

**INDEX**  
**CITY COUNCIL MINUTES**  
**March 24, 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
	Approve Minutes of City Council Meeting of:	
	Regular Council Meeting of March 10, 2004.....	Page 1
5.	Agenda/Order of Business (Additions/Deletions/Amendments.....	Page 1
	The agenda was amended to include the following item:	
	a) A Resolution of the City Council of the City of Miami Gardens, Florida, Authorizing the City Manager to execute License agreements for the use of City Facilities.....	Page 1-2
6.	Special Presentations.....	Page 2
	6A) certification of Completion for Elected Officials Institute.....	Page 2
	6B) Proclamation .....	Page 2-6
7.	Ordinances for First Reading (None).....	Page 6
8.	Ordinance for Second Reading (Public Hearings) .....	Page 7-12
	8A) Ord. 2004-09-25 Adopting the Official city Seal.....	Page 7
	8B) Adopting regulations pertaining to official use of the City Logos.....	Page 7-10
	8C) Establishing Code Enforcement procedures.....	Page 10-12
9.	Public Comment.....	Page 12-13
10.	Resolutions	
	10A) Res. 2004-47-98 Appointing James Clausell as the City's Citizen Liaison to the Miami-Dade Local Mitigation Strategy Working Group and the Citizen Corps.....	Page 13
	10B) Res. 2004-48-99 Repealing Resolution No. 2003-05.....	Page 13-14
	10C) Res. 2004-49-100 Authorizing the Mayor and City Clerk to execute and attest, respectively, that certain Statewide Mutual Aid agreement with the State of Florida, Department of Community Affairs.....	Page 14
	10D) Res. 2004-50-101 Authorizing the city Manager to execute License agreements for the use of City facilities.....	Page 14-15
11.	Reports of City Attorney.....	Page 15
12.	Report of City Manager.....	Page 15-17
	12A) Assistant City Manager.....	Page 17
	12B) Assistant to the City Manager.....	Page 17
	12C) Assistant to the City Manager.....	Page 17
13.	Reports of Mayor and Council Members.....	Page 17-18
14.	Requests, Petitions & Other Communications from the Public.....	Page 18
	14A) Public Comments.....	Page 18
14.	Special Presentations	
	None.....	Page 18
15.	Adjournment.....	Page 18

# CITY OF MIAMI GARDENS REGULAR CITY COUNCIL MINUTES

March 24, 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, March 24, 2004, beginning at 7:10 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 Audrey J. King, Barbara Watson, Melvin L. Bratton, Sharon Pritchett and Oscar Braynon, II.

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

## 2. INVOCATION:

Reverend Arthur Jackson, II, 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 - March 10, 2004

Moved by Vice Mayor Campbell, seconded by Councilman Bratton to approve the minutes with the necessary corrections if there be any. This motion **passed and carried by a 7-0 vote.**

Councilwoman Pritchett indicated that she would meet with the Clerk to discuss corrections.

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

Manager Crew requested that the official agenda be amended to add the following item "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE LICENSE AGREEMENTS FOR THE USE OF CITY FACILITIES, IN ACCORDANCE WITH THE FORM AGREEMENT ATTACHED HERETO AS EXHIBIT "A," SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY ATTORNEY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE"

It was moved by Councilwoman Watson, seconded by Vice Mayor Campbell to amend the official agenda as requested. This item was placed on the official agenda as Item No. 10D. This motion **passed and carried by a 7-0 vote.**

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

**6A) Certification of Completion for Elected Officials Institute**

Ms. Lillie Odom, presented Certificates of Completion for Elected Officials Institute to: Mayor Shirley Gibson, Vice Mayor Aaron Campbell, Councilman Melvin L Bratton and Councilwoman Barbara Watson.

**6B) Proclamation – Civility Month**

Mayor Gibson shared with the City Council and audience a letter she'd received from Mr. Kenneth W. Buchman, Chair of The City, County and Local Government Law Section, which she read into the record: "Dear Mayor Gibson: Please join with other cities and counties in the State of Florida to proclaim May as Civility Month. Like last year, we have expanded our program to include Florida's district school boards. We hope that the pledge of civility will uplift the tone and conduct in your meetings. Civility uplifts our common life, and invites citizens to participate in their government. The art of civility requires constant application everyday. The attorneys of the City, County and Local Government Law Section of The Florida Bar ask you to renew the pledge of public conduct. A sample proclamation is enclosed for your use. We urge all citizens to exercise civility toward each other throughout the year."

A copy of the Proclamation, proclaiming the Month of May as Civility Month is attached hereto the minutes, as Exhibit "A", and made a part thereof.

**6C) Michael Wright, residing at 1600 Pine Bluff Avenue, Orlando, Florida, appeared before the City Council to provide information on the Powers of Eminent Domain Procedures, as agreed upon during the February 11, 2004 City Council meeting. He related that his ultimate goal is get a determination from the City Council as to the Golden Glades Hospital property redevelopment. He asked that the Council adopt a resolution giving guidance as to what it wanted Mr. Wright to do with the development of the property.**

Manager Crew related that what was needed to make this project work was to get rid of the deed restriction. The only method to get rid of a deed restriction is by Condemnation. In this instance, because there are no objections to the Condemnation proceedings, it would be considered a Friendly Condemnation. The only tool that could remove that deed restriction would be using the City as a vehicle to purchase the property, eliminate that deed restriction, and resell the property to a developer.

Attorney Bradley S. Gould, with offices at 1 SE 3<sup>rd</sup> Avenue, Miami, Florida, appeared before the City Council to provide an overview on Condemnation and Powers of Eminent Domain. He said that the State has inherited powers over Eminent Domain. The State has delegated this power to local governments. Sections 163.375, 166.411 and 180.22 of the Florida Statutes provide municipalities with the power of eminent domain. These sections specify the type o projects by

which municipalities can exercise their powers of eminent domain. The property can only be taken for a public purpose and the property being condemned must be necessary for that public purpose. Public purposed as defined by the Florida Statutes must be for the benefit of the public. He said the property can not be taken for a private use.

Attorney Gould said there are many different entities that may have an interest in a particular property. The Constitution guarantees full compensation to property owners.

Councilman Bratton questioned the ownership of the property.

Mr. Wright indicated that the owner of the property is the Morgan Reed Group. The title owner of the property is a company called Kenneth Health Care, which is based in California. When Kenneth Health Care sold the property to the Morgan Reed Group they recorded a Deed Restriction. The Deed Restriction prohibits the property from being used as a medical related facility in order to prevent complications with Parkway Regional Hospital. One small section of the Deed Restriction deals with residential and prohibits residential uses. He related that from his understanding of the law, the owner of the property is entitled under the Constitution for compensation. The holder of a Restricted Covenant is not entitled to any compensation. He reiterated that the Morgan Reed Group has no objections to the property being taken by Condemnation Proceedings.

Councilwoman King asked if this agreement was in writing.

Mr. Wright said that this is spelled out in a forty page contract. He further shared that he's also given a \$50,000.00 security deposit to hold the property off the market. This contract will expire on April 1, 2004.

Attorney Knighton related that there may be some misconceptions as to what the law actually is. She cautioned the Council that one important statement made by Attorney Gould was that the City could not take private property and hand it over to a private use. She cautioned the Council, as a new City because one would not want to condemn a property without having a broader picture.

Attorney Gould clarified that property can that has been condemned can be turned over for a private use as long as that private use is for a public purpose.

Mr. Wright reappeared before the Council and opined that the issue is not the restrictive covenant. The issue is the public purpose. He said that what he wanted to know tonight is, is there a consensus amongst the Council members that they want to do something with that area.

Manager Crew shared that he's been involved with Condemnation proceedings at various times over his 25 year career as a City Manager. It is not an unusual situation for a municipality to initiate Condemnation Procedures on a piece of property for a public purpose. He opined that this should definitely be an issue that the City should look at to improve the neighborhood and to get rid of an eyesore.

Mr. Wright shared that it is very clear in the Florida Statutes that blighted and properties that constitute a nuisance by public study and findings are appropriate for Condemnation. He said

because there is a private benefit, does not disqualify the Condemnation process.

Attorney Knighton clarified that the person that owns the property is not the person that would sue the City it is the person that has the restrictive covenant. She said this is not going to become a non- adversarial proceeding because of the restrictive covenant standing.

Mayor Gibson interjected and stated that at this there is discussion between the City Manager, Attorney Gould, Mr. Wright and the City Attorney. The Council has a City Attorney so that she would advise the City on legal issues above the City Manager. She shared that if it came down to a legal matter, for her as the Mayor and she has to take a position, she is going to take the advice of the City Attorney. She said that there is a lot with this issue that is not clear enough at this point for the Council to be able to move one way or the other. She opined there needs to be some further discussion so that there is very clear understanding for this Council. The City Manager has stated that we have a Comp Plan, which is true in part because the City had to adopt Miami-Dade County's. She related that pursuant to State Statutes the City has to adopt a Comp Plan within the next three years. She said it could take three years to get this issue resolved.

Vice Mayor Campbell said that he was curious to know the owner's intent when the property was purchased.

Mr. Michael Salibus, appeared before the City Council representing the owner of the referenced property, to address Vice Mayor Campbell's question. He said that his company purchased the property as a package deal and was bought as good will for the school located next door. The property was purchased as a package deal because one of the buildings is to be given to the school. The other building is to be sold as a profit or at the assessed value. He related that his company has tried to negotiate with Kenneth Health Care to remove the covenant. He said that his company has conveyed its intent to not use the facility as another hospital. However, Kenneth Health Care wasn't interested in what his company had to say.

Vice Mayor Campbell suggested having a representative from the City of Miami Gardens, rather than a private owner, approach Kenneth Health Care to solicit the removal of the restrictive covenant.

Attorney Knighton indicated that she'd made this suggestion a couple of weeks prior, and had asked for the contact information to approach Kenneth Health Care. She emphasized that this is an easier and simpler way to resolve this issue.

Mr. Wright related that he would email the contact information to Ms. Knighton on tomorrow morning.

Attorney Knighton related that if the City Council gives her the direction to make this contact, she would be more than happy to do it.

Mr. Wright related that the last time he was before the Council, he'd asked for a consensus of where the Council wanted to go.

Councilwoman Pritchett opined that it is important as a new City that the Council must practice and proceed, in its haste to make decisions, or even consider making decisions that could have legal ramifications that are far reaching to us as the representatives, this Council as a City. The 100,000 plus residents depend upon this Council to make wise prudent decisions for them. What was presented tonight doesn't indicate that to move forward would be in the interest of making those wise prudent decisions. She deferred to Mayor Gibson and also agreed with Attorney Knighton. There has to be more forthcoming information so that when the Council understands well enough, it can empower the residents to understand well enough before proceeding. She emphasized the importance of proceeding cautiously and judiciously in everything that is done as a Council because everyone is watching what is done by the Council.

Mr. Salibus related that as part owner of the Company he know that this opportunity is only going to be so much longer. He emphasized that this is a window of opportunity. The company is thinking of unloading the property this year.

Councilman Braynon suggested extending Mr. Wright's contract in order to allow further conversation on this matter.

Councilwoman King conveyed support of what the City Attorney has said. She said however, that she would not want to see the property used as a Camillus House. She further indicated that the City has enough, Section 8 and low income housing with the City.

Mayor Gibson asked Attorney Knighton if the legal ramifications she referred to a separate issue than what Mr. Wright is asking of this Council at tonight's meeting.

Attorney Knighton emphasized that she was saying that the Council should take any such vote as requested by Mr. Wright. She clarified that she wasn't saying that Mr. Wright does not have an opportunity to develop that property for his private use. However the Eminent Domain Statute alone will not address Mr. Wright's issues; but ultimately the City can get him possible where he needs to go. The City can use the Condemnation Statute but first the City would have to go through Section 163 to comply with the planning and study requirements. She reiterated that she wasn't saying that this couldn't be done but that it might not be done on Mr. Wright's time frame. She said that she was not going to suggest that the City to take a quick action on tomorrow and opined that the City did not have a proper public purpose stated. She emphasized that there is a way to get Mr. Wright where he needs to be but it is not a quick process. She advised the City Council to not take any vote tonight in regard to this issue.

Mayor Gibson asked Attorney Knighton for her suggestion as to how to handle this matter tonight, so that the City will not be placed in any legal situation.

Attorney Knighton suggested that the Council advise Mr. Wright that they support his efforts in redeveloping that property.

Mr. Wright related that he would prefer that the Council vote on the matter. He related that he felt comfortable with two members on the Council who have expressed their support. He said that he would not proceed forward with spending anymore of his time and money on a 2-5 vote. He

reiterated that he was not asking the City to agree to anything. He was only asking for a head count.

Attorney Knighton indicated that each council member could tell Mr. Wright what their opinions are in regard to this proposal.

Councilman Braynon related that there were multiple issues involved with this issue. He shared that he did not fully understand all the issues to make a good decision. He opined that there should be some development there contingent on further investigation.

Councilwoman Pritchett echoed Councilman Braynon's comments. She related that she definitely want development on the site. She opined that not enough information has been shared.

Councilman Bratton inquired about the primary and secondary options for the property for the site.

Mr. Wright said that the secondary option, which was a high rise climate control storage facility, is no longer on the table due to the structure of the building. The only option on the table is for condominiums.

Councilman Bratton conveyed his support of redevelopment.

Vice Mayor Campbell indicated that he was in favor of redevelopment of this property, however he was in no way agreeing to obligate the City of Miami Gardens in any type of Condemnation proceedings.

Councilwoman Watson thanked Mr. Wright for considering Miami Gardens as possible site for redevelopment. She asked the City Attorney to get the communication going with the applicable parties, so that the City can assist in that process. She opined that this project could be a good one if it is durable. She conveyed her support.

Councilwoman King related that she'd like to see some development on this property because the property has been vacant for a long time. She voiced anticipation of working cooperatively with the Kenneth Group and the property owners.

Mayor Gibson shared that she was excited about the fact that Mr. Wright was interested in doing something of that nature with this property. She related that she had concerns when Mr. Wright had presented this proposal the first time about obligating this Council. She said that she was very supportive of that property being developed in a way that would maximum the potential for the City of Miami Gardens. She said that she was going to adhere to the advice of the City Attorney. She told Mr. Wright that she was in agreement for him to take all the financial and liability responsibility and all other applicable actions without the City of Miami Gardens being obligated in any way for any expenses he would incur. She further asked the City Manager and City Attorney to put together a letter to be sent to Kenneth Health Care.

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

None

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

**ORDINANCE NO. 2004-09-25**

- 8A) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING THE OFFICIAL CITY SEAL; ADOPTING REGULATIONS PERTAINING TO OFFICIAL USE OF THE CITY SEAL; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER) (1<sup>st</sup> Reading – March 10, 2004)**

Manager Crew explained that this ordinance provides for the adoption of regulations for the official use of the City Seal.

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 was closed.

There being no discussion on this item, it was moved by Councilman Braynon, seconded by Councilwoman King to adopt this ordinance. This motion **passed and carried by a 7-0 vote.**

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

**ORDINANCE NO. 2004-10-26**

- 8B) AN ORDINANCE OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING OFFICIAL CITY LOGOS; ADOPTING REGULATIONS PERTAINING TO OFFICIAL USE OF THE CITY LOGOS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER) (1<sup>st</sup> Reading – March 10, 2004)**

Manager Crew explained that this provides for regulations pertaining to the use of the City's Logo. He recommended the adoption of both Logos. The more fancier logo to be used for uniforms and the less fancier or green logo to be used for business cards and stationary.

Mayor Gibson opened the floor for the public hearing.

Mr. Lemuel Wims, residing at 19675 NW 32<sup>nd</sup> Court, Miami Gardens, Florida appeared before the City Council to suggested revisiting this process and having the design created by the residents or business community of the City of Miami Gardens.

Mr. Ralph Williams, residing at 1624 NW 188<sup>th</sup> Terrace, Miami Gardens, Florida, appeared before the City Council to express dismay. He shared that he was a part of the original group that had submitted designs. He opined that it is unconscionable to consider a logo that was not created by a member of the original group of artist. He said that rules were established and should be respected.

Mr. Thomas Spaulding, residing at 18805 NW 32<sup>nd</sup> Place, Miami Gardens, Florida, appeared before the City Council and asked if this design was free or did the City pay for it.

Mayor Gibson indicated that the design was not free. She referenced comments made by Mr. Williams and acknowledged that that was a very lengthily process, and was advertised in the newspapers. Designs were submitted to a committee, which narrowed those designs down to five. Those five designs were submitted to the City Council. The Council did not make a decision on any of those designs, therefore nothing was decided. She emphasized the importance of moving forward with the logo.

Ms. Janice Coakley, residing at 19681 NW 33<sup>rd</sup> Avenue, Miami Gardens, Florida, appeared before the City Council to suggest taking this matter back to the committee. She emphasized the importance of going through a bid process. She further emphasized the importance of letting the community get involve.

After there were no other interested parties to speak on behalf of this item, Mayo Gibson closed the public hearing.

Manager Crew said that there was nothing to prevent the City from changing its logo something in the future. He opined that the designs that were presented are appealing and well defines the City of Miami Gardens.

Vice Mayor Campbell concurred with Mayor Gibson's recount of the circumstances involving this issue. He said this sense of urgency developed because the City has started to hire park employees and school crossing guards. He opined that this issue can be put off again and forgot about the idea the Council talked about two meeting about having something to put on the employees' uniforms and the police vehicles.

Councilwoman King related that she too remember the process. She shared that she'd been shown the original designs by Manager Crew and still did not feel that those designs represented the City of Miami Gardens. She inquired about the cost for the logo design.

Manager Crew that the cost for nine logo designs was \$500.00.

Councilwoman King said that she did understand the urgency. She emphasized the importance of putting a process in place in order to not have urgencies.

Councilwoman Pritchett asked for clarification as to whether the \$500.00 was the total cost.

Manager Crew related that it was the total cost.

Councilwoman Pritchett said while that is an admirable amount of money. She said. "This is my opinion, and my opinion only that it is very important that the Council remember its citizens who have voted for this Council to represent them. The sense of urgency may be one issue, but constructively engaging the public is the most important issue, and reason for our very presence on this Council, that is not being done, and I can not wait for the vote to be taken so that I can be sensitive to the needs and comments and the thoughts of the citizens who have spoken and vote no."

Councilman Braynon commented that whether the Council votes this item up or down doesn't matter because the funds have already been spent.

Councilman Bratton asked Manager Crew that if this item was denied tonight, what would be the time frame for getting this item back on the agenda for the Council's consideration.

Manager Crew indicated that this item would not be coming back for a while. There are other pressing issues on schedule to deal with. He said that this is not one of his priorities. He emphasized that with the seventy plus school crossing guards and the park personnel, there is a need right now for a City logo. He said there was nothing prohibiting the City from selecting another logo at a later date.

Councilwoman King commented that the logo design has already been paid for.

Councilwoman Watson opined that it is very important that the Council move forward with this issue. She expressed concern with the lack of proper identification for the school crossing guards. She emphasized the importance of identifying those school crossing guards so that the children can feel secure. She further referenced the parks personnel and the importance of having those individuals identified as City personnel. She further conveyed support of involving the citizens in this process. However, at this moment she was more concerned about the children of this community.

Commissioner Braynon opined that there is some sense of urgency when it comes to the school crossing guards. He opined that the school crossing guards needed an identifiable logo. He further emphasized the importance of having proper identification for the Code Enforcement Officers. He asked Mayor Gibson for a point of order to allow Mr. Wims to respond to his comments.

Mr. Lemuel Wims was allowed an opportunity to respond to Councilman Braynon's comments. He agreed that the City did need to have some type of logo right a way.

Mayor Gibson conveyed that as a Council the members were going to have to accept responsibility because this issue started months prior. The Council members let it dropped and didn't do anything about it, when they could have, they didn't, that it why there is now this sense of urgency. She further said that the City would still have to go out and pay someone to do the work because of the fact that the design has to be put in a form that is reproducible.

At the conclusion of this discussion, it was moved by Vice Mayor Campbell, seconded by Councilwoman Watson to approve this item. This motion **passed and carried by a 6-1 vote.**

Councilman Braynon opined that there is a sense of urgency mainly with the school crossing guards. He further indicated that he support reviewing this process to find a more desirable City logo.

Councilman Braynon: Yes  
Vice Mayor Campbell: Yes

Councilwoman King concurred with Mayor Gibson's comments about the City Council taking responsibility for dropping the ball on this issue. She further supported reviewing this process to find a more suitable logo. She opined that because the City has already spent \$500.00, the City needed to move forward.

Councilwoman King: Yes

Councilwoman Pritchett stated, "We as a Council expects guidance from staff, who is suppose to help us to actually know to do certain things in a timely fashion, so that we do not have a sense of urgency such as what is confronting us this evening. I, however think that it is very important for the residents in this City to feel that they can always come before this Council, voice their opinions and be heard; in support of the opportunities and privilege of doing that as residents of this City, I vote no."

Councilwoman Pritchett: No  
Councilwoman Watson: Yes  
Councilman Bratton: Yes  
Mayor Gibson: Yes

**ORDINANCE NO 2004-11-27**

**8C) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA ESTABLISHING CODE ENFORCEMENT PROCEDURES; PROVIDING FOR DEFINITIONS; PROVIDING FOR CIVIL INFRACTIONS AND PENALTIES; PROVIDING FOR QUALIFICATIONS, APPOINTMENT, REMOVAL AND COMPENSATION OF SPECIAL MASTERS; SETTING FORTH THE POWERS OF SPECIAL MASTERS; PROVIDING FOR AUTHORITY TO INITIATE ENFORCEMENT; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR CIVIL PENALTIES; PROVIDING FOR RIGHTS OF VIOLATORS; PROVIDING FOR PAYMENT OF FINES; PROVIDING FOR THE RIGHT TO APPEAL; PROVIDING FOR THE SCHEDULING AND CONDUCT OF HEARINGS; PROVIDING FOR A PROCEDURE FOR REDUCTION OF FINES/LIENS; PROVIDING REMEDIES TO RECOVER UNPAID CIVIL PENALTIES; PROVIDING FOR ADDITIONAL ENFORCEMENT POWERS; ESTABLISHING A SCHEDULE OF CIVIL PENALTIES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE;**

**PROVIDING AN EFFECTIVE DATE.(SPONSORED BY THE CITY MANAGER) (1<sup>st</sup> Reading – March 10, 2004)**

Manager Crew explained the relevant factors associated with this ordinance. He related that Christopher Steers, Assistant to the City Manager for Business Services will implement and monitor this operation.

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 was closed.

Councilman Bratton related that most violations tend to occur after 5:00 p.m. and on weekends, and inquired as to how staff intended to address this matter.

Mr. Christopher Steers appeared before the City Council to outline the procedures being put in place to address the after 5:00 p.m. and weekend violators.

Councilwoman King conveyed anticipation with having this program implemented with positive results.

At the conclusion of this discussion, it was moved by Councilwoman King, seconded by Councilwoman Watson to adopt this ordinance. This motion **passed and carried by a 5-0 vote.**

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

Mr. Joe Faluade, representing Kemp Services appeared before the City Council to report on the School Crossing Guard Program.

Councilwoman King asked whether the school crossing guards currently employed by Kemp Services were previous employees of Miami Dade County or were they new people.

Mr. Faluade related that only three of the school crossing guards previously employed by Miami-Dade County are currently employed by Kemp Services.

Councilwoman King indicated that she's received several complaints about the performance of some of the school crossing guards. She expressed concern as to whether the current employees have been properly trained.

Mr. Faluade indicated that a couple of the school crossing guards have been dismissed due to poor job performance. He emphasized that this is a continuous process.

Councilman Bratton asked if all of the school crossing guards were properly uniformed.

Mr. Faluade indicated that approximately 95% of the school crossing guards have uniforms.

Councilman Bratton asked what attire did the uniform consists of.

Mr. Faluade said the uniforms consisted of a white shirt and black slacks.

Councilman Bratton indicated that there was a school crossing guard on the corner of N.W. 183<sup>rd</sup> Street and 12<sup>th</sup> Avenue wearing a long skirt with a split.

Mr. Faluade indicated that some of the female school crossing guards wear skirts because of their religion.

Vice Mayor Campbell related that it would appear that Mr. Faluade is addressing all of the concerns raised and problems presented to him. He suggested giving Mr. Faluade some time to address all of the concerns.

Mayor Gibson conveyed her appreciation to Mr. Faluade for attending tonight's meeting to answer questions and concerns raised by the Council and general public. She encouraged the City Council to initiate proper protocol by directing all complaints received to the City Manager, who in term will direct Mr. Green to handle the complaints. Mr. Green would then report back to the City Manager and the Manager would in term make a report back to the City Council.

Ms. Barbara Strong, residing at 4601 NW 170<sup>th</sup> Street, Miami Gardens, Florida, appeared before the City Council to further expound on this issue. She shared that as one of the supervisors for the School Crossing Guard program it is her responsibility to ensure that all employees are properly trained and performing their duties and responsibilities in a satisfactory manner. She said that if it is found that an employee is not performing in a satisfactory manner the situation is addressed immediately.

Councilwoman Pritchett shared that she'd witnessed Ms. Strong terminating a School Crossing Guard at Skyway Elementary School on March 12th. She said that she just wanted to validate that Ms. Strong was sharing something that she saw.

## **9) PUBLIC COMMENT – 10 MINUTES**

Claudette Brinson, residing at 3908 NW 213<sup>th</sup> Street, Miami Gardens, Florida appeared before the City Council to express concern with the excessive traffic flow at 215<sup>th</sup> Street and NW 47<sup>th</sup> Avenue as well as 37<sup>th</sup> Avenue and NW 213<sup>th</sup> Street. She emphasized the importance of having traffic calming devices in these areas.

Manager Crew indicated that NW 47<sup>th</sup> Avenue was a State controlled road and NW 37<sup>th</sup> Avenue is under Miami-Dade County's control. He said that he would prepare a letter to FDOT asking that a traffic study be done in these areas to see if traffic calming devices are warranted.

Paulette Sims Wimberly, residing at 17351 NW 29<sup>th</sup> Avenue, Miami Gardens, Florida, appeared before the City Council to express her views about parliamentary procedures.

**10) RESOLUTIONS:**

**RESOLUTION NO. 2004-47-98**

**10A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPOINTING JAMES CLAUSELL AS THE CITY'S CITIZEN LIAISON TO THE MIAMI-DADE LOCAL MITIGATION STRATEGY WORKING GROUP AND THE CITIZEN CORPS. COUNCIL; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

Moved by Vice Mayor Campbell, seconded by Councilman Braynon to approve this item.

There being no discussion, this motion **passed and carried by a 7-0 vote.**

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

**RESOLUTION NO. 2004-48-99**

**10B) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REPEALING RESOLUTION NO. 2003-05 WHICH PROVIDED FOR SIGNATORIES ON CITY BANK ACCOUNTS; PROVIDING FOR NEW AUTHORIZED SIGNATORIES ON CITY BANK ACCOUNTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

Manager Crew explained his rationale for bringing this item forward for the Council's consideration.

It was moved by Councilman Bratton, seconded by Vice Mayor Campbell to approve this item.

Mayor Gibson inquired as to whether this was addressed in the City's Charter.

Manager Crew replied that a provision in the Charter provided for the signatories on City checking accounts.

At the conclusion of this discussion, the motion **passed and carried by a 7-0 vote.**

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

**RESOLUTION NO. 2004-49-100**

**10C) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN STATEWIDE MUTUAL AID AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A. AND FACSIMILE COPY OF WHICH CAN BE INSPECTED IN THE OFFICE OF THE CITY CLERK; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

Manager Crew explained the benefits derived from having such a mutual aid agreement in place with the State of Florida.

At the conclusion of this discussion, it was moved by Councilman Braynon, seconded by Councilman Bratton to approve this item. This motion passed by a 7-0 vote.

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

**RESOLUTION NO. 2004-50-101**

**10D) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE LICENSE AGREEMENTS FOR THE USE OF CITY FACILITIES, IN ACCORDANCE WITH THE FORM AGREEMENT ATTACHED HERETO AS EXHIBIT "A," SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY ATTORNEY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE"**

Manager Crew explained that this is a standardized license agreement for the use of the City's parks.

Attorney Knighton related that the license agreement was provided to the Council at the last Council meeting. She explained that the Optimist license agreement was different because they are providing a service to the City.

At the conclusion of this discussion, it was moved by Councilwoman Watson, seconded by Vice Mayor Campbell to approve this item. This motion **passed and carried by a 7-0 vote.**

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

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

No report

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

Manager Crew introduced Mr. Horace McHugh the City's Assistant City Manager. He related that Mr. McHugh has been the Assistant to The City Manager for the City Manager of Ft. Lauderdale for the last 12 years, and has lots of experience in local government.

Manager Crew related that during the past seven months, considerable negotiation and discussion has taken place with the County over certain issues concerning the City of Miami Gardens, with little or no progress being made. It now seems clear that if the City is to make any real progress in resolving these issues, outside assistance will be needed. To this end, he proposed the hiring of special legal counsel to assist the City in these negotiations and/or in a judicial resolution of these outstanding issues. He opined that legal assistance should be sought from firms that have had extensive Miami-Dade experience, especially in dealing with Miami-Dade government. The issues that need immediate attention are: 1) billing from Miami-Dade County for alleged charges incurred by Miami-Dade County during the May 2003 and October 2003 period in excess of the revenues that were known and available to offset such interim expenditures. This item remains unresolved and may require judicial resolution; 2) Miami-Dade County Commission placed language in the City's Charter requiring the City to utilize certain County services in perpetuity. This provision and its impact, as well as the mechanism by which the City is charged, need to be analyzed and a course of action for the City, determined based on the findings; 3) As part of the continuing provision of services by Miami-Dade County to the City of Miami Gardens, the County receives certain municipal revenues on behalf of the city of Miami Gardens. These revenues are integral to the City in preparing its annual audit, assessing its fiscal conditions and preparing its municipal budget. The information needed for the City to meet its statutory duties has not been forthcoming; 4) in 2002, Miami-Dade County voters approved a ½ cent sales tax for transit/transportation. As part of that approval, the County approved an agreement with then existing municipalities for them to receive an

automatic allocation of 20% of said funds to be divided among the municipalities for their local programs. This agreement specifically excluded any new municipalities that would be formed subsequent to the voters' approval. The City of Miami Gardens is losing substantial funds because of this. The City desires legal advice and assistance as to how best to proceed to secure its own allocation; 5) As part of Miami-Dade County's incorporation approval process, the County has established the principal of "donor" and "recipient" cities with regards to the Unincorporated Municipal Service area (UMSA) from which the new municipalities are formed. While the County activated the "recipient" portion of this arrangement through a "mitigation" charge to "Donor" cities, no action was taken to implement a "mitigation" credit to "recipient" cities. The City seeks legal input in determining the best course of action, and if necessary, to pursue whatever action is determined to be appropriate; and 6) As part of the incorporation process, the City of Miami Gardens is required to enter into several Interlocal agreements with Miami-Dade County in order to formally establish our on-going relationship. Assistance is needed in completing this process..

He opined that a firm to handle the political as well as the legal issues needs to be retained. This firm should be of sufficient size to handle the applicable issues. He emphasized that the legal fees might be significant.

Councilman Braynon shared that he's sponsored an item addressing these very issues. He conveyed his support of moving forward with this matter.

Councilwoman Watson referenced the estimated cost of legal fees associated with this undertaking and conveyed her support of moving forward with this issue.

Attorney Knighton indicated that there are some firms that have been very successful at lawsuits against the County, as related to these issues.

Councilwoman King emphasized the importance of the City of Miami Gardens having the correct information in order to move forward. She conveyed her support of Manager Crew's initiative in handling this situation.

Vice Mayor Campbell related that it has been his experience that there has been pure arrogance on the part of County staff to City staff during this negotiation and information sharing process. He shared that everything this issue is brought up the City of Miami Gardens gets accused of bashing the County. He opined that this needs to stop and the City needs to move forward with legal action if necessary. He further opined that the City has exhausted all avenues. The City has spoken with Miami Dade County staff and members of the Miami Dade County Commission with nothing being resolved.

Councilman Bratton conveyed his support of Manager Crew's cause.

Councilwoman Pritchett asked what role would Ms. Knighton play now that the City has a permanent City Attorney.

Manager Crew opined that Ms. Knighton would be fully involved in the Interlocal Agreement negotiations. In this particular instance, significant knowledge of Miami-Dade County politics and

governmental affairs would be required.

Attorney Knighton commented that she expects to be fully involved with anybody that represents the City and expect to be reported, as the City Attorney. She related that she will be overseeing what's going on in this process.

Attorney Knighton shared that pursuant to the City's Charter, the Procurement Ordinance and the Resolution sponsored by Councilman Braynon and adopted by this City Council, the City Manager has the authority to secure legal council without having to put this service for an RFQ. She related that she'd been in discussions with the City Manager and have actually gone over a list of qualified firms that specialize in this type of litigation.

Discussion ensued as to whether the City Council should approach the Miami-Dade County during a County Commission. The public was encouraged to participate with a show of unity by joining the City Council at that time.

Mayor Gibson emphasized the importance of the Council understanding that firm ultimately selected to represent the City with its issues against Miami-Dade County might not be a black firm.

**12A) Assistant City Manager**

None

**12B) Assistant to the City Manager – Public Services**

None

**12C) Assistant to the City Manager – Business Services**

None

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

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

Vice Mayor Campbell opined that this it is now time to establish Personnel Rules as it related to a hiring policy and open competition for the City of Miami Gardens.

Mr. McHugh shared that this is one of the items he is working on that fall under the purview of Human Resources.

Mayor Gibson referenced a letter she'd provided to the Council members, addressed to the President of the Marlins Baseball Team. She summarized that the letter in essence welcomes the exploration of locating the Marlins Baseball Stadium within the corporate boundaries of the City of Miami Gardens, and extends the City's cooperation in this endeavor. She asked for a consensus from the Council on this letter, which she wants to send out as soon as possible.

There was no objection from the Council to Mayor Gibson sending this letter to the President of the Marlins.

Mayor Gibson further requested that the Council support the purchase of a table for the LINC event honoring Mr. Gene Stearns, scheduled for May 24, 2004.

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

**14A) PUBLIC COMMENTS – 20 MINUTES**

Ms. Janice Coakley, residing at 19681 NW 33<sup>rd</sup> Avenue, Miami Gardens, Florida, appeared before the City Council to announce the job openings advertised by the City of Miami Gardens. She further recommended allocating community hours for those students participating in the Earth Day event.

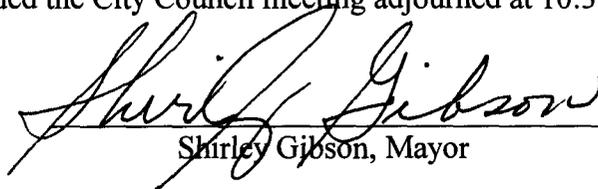
Mr. Thomas Spaulding, residing at 18805 NW 32<sup>nd</sup> Place, Miami Gardens, Florida, to expound in the City Manager’s report as it related to Litigation strategies.

Ms. Paulette Sims Wimberly, residing at 17351 NW 29<sup>th</sup> Avenue, appeared before the City Council to further expound on the City Manager’s report.

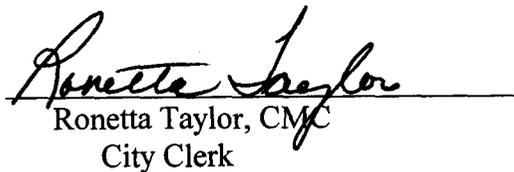
Ms. Naomi Wright, residing at 18330 NW 38<sup>th</sup> Court, Miami Gardens, Florida, appeared before the City Council to share information on the Transit Tax. She encouraged everyone to get involve with this very important entity.

**15. SPECIAL PRESENTATION(S)**  
None

**16. ADJOURNMENT:**  
Being properly moved and seconded the City Council meeting adjourned at 10:38 p.m.

  
Shirley Gibson, Mayor

Attest:

  
Ronetta Taylor, CMC  
City Clerk