9.	Public Comment.....	Page 4
10.	Resolutions	
	10A) Res. 2004-56 relating to financial Services awarding bid to New Community Strategies.....	Page 4-7
	10B) Res. 2004-57 Relating to Park Services.....	Page 7-9
	10C) Res. 2004-58 Relating to Park Services; awarding the Bid for Parks and Recreation programming to Cool Kids Learn, Inc.....	Page 9-11
	10D) Res. 2004-59 Approving an amended occupancy agreement with Trinity Church Incorporated, Inc. ....	Page 11-12
	10E) Res. 2004-60 Approving an agreement with Kemp Services, Inc. for School Crossing Guard Services.....	Page 12-14
	10F) Res. 2004-61 Appointing members to serve on the Revenue Enhancement Committee.....	Page 14-16
	10G) Res. 2004-62 Supporting the granting of an easement by Miami-Dade County to City of North Miami Beach for the installation and maintenance of wells in Norwood Park.....	Page 16
	10H) Res. 2004-63 Adopting a formal personal leave policy for the City's employees.....	Page 16-17
	10I) Res. 2004-64 Adopting a policy of paid holidays for the City's Employees.....	Page 17
	10J) Res. 2004-65 Approving an interlocal agreement and first Supplemental agreement for Public Facility Planning with the School Board of Miami-Dade County.....	Page 17-18
	10K) Res. 2004-66 Officially recognizing the third Monday of January each year as Martin Lither King, Jr. Holiday in the City of Miami Gardens.....	Page 18-19
11.	Reports of City Manager.....	Page 19
	11A) Report on Sponsorship for Parks – Pepsi/Coke Cola.....	Page 19

	11B) New Office Space Indemnification Agreement.....	Page 19
	11C) Report on Audio Communication Services.....	Page 19-21
	11D) Giving Notice to Miami-Dade County re: School Crossing Guard.....	Page 21
	11E) Legislative Priorities.....	Page 21
	11F) Prior Commitment.....	Page 21
12	Reports of Mayor and Council Members .....	Page 21
	12A) General Reports from Mayor and Council Members.....	Page 21-22
13	Requests, Petitions & Other Communications from the Public.....	Page 22
	13A) Public Comments.....	Page 22-23
14.	Special Presentations None.....	Page 23
15.	Adjournment.....	Page 23



**CITY OF MIAMI GARDENS  
CITY COUNCIL MINUTES**

January 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, January 14, 2004, beginning at 7:06 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: Mayor Shirley Gibson, Vice Mayor Aaron Campbell and Council members Melvin L. Bratton, Barbara Watson and Oscar Braynon, II. Council member Sharon Pritchett arrived at 7:26 p.m. Council member Audrey J. King was not present due to a work related matter.

Also in attendance were: City Manager Danny O. Crew, Transition Coordinator William J. Green, Jr., Interim City Attorney Hans Ottinot and City Clerk Ronetta Taylor.

**2. INVOCATION:**

Mayor Gibson 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:**

**Special Council Meeting - December 3, 2003** – Deferred approval of minutes to the Zoning Board Meeting scheduled for February 4, 2004.

**Regular Council Meeting - December 10, 2003**

Due to technical difficulty with the transcription equipment it was moved by Councilman Braynon, seconded by Vice Mayor Campbell to defer approval to the January 28, 2004 City Council Meeting.

There being no discussion, **the motion to defer** approval of the December 10, 2003 City Council Minutes **carried by a 5-0 vote.**

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

Mayor Gibson deferred Item No. 8B to the January 28, 2004 City Council Meeting,

It was moved by Councilman Braynon, seconded by Councilman Bratton to amend the official agenda by deferring Item No. 8 to the January 28, 2004 City Council meeting.

There being no further discussion, the motion **passed and carried by a 5-0 vote.**

**6. SPECIAL PRESENTATIONS:**

None

**7. ORDINANCES FOR FIRST READING:**

- 7A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO LOBBYING, ENTITLED "LOBBYIST REGISTRATION"; PROVIDING DEFINITIONS AND EXCLUSIONS; PROVIDING FOR REGISTRATION OF LOBBYISTS, DISCLOSURE OF MEETINGS WITH CITY PERSONNEL AND REPORTS ON EXPENDITURES; REQUIRING DISCLOSURE OF COMPENSATION OF LOBBYIST AND PROHIBITING CONTINGENCY FEES; CREATING PENALTIES FOR VIOLATIONS AND DEBARMENT; PROVIDING FOR APPEALS TO SPECIAL MASTER; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (SPONSORED BY COUNCILWOMAN WATSON)**

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

There being no discussion, the **motion passed by a 5-0 vote.**

Councilman Bratton:	Yes
Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes
Councilwoman King:	Out of town
Councilwoman Pritchett:	Not present
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

**7B) AN ORDINANCE OF THE CITY OF MIAMI GARDENS, FLORIDA, PROVIDING FOR THE ISSUANCE OF GAS FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS OF SUCH FRANCHISE; PROVIDING FOR PAYMENT OF A FRANCHISE FEE; PROVIDING FOR INDEMNIFICATION; PROVIDING FOR INSPECTION OF BOOKS AND RECORDS; PROVIDING FOR ACCEPTANCE OF THE FRANCHISE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Moved by Councilwoman Watson, seconded by Vice Mayor Campbell to approve this item on first reading, with second reading and public hearing scheduled for January 28, 2004.

There being no discussion, the **motion passed by a 5-0 vote.**

Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes
Councilwoman King:	Out of town
Councilwoman Pritchett:	Not present
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Mayor Gibson:	Yes

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

**8A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, PROVIDING FOR THE ISSUANCE OF SOLID WASTE FRANCHISE FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL SOLID WASTE COLLECTION; PROVIDING FOR DEFINITIONS; IMPOSING A FRANCHISE FEE FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL SOLID WASTE COLLECTION ACTIVITIES; AWARDED FRANCHISES TO CERTAIN PERMITTED PRIVATE HAULERS; PROVIDING FOR PENALTIES, SPECIAL ASSESSMENT LIEN PRIORITY; PROVIDING FOR REPEALER AND INCLUSION IN THE CODE, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE (SPONSORED BY MAYOR GIBSON) (1<sup>st</sup> Reading – December 10, 2003)**

Please Note: This item was deferred to the January 28, 2004 City Council meeting.

**ORDINANCE NO. 2004-17**

**8B) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY MIAMI GARDENS, FLORIDA; ESTABLISHING PURCHASING PROCEDURES, TO PROVIDE GENERAL PROVISIONS; TO PROVIDE FOR A PURCHASING AGENT; TO PROVIDE FOR PURCHASING LIMITATIONS AND**

**COMPETITIVE BIDDING; TO PROVIDE FOR A COMPETITIVE BIDDING PROCEDURE FOR PURCHASES UNDER \$25,000 AND PURCHASES OVER \$25,000; PROVIDING FOR BID AWARDS, RESPONSIBILITY OF BIDDERS OR OFFERORS; PROVIDING FOR THE EVENT OF ONLY ONE RESPONSIVE BID; PROVIDING FOR ALL BIDS TO BECOME THE PROPERTY OF THE CITY; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING PROCEDURES; PROVIDING FOR EXEMPTION FROM BIDDING; PROVIDING FOR CONTRACT ADMINISTRATION; PROVIDING FOR PROTEST PROCEDURES; PROVIDING FOR ETHICS IN PUBLIC CONTRACTING; PROVIDING FOR A REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY MAYOR GIBSON) (1<sup>st</sup> Reading – December 10, 2003)**

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

City Manager Crew noted a correction on page 7, Section 4.1 should be corrected to read Section 3.1.

Moved by Vice Mayor Campbell, seconded by Councilman Braynon to adopt this ordinance, with the necessary correction as noted in the record.

At the conclusion of this discussion, the motion to **adopt passed by a 5-0 vote.**

Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes
Councilwoman King:	Out of town
Councilwoman Pritchett:	Not present
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Mayor Gibson:	Yes

**9) PUBLIC COMMENT – 10 MINUTES**

There were no interested parties to speak at this time.

Please note that Councilwoman Sharon Pritchett arrived at 7:26 p.m. Upon her arrival she apologized for being late.

**10) RESOLUTIONS:**

**RESOLUTION NO. 2004-56**

**10A) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI**

**GARDENS, FLORIDA, RELATING TO FINANCIAL SERVICES;  
AWARDING BID TO NEW COMMUNITY STRATEGIES TO PROVIDE  
FINANCIAL SERVICES TO THE CITY OF MIAMI GARDENS;  
AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS  
WITH THE HIGHEST RANKED FIRM; PROVIDING FOR AN EFFECTIVE  
DATE ( SPONSORED BY THE CITY MANAGER)**

Manager Crew indicated that one of the first orders of business is to establish the City's finances. An RFP was issued. One company declined to bid indicating that they did not provide the kind of services prescribed in the invitation to bid. Another firm only bidded on one portion of the services, which is not responsive to the bid. There were three proposals received. All three had very strong points and some weak points. After reviewing the three proposals, a recommendation is being made to accept the proposal of New Community Strategies.

Councilman Braynon inquired as to the number of people employed by this firm.

Manager Crew said that there are currently three employees. He said that additional people will be employed as needed.

Councilman Braynon asked if there would be any subcontracting out by this firm.

Manager Crew indicated that no subcontracting would be done. The principals of this firm would be the individuals dealing with the City.

Councilwoman Pritchett referenced the statement "the establishment of the City's own in-house finance department is not possible at this time" and asked Mr. Crew to clarify what rationale he used to base that statement on.

Manager Crew related that the lead time to hire an in-house finance director would take approximately four months. Initially a job announcement was placed for a finance director however the applications have just started to come in. In addition, there is the cost associated with appropriate software, and a computer system to run it. He opined that the City does need to have an in-house department. He related that what's more important right now is that the City needs to get its books into proper order so that when the City is audited by the State it will be found in compliance. Right now there is not way to account for the funds by the categories that are required by State Statutes. Outsourcing of the City departments is not a new practice many of the newer municipalities have outsourced this service during the initial startup, and have brought the service in-house at a more leisurely pace.

Councilwoman Pritchett asked what other cities the size of Miami Gardens have contracted this service out.

Manager Crew indicated that in terms of finances and budgets the City of Miami Gardens is a small city. He identified the municipalities of Key Biscayne and Weston as cities that have

previously outsourced this service.

Councilwoman Pritchett asked whether the Council had an opportunity to review the resumes and portfolio of the principals of New Community Strategies, Inc.

Manager Crew related that whatever information was provided by New Community Strategies, Inc. has been provided to the Council. He said that he did not know the principals personally, but did know that they have solid representations and are well thought of.

Councilwoman Pritchett related that she was still interested in seeing some documentation (e.g. a resume or portfolio) that would help her to have a comfort level in terms of knowing that the principals of this firm are the very best qualified people, especially since the City needs to have this service on board expeditiously. She related that she'd reviewed the information provided by the City Manager but for the magnitude of what this company will be doing, for a company who really diverted their attention to this kind of business in the spring of 2003; there is just not a lot of information there. She questioned this company's experience since they have only been doing this kind of business since the spring of 2003, specifically in municipal governmental entities.

Manager Crew referenced page three of the information submitted by Mr. Wallace and indicated that Mr. Wallace has over 17 years of municipal budgeting and financing experience with the City of Davie, Florida. From the information provided by all the proposals, Mr. Wallace is the only principal with government experience. In addition, Dr. Rosenbaum the other principal in this company served as the City Manager of Davie and Hollywood, and has been a professor for 29 years at Nova University.

Councilwoman Pritchett indicated that she'd had an opportunity to read this information however she reiterated her early concern about the company only being in this type of business since the spring of 2003.

Manager Crew related that there was one company that submitted a proposal that had been in business for over ten years. However that company did not have any municipal experience. He opined that at this point in the City's development it is more important to have 17 years of experience as a City Finance Director than to have ten years experience as a company.

Councilman Braynon inquired about the auditing service, and whether that was a part of this proposal.

Manager Crew said that the auditing service has to be separate and independent of the finance department and independent of the City. He related that there is a timeframe involved with the auditing process therefore he would be bringing an item for the Council's consideration at the next Council meeting. He emphasized the importance of getting the books straight before the auditing firm initiates the audit.

Councilman Braynon inquired as to whether this firm had other clients.

Manager Crew indicated that this firm did represent another client but at present could not provide this information. However, that information would be provided the Council. A representative would be on hand on a full time basis until the financial books are straightened out. After that, a representative would visit the City a couple times a week. However, someone will be on hand at all times to communicate with the City. He related that the City will still have to hire somebody when it starts the permitting and license fee collection process.

At the conclusion of this discussion it was moved by Vice Mayor Campbell, seconded by Councilwoman Watson to approve this resolution. The motion to **approve passed by a 5-1 vote.**

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

**RESOLUTION NO. 2004-57**

**10B) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA RELATING TO PARK SERVICES; AWARDING THE BID FOR PARK MAINTENANCE/JANITORIAL SERVICES TO WEED-A-WAY; AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH HIGHEST RANKED FIRM; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew related that the City put out an RFP for Park Maintenance and Janitorial Services. This service is currently being provided by Miami Dade County at a cost that is not conducive to the City's budget.

Mr. Green, the City's Transition Coordinator related that three proposals were received on the Lawn Maintenance and Janitorial Services (South Florida Maintenance Services, Willard Construction Services, and Weed-A-Way, Inc.). All proposals came back with the same methodology in how they would provide the services. References on all three companies garnered very positive responses. However, the reference responses for Weed-A-Way indicated that this company was more than responsive, and provided more than what was asked for in their contract. Weed-A-Way was also the low bidder. Staff is recommending to be allowed to negotiate with Weed-A-Way for Park Maintenance and Janitorial Services.

Councilman Braynon asked where the corporate office of Weed-A-Way was located.

Mr. Green indicated that the address ~~was~~ is 6600 NW 27<sup>th</sup> Avenue, Suite 18, Miami, Florida.

Vice Mayor Campbell suggested utilizing the services of all three proposals in the different districts.

Councilman Braynon related that Vice Mayor Campbell suggestion was a good ideal. This would allow more businesses to get involved with what's going on in Miami Gardens. He related that in the future, this could be something to consider.

Mr. Green indicated that this contract is only for this fiscal year. There will be an opportunity for reassessments and adjustments for the next fiscal year.

Councilwoman Pritchett thanked Mr. Green for the information he'd provided. However, the Council members did not have any documentation on the actual bids. She related that she'd like to be able to see what it was that Mr. Green saw. Having this information would help her to make a better informed decision. She asked to see the information, and also asked that in the future this information be provided. She stated that the Council members have a responsibility that before making decisions that affect everyone to see the information and documentation that allows them to make the most informed decision based upon valid accurate information. She apologized for wanting to see the information and opined that she has a responsibility to review the information so that any decisions she makes she can explain to the community why she made those decisions.

Councilman Bratton asked Mr. Green how long has he had the information in his hands.

Mr. Green related that he'd received the Park Programming RFQ on Monday and Park Maintenance/Janitorial Services RFP on yesterday.

It was moved by Councilman Braynon to table Item Nos. 10B and 10C to allow Councilwoman Pritchett an opportunity to review the bid documentations. This motion was seconded by Councilwoman Pritchett and **carried by a 6-0 vote**.

When this item was placed back on the table for discussion, Councilwoman Pritchett asked Mr. Green to share with the Council some of the clients being serviced by Weed-A-Way.

Mr. Green related that some of the major clients of Weed-A-Way are: Jackson Hospital, City of Miami, Dade County, Broward County, Lock Town, Model City Trust and the Community Redevelopment Agency.

Councilwoman Pritchett inquired as to owner the of Weed-A-Way residency.

Mr. Green related that Mr. Okotodvo resides in the City of Miami Gardens.

Councilman Braynon indicated that the proposal did not include the maintenance of the air conditioning, plumbing or electrical repairs.

Manager Crew said the repairs will be contracted out on as needed basis.

Councilwoman Pritchett asked if Weed-A-Way had agreed to provide emergency service (e.g. flood, hurricane, tree removal, etc.) to the City.

Mr. Green indicated that emergency services were not addressed in the proposal. However, any contingency outside of the perimeters can be addressed as line items within the contract.

At the conclusion of this discussion it was moved by Councilman Braynon, seconded by Councilwoman Pritchett to approve this resolution. This motion **passed by a 6-0 vote.**

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

**RESOLUTION NO. 2004-58**

**10C) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA RELATING TO PARK SERVICES; AWARDING THE BID FOR PARKS AND RECREATION PROGRAMMING TO COOL KIDS LEARN, INC.; AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATES FOR PARK PROGRAMMING; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Mr. Green indicated that two proposals were received for the RFQ. One from Severn Trent Services the other from Cool Kids Learn, Inc. Severn Trent Services is a management company that proposes to come in and manage the parks utilizing subcontractors to provide the actual services. Cool Kids Learn, Inc. proposes to provide the services in-house. Senior Citizen programming is also included in Cool Kids Learn proposal. Cool Kids Learn, Inc. price structure was approximately ~~\$171,000~~ \$171,000 over the 1 million dollars price structure. That amount would be offset by the actual activity fees paid. References on both respondents were very positive. However the references provided by Cool Kids Learn indicated that they'd provided a superior program and would look forward to working with them again. Staff is requesting to be allowed to enter into negotiations with Cool. Kids Learn, Inc., to provide the Recreation Programming in the City's Parks.

Councilman Braynon inquired as to whether Cool Kids Learn would provide transportation for those children attending the After School Programs.

Mr. Green indicated that transportation is included in this proposal.

Councilman Braynon asked if Cool Kids Learn had its own staffing or would they contract with the employees currently in place at the parks.

Mr. Green indicated that Cool Kids Learn had individuals slated for their Executive Director and administrative officers but would be pursuing the current park employees to fulfill the other slates. Currently they are looking to fill 40-50 full and part-time positions with current Miami-Dade County park staff.

Vice Mayor Campbell asked if the City would be responsible for making up the difference if Cool Kids Learn was not able to collect the \$171,000 in park service fees.

Mr. Green opined that the contract is for 1 million dollars. He related that currently there are fee structures in place at the different parks. Historically Miami-Dade County has collected well over \$171,000 for fees.

Mayor Gibson asked if Cool Kids Learn would get to keep the difference if they collected over the \$171,000.

Mr. Green opined that the City would get the balance. Specific language will be placed in the contract addressing this issue.

Mayor Gibson suggested to Attorney Ottinot that when the contract is structured that specific language be added to provide for an accounting of those fees, and whatever the difference is that that money would come to the City of Miami Gardens.

Councilwoman Watson concurred with Mayor Gibson's suggestion. She further asked Mr. Green if he could provide an amount as to what has been collected in the past by Miami-Dade County.

Interim City Attorney Ottinot related that in most contracts a provision is included which allows for an audit.

Councilwoman Pritchett conveyed her appreciation for the hiring of existing Miami-Dade County parks staff by Cool Kids Learn. She asked if the tutorial services currently offered in some parks continue.

Mr. Green indicated that tutorial services were included in the proposal. Cool Kids Learn is looking to employ teachers as well as to assist these students. He further addressed Councilwoman Watson's question about the amount currently being collected annually by Miami-Dade County for fees as being approximately \$257,000.00 annually.

Moved by Councilwoman Watson, seconded by Councilman Bratton to approve this resolution.

Councilwoman Pritchett inquired as to whether there were any residents from the City of Miami Gardens on the Executive staff of Cool Kids Learn, Inc.

Mr. Green indicated that there were two City of Miami Gardens residents currently on the Executive staff at Cool Kids Learn, Inc.

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

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

Ms. Vernita Nelson, a representative of Cool Kids Learn, Inc., residing at 1683 NW 193<sup>rd</sup> Street appeared before the City Council to thank the members for their vote for Cool Kids Learn, Inc. She conveyed her organization's commitment to employing some of the employees currently working in the parks.

Ms. Andrea Kilpatrick, CEO of Cool Kids Learn, Inc. appeared before the City Council to state that the staff was very honored that the City of Miami Gardens accepted their proposal.

**RESOLUTION NO. 2004-59**

**10D) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN AMENDED OCCUPANCY AGREEMENT BY AND BETWEEN THE CITY OF MIAMI GARDENS AND TRINITY CHURCH INCORPORATED, INC., ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE INTERIM CITY ATTORNEY)**

Interim City Attorney Ottinot related that the City has been occupying this facility for approximately seven months rent free. At the December 10<sup>th</sup> Council meeting staff was directed to negotiate a lease for permanent office space with another landlord. In the meantime Golden Glades, LLC has advised the City that the space would not be ready until April 2004. Hence, the City has to enter in to a month-to-month lease with Trinity Church, the new owner of the current facility. Trinity Church has provided the City with two months rent free. The rent being requested is below market. There are some minor revisions that need to be made with respect to the agreement: 1) initially Trinity Church wanted the rent due on the first day of the month, because of the administrative process the City has to go through, the 15<sup>th</sup> of the month would be more amenable.

Trinity Church wanted the contract amended to include that language; 2) The initial rent was negotiated at \$5,000 per month, however due to the fact that Miami Dade County will not provide the Church tax exemption status because they are using this facility for business purposes. The additional amount that they would have to pay is \$620.00. In light of the fact that the Church has provided the City with free rent for the past couple of months, he related that he did not see the additional \$620.00 as something unreasonable to ask for. The additional amount would increase the rent from \$5,000 to \$5,620.00; and 3) Paragraph 10 relates to the Hold Harmless Agreement. Basically the City would hold the Church harmless of any officers/employees doing anything that would cause any harm to the Church property. As pursuant to State Law the City is limited to a \$100,000.00 cap. The Church also agrees to hold the City harmless if any of its employees do anything that may put the City in jeopardy. He opined that this agreement is something that is reasonable.

Councilman Braynon inquired the status of the lease agreement with Golden Glades.

Interim City Attorney Ottinot indicated that he has been in communication with Mr. Larkin, the Lease Manager for Golden Glades. A tentative schedule to move into the facility has been set for April 1, 2004. It is anticipated that the lease agreement will be provided to the Council for its consideration at the January 28, 2004 Council meeting.

Councilman Braynon inquired about the budget as it related to the month-to-month rent being paid to Trinity Church.

Mr. Green indicated that the proposed budget allocated funds to pay rent for the entire fiscal year.

At the conclusion of this discussion, it was moved by Vice Mayor Campbell, seconded by Councilwoman Watson to approve this item, with the necessary amendments to the Contract. The motion **passed by a 6-0 vote.**

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

**RESOLUTION NO. 2004-60**

**10E) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF MIAMI GARDENS AND KEMP SERVICES, INC. FOR SCHOOL CROSSING GUARD SERVICES, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE MAYOR TO EXECUTE SAID**

**AGREEMENT; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew related that this is another service that is currently being provided by Miami-Dade County under the localized police services. Pursuant to the Florida Statutes the City can piggyback off of existing contracts.

Mr. Green recounted that Kemp Services had made a presentation at the December 10<sup>th</sup> City Council meeting. A total of 66 guards and seven supervisors would be provided. This service is being provided to the City at a cost of \$12.87 per hour. The duration of this contract is for this fiscal year. An assessment as to whether the City will need more or less school guards during the next fiscal year will be done. The total cost of this contract is approximately \$560,000 for the remaining eight months.

Vice Mayor Campbell asked how much the City would have had to pay if the Miami Dade County police department was providing this service for the same time period.

Mr. Green said that it would have cost approximately \$700,000.

Councilwoman Watson asked if the uniform costs were also included in Kemp's proposal.

Mr. Green said the amount quoted is the actual cost for the school crossing guards. The additional amount that goes along with this service is for stop signs, rain coats and safety vests. Those costs are approximately \$4,800, which the City would be responsible for.

Councilman Bratton asked how much would the cost be to include uniforms.

Mr. Faluade of Kemp Services appeared before the Council to respond to Councilman Bratton's question. He related that each shirt is approximately \$10.00, a pair of trousers cost approximately \$25.00. Each school crossing guard would need approximately two to three uniforms.

Mr. Green calculated that the cost of uniforms would be approximately \$10,000.

Mr. Faluade indicated that the school crossing guards are allowed to wear any attire of their choice as long as the reflection vest is worn on top of their clothing. He indicated that Kemp Services could provide the uniforms however the City would have to bear the cost.

Mayor Gibson opined that certainly the City of Miami Gardens wants uniformity but the key factor is the safety of our children.

Councilwoman Watson asked if there was a way to request uniformity and consistency (e.g. white shirt and blue or black trousers).

Mr. Faluade indicated that this request would be made.

Councilwoman Pritchett shared that she planned to vote yes for this resolution. She expressed her disappointment that the Council was not informed of three other qualified firms that could have provided this service. She said the Council was lead to believe that Kemp Services was the only qualified available company. A recommendation was made that the City of Miami Gardens piggyback on an existing contract with Davie, Florida. While this does meet the competitive bid award process she expressed her belief that the City should have availed itself of the competitive bid process with the three firms to be sure that the City was getting the best possible bid that may have included uniforms.

Manager Crew shared that he too had that same concern. He related that he did find out about another company, which was a much larger firm, but charged \$16.00 per hour per school crossing guard.

At the conclusion of this discussion, it was moved by Councilman Bratton, seconded by Councilwoman Watson to approve this item.

At the conclusion of this discussion, the motion to **approve passed by a 5-0 vote.**

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

Mr. Green indicated that a 45 day notice to Miami-Dade County terminating the school crossing service will go out on tomorrow. The Miami-Dade County police department has indicated that it would not take 45 days for them to make the transition. The City's school crossing guards will be in place by February 15, 2004.

It was moved by Councilman Braynon to put Item Nos. 10B and 10C back on the table. The motion **carried by a 6-0 vote.** The discussion for those items is reflected in proper order of the agenda.

#### **RESOLUTION NO. 2004-61**

**10F) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO BOARDS AND COMMITTEES; APPOINTING MEMBERS TO SERVE ON THE REVENUE ENHANCEMENT COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY VICE MAYOR CAMPBELL)**

Vice Mayor Campbell recounted the events leading up to the establishment of this Committee.

Councilwoman Pritchett said that this Revenue Enhancement Advisory Committee is a positive step in engaging residents who live in the City of Miami Gardens. These committee members are volunteering their time, expertise and commitment to serve addressing revenue enhancements needs of our beloved City. For that they are to be commended. Thank you very much Mr. Campbell for bringing the item before us. It does appear to be a step in the right direction.

Moved by Councilman Bratton, seconded by Councilman Braynon to approve this item.

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

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

Former State Senator Daryl L. Jones and Ms. Lanette Jones both appointed members of the Revenue Enhancement Advisory Committee were afforded opportunities for comments. Both thanked the Council for this opportunity and voiced their commitment to working for the betterment of the City of Miami Gardens.

Manager Crew shared that he'd contacted the Florida League of Cities, which has offered to put on a free seminar on Revenue Enhancement for February 12, 2004. A resolution will be provided at the next Council meeting for the Council's consideration.

Councilwoman Pritchett asked if municipal financing would be a part of this seminar.

Manager Crew indicated that municipal financing would not be a part of this seminar. He related that at some point in the very near future he would hold a separate workshop for the elected officials and general public on municipal financing.

Interim City Attorney Ottinot reaffirmed that this Committee is governed by the Sunshine Law.

Mayor Gibson asked if the Committee was required to comply with the Financial Disclosure requirement.

Interim City Attorney Ottinot said that this is an advisory committee and as such was not

required to comply with the Financial Disclosure requirement.

**RESOLUTION NO. 2004-62**

**10G) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, SUPPORTING THE GRANTING OF AN EASEMENT BY MIAMI-DADE COUNTY TO THE CITY OF NORTH MIAMI BEACH FOR THE INSTALLATION AND MAINTENANCE OF WELLS IN NORWOOD PARK AND ACCEPTANCE BY MIAMI-DADE COUNTY OF A DEED FOR LAND OWNED BY THE CITY OF NORTH MIAMI BEACH WITHIN SCOTT PARK. (SPONSORED BY MAYOR GIBSON)**

Mayor Gibson related that the adoption of this resolution would allow North Miami Beach to maintain the wells in Norwood Park. Miami-Dade County Parks department has asked the City of Miami Gardens to pass this resolution as a courtesy measure.

There being no further discussion, it was moved by Councilman Braynon, seconded by Vice Mayor Campbell to approve this item. The motion to **approve passed by a 6-0 vote.**

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

**RESOLUTION NO. 2004-63**

**10H) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA ADOPTING A FORMAL PERSONAL LEAVE POLICY FOR THE CITY'S EMPLOYEES; PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew explained that he was recommending the adoption of a Personal Leave Policy that would allow employees Personal Leave Days as opposed to vacation and sick time.

Councilwoman Pritchett asked if Manager Crew was planning to provide a Comprehensive Personnel Policy and Procedures packet.

Manager Crew said that when it does become necessary to hire employees, the City needs to have at least the basics on the books. He related that right now he was trying to put the benefits into existence. He agreed that it is important to have a Comprehensive Personnel Policy and Procedure

manual in place and would address that in the near future.

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

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

**RESOLUTION NO. 2004-64**

**10I) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI, ADOPTING A POLICY OF PAID HOLIDAYS FOR THE CITY'S EMPLOYEES; PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew related his rationale for bringing this item forward for the Council's consideration. He related that a similar resolution would be adopted each year classifying the appropriate holidays off.

Weed-A-Way it was moved by Vice Mayor Campbell, seconded by Councilman Bratton to approve this item.

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

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

**RESOLUTION NO. 2004-65**

**10J) A RESOLUTION OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT AND FIRST SUPPLEMENTAL AGREEMENT FOR PUBLIC FACILITY PLANNING ATTACHED HERETO AS EXHIBIT "A", BETWEEN THE CITY OF MIAMI GARDENS AND THE SCHOOL BOARD OF MIAMI-DADE**

**COUNTY; PROVIDING THE CITY MANAGER AND THE CITY ATTORNEY WITH THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY INTERIM CITY ATTORNEY)**

Interim City Attorney Ottinot related that the State of Florida passed a new law which mandates communication between local governments and the School Boards, with respect to Planning and Zoning issues. The purpose of the new law is to ensure that local governments and school boards discuss those issues that may have an impact on Schools.

Councilman Braynon indicated that the City of Miami Gardens wasn't mentioned in the first paragraph of the Interlocal Agreement.

Interim City Attorney Ottinot said that if the Council approves this Interlocal Agreement, the City of Miami Gardens will appear in the first paragraph of the Agreement.

Councilwoman Pritchett asked if entering into this Interlocal Agreement would have any financial impact on the City of Miami Gardens.

Interim City Attorney Ottinot said that the financial impact would be that if the City did not enter into the Interlocal Agreement, the City may lose a portion of its State Revenue Sharing.

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

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

**RESOLUTION NO. 2004-66**

**10K A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, OFFICIALLY RECOGNIZING THE THIRD MONDAY OF JANUARY EACH YEAR AS MARTIN LUTHER KING, JR., HOLIDAY IN THE CITY OF MIAMI GARDENS; PROVIDING AN EFFECTIVE DATE.**

Moved by Councilman Braynon, seconded by Vice Mayor Campbell to adopt this resolution.

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

Councilmember Bratton:	Yes
Councilmember Braynon:	Yes
Vice Mayor Campbell:	Yes
Councilwoman King:	out of town
Councilwoman Pritchett:	Yes
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

## 11. REPORTS OF CITY MANAGER

### 11A) Report on Sponsorship for Parks – Pepsi/Coke Cola

Mr. Green explained the revenue stream for the City associated with entering into sponsorship agreements with these soft drink companies. He indicated that a sufficient revenue stream could be generated with an average number of 32 machines located within the City's parks could bring.

Councilman Braynon conveyed his support of having administration provide additional information on this issue.

### 11B) New Office Space Indemnification Agreement.

Manager Crew indicated that Golden Glades, LLC is asking for an Indemnification Agreement to hold them harmless on the architect fees until a Lease agreement has been approved and executed by all parties. This would allow the architect to get started with the renovation plans. He recommended that the Council authorize administration to execute the Indemnification Agreement as it relates to the architectural drawings for the new location of Miami Gardens City Hall.

Moved by Councilwoman Pritchett, seconded by Councilman Bratton to authorize administration to execute an Indemnification Agreement to hold Golden Glades, LLC harmless for the architectural drawings fee.

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

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

### 11C) Report on Audio Communication Services

Mr. Green indicated that the City has been utilizing High Performance Services to provide

audio services for Council meetings at a cost of \$500.00 per event. The City has been approached by Greater Life Media with a proposal for audio services at a cost of \$375.00 per event. Administration is recommending that Greater Life Media be utilized for this service.

Councilman Braynon questioned whether Greater Life Media could provide the same quality of service as being provided by High Performance Services.

Mr. Green related that the quality of service question should be directed to the City Clerk.

Clerk Taylor indicated that past recordings have been defective. The technical difficulty with the Council meeting of December 10<sup>th</sup> was due to equipment being used by the Clerk's Office to transcribe the minutes. The mechanisms have basically worn down.

Councilman Braynon indicated that he'd feel more comfortable if this item was brought back in resolution form.

Interim City Attorney Ottinot related that this information should be brought back in a resolution form.

Councilwoman Watson asked if the problems experienced by the City Clerk with regard to the audio taping had been brought to the attention of the City's current vendor and given that vendor an opportunity to correct the problems.

Clerk Taylor indicated that the technician had purchased new recording equipment to correct the problem.

Councilwoman Pritchett echoed Councilman Braynon and Attorney Ottinot's concerns.

It was moved by Councilwoman Pritchett, seconded by Councilman Braynon to direct staff to bring a recommendation back to the Council reference to communication services in a resolution form.

Councilwoman Pritchett asked that documentation supporting Greater Life Media be provided along with the resolution.

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

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

11D) Giving Notice to Miami-Dade County re: School Crossing Guard

This item was discussed under Item No. 10E.

11E) Legislative Priorities.

Manager Crew indicated that the Florida Legislature is now taking project requests for grants and appropriations. Due to the time-frame administration had to act expeditiously in order to meet the deadline to put together some projects with the hopes of having some opportunity to be funded. The City put in a request for 3 Million dollars in funding for projects. The first funding request is for water projects; the second funding request is for a community policing grant; the third is a Public Works project (Landscaping Division and Clean City Division); and the fourth request is for a grant to help fund the school crossing guards.

Councilwoman Pritchett asked that a written report on the legislative priorities is provided to the Council members by the next Council meeting.

Mayor Gibson encouraged the Council members to take a proactive role and participate in this process by lobbying representatives in Tallahassee for funding.

11F) Prior Commitment.

Manager Crew indicated that he's been subpoenaed in connection with a Condemnation case from a previous City where he'd worked. He is scheduled to testify on Friday. Therefore, he would be out of the office on Thursday, January 15<sup>th</sup> afternoon and all day Friday, January 16<sup>th</sup>.

**12. REPORTS OF MAYOR AND COUNCIL MEMBERS**

**12A) GENERAL REPORTS FROM MAYOR AND COUNCIL MEMBERS**

Councilman Braynon reported on the Dade League of Cities meeting he'd attended. He related that Dade and Broward Days in Tallahassee are scheduled for May 31 and April 1, 2004. He further reported on the proposed Miami-Dade County General Obligation Bond of 2 Billion Dollars to do capital projects. He asked administration to contact the appropriate individuals at Miami-Dade County to do a presentation before the City Council and citizens. He related that he is still working with the elected officials at Miami-Dade County to find a resolution to the City's 4.3 Million dollar debt.

Councilman Bratton inquired about the status of the City's Logo.

Mayor Gibson related that Mr. Miller had brought forward some samples; none of which were acceptable at that time. She opined that this matter needs to be discussed with the City Manager to re-initiate this process. She emphasized the importance of getting a logo for the City.

Mayor Gibson said that she wanted to make it official that the City of Miami Gardens recognize the Martin Luther King, Jr. holiday as its holiday. She asked that a resolution be drafted

to officially state that the City of Miami Gardens recognize this holiday.

Moved by Councilman Braynon, seconded by Councilman Bratton to officially recognize Martin Luther King, Jr. national holiday as a holiday in the City of Miami Gardens. This resolution is reflected on the official agenda as **Item No. 10K**.

Mayor Gibson asked the citizens to have patience and trust in this Council to move this City forward. She related that she's received tremendous support from across the country from other elected officials wishing this City well.

Vice Mayor Campbell referenced a very positive Flavor magazine article about the newly incorporated City of Miami Gardens. The City of Miami Gardens is the cover story.

Captain ~~Wilson~~ Donald Rifkin was introduced as the new Captain assigned to the Miami Gardens Police Department.

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

#### **13A) PUBLIC COMMENTS – 20 MINUTES**

Mr. Thomas Spaulding of 18805 NW 32<sup>nd</sup> Place appeared before the City Council to thank them for having the fortitude to make unpopular decisions. He said that he was very proud to be a resident of the City of Miami Gardens.

Ms. Janice Coakley of 19681 NW 33<sup>rd</sup> Avenue appeared before the City Council to ask whether the Optimist Clubs would have to go through Cool Kids Learn, Inc., or the City of Miami Gardens.

Mr. Green related that the Optimist Clubs would now go through Cool Kids Learn, Inc.

Ms. Coakley further conveyed the importance of bringing City services in-house and hiring qualified Miami Gardens' residents for those jobs (finance department).

Mr. Lemuel Wims of 19675 NW 32<sup>nd</sup> Court appeared before the City Council to express his views about the cost of school crossing guard uniforms.

Interim City Attorney Ottinot related that if the City purchased the uniforms there would not be any tax involved.

Councilwoman Watson asked that research be done on the cost associated with purchasing the uniforms.

Mr. Green said that he would check into this.

Ms. Aminah Asantawa of 18106 NW 35<sup>th</sup> Court appeared before the City Council to relate that her concerns involved the school crossing guards and other rumors being circulated.

Mayor Gibson related that she'd received the letter from Ms. Asantawa and had passed her concerns on to the City Manager. She advised Ms. Asantawa that if she had other specific concerns to put them in writing and the City Manager would respond.

Ms. Pat Lighfoot of 2750 NW 172<sup>nd</sup> Terrace appeared before the City Council to express her views about the Legislative priorities. She further thanked the City's Administration for its due diligence in getting the information to Tallahassee.

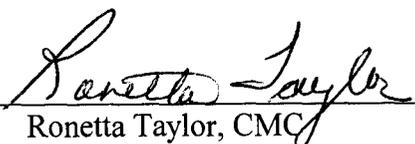
**14. SPECIAL PRESENTATION(S)**

None

**15. ADJOURNMENT:**

There, being no further business to come before this Body, it was moved by Councilman Braynon to adjourn the meeting at 10:25 p.m.

Attest:

  
\_\_\_\_\_  
Ronetta Taylor, CMC  
City Clerk

Approved

  
\_\_\_\_\_  
Shirley Gibson, Mayor