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CITY COUNCIL MINUTES
MAY 26, 2004

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**CITY OF MIAMI GARDENS
CITY COUNCIL MINUTES**

May 26, 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, May 26, 2004, beginning at 7:05 p.m., in Suite 201 of the Administrative Offices, 17801 NW 2nd Avenue, Miami Gardens, Florida.

The following members of the City Council were present: Mayor Shirley Gibson, Vice Mayor Aaron Campbell, Jr., and Council members Barbara Watson, Melvin L. Bratton, Sharon Pritchett and Oscar Braynon, II. Councilwoman Audrey J. King was not present due to a scheduling conflict with making an appearance, at an event, on the City's behalf.

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:

Regular Council Meeting - May 12, 2004

Moved by Councilman Braynon, seconded by Vice Mayor Campbell to approve the minutes with the following addition on page 7, line 40, and insert the language *an equity owner and*, after the word *now*.

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

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

Councilwoman Pritchett requested that the Official Agenda be amended to allow for a presentation by Ministers Howard and Howard.

It was moved by Councilman Braynon, seconded by Councilman Bratton to amend the official Agenda as requested.

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

6. SPECIAL PRESENTATION(S):

Ministers Howard and Howard appeared before the City Council and presented the Mayor Gibson and the Council members with a plaque for their outstanding community service.

7. ORDINANCE(S) FOR FIRST READING:

There were none

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

There were none

9. PUBLIC COMMENT – 10 MINUTES

There were none

10. RESOLUTIONS:

RESOLUTION NO. 2004-62-113

- 10A) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REJECTING ALL BIDS SUBMITTED IN RESPONSE TO REQUEST FOR PROPOSAL #004; VACATING RESOLUTION NO. 2004-56-107, ADOPTED BY THE CITY COUNCIL AWARDED A BID TO BENCH AD MANAGEMENT OF SOUTH FLORIDA, INC.; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew recounted that, April 2004, the City Council had awarded a bid for Bus Bench Advertisement to Bench Ad Management of South Florida, Inc. to provide bus bench advertising services to the City. Immediately after awarding the bid, and prior to a contract Bench Ad Management of South Florida, Inc., went out and started putting benches in the City. The company also started during repair work on existing bus benches that were not their property, nor the City's property. Subsequently, a letter was sent to Bench Ad of South Florida, Inc., telling them to reframe from putting in any more benches, and to reframe from touching somebody else's benches. The City entered into contract negotiations with Bench Ad Management of South Florida, Inc. Administration noticed on last week that there were ads already placed on the benches installed by Bench Ad Management of South Florida, Inc. He opined that the City did not want to enter into a contract with somebody who has already violated the contract, twice before it's even signed.

Manager Crew shared that he's spoken with the representatives and principals of Bench Ad Management of South Florida, Inc., and advised them of his recommendation to reject all bids, which is the City's right under the City's procurement procedures, as well as a provision provided for in the bid specs.

Manager Crew recommended that the City not do bench ads and that the City create its own program to provide municipal benches, as well as garbage receptacles to be used at bus stops. Funds for this type of program would be available next fiscal year in the Transportation Fund. He conveyed his belief that the City should be able to get a grant to cover the cost. He provided the City Council with photographs of bus benches used in the cities of Aventura, Sunny Isles Beach and Miramar. He related that he's spoken with Mr. Daryl Jones, one of the principals of Bench Ad Management of South Florida, Inc. about what the City was doing. He related that Mr. Jones understood where the City was and why this recommendation was being made. He shared that Mr. Jones has suggested

entering into a short-term contract between now and the end of the year, so that his company and the City can make some money off of the upcoming political season. He conveyed that since Bench Ad Management of South Florida, Inc., was the bid selected originally, that if and when Miami-Dade County resolves the ownership on those bus benches, and only then, administration would be willing to come back for a short-term contract, where the City and Bench Ad Management of South Florida, Inc., can both take advantage of the upcoming political season.

Manager Crew emphasized that the City can make a big statement in the City by providing its own bus benches and trash receptacles.

Councilwoman Watson asked who was responsible for the maintenance and liability of the bus benches, since there is a dispute as to who actually owns the existing bus benches.

Manager Crew indicated that this matter is still under Miami-Dade County's jurisdiction. The benches were placed there under a county contract with Outdoor Media. Subsequently, Outdoor Media violated the contract, which was then severed by Miami-Dade County. As part of that severity, the bus benches revert to county ownership. This is now in dispute between Outdoor Media and Miami-Dade County. Miami-Dade County has filed a court action seeking Declaratory Judgment on who actually owns the benches.

Attorney Knighton further expounded on this issue and related that the City could not move the benches because it does not have ownership, and the Court has not given the City that authority. She shared that one of the things that she's encouraged Miami-Dade County to do in the law suite is to have the Court make an immediate determination, either the County is going to take the benches and store them, or the City is going to do something immediately so that there aren't two sets of benches in the City. She opined that the City Manager is correct in that the liability at this point, is with Miami-Dade County.

Councilwoman Pritchett asked for clarification of a comment made by Manager Crew that once this issue is resolved, the City could make money off of the original bid.

Manager Crew related that the City did go out for an RFP for this item, but by law, the City did not have to do that because anything dealing with revenue and not expenditures did not have to be bidded out. The bid process was done in order to provide for competitiveness. However, the City did go through the bid process and Bench Ad Management of South Florida, Inc. was the successful bidder.

Councilwoman Pritchett asked, "Even though we are rejecting the bid"?

Attorney Knighton stated that the City Manager really has to reject the bid at this point. However, there is nothing preventing the City, in the future, from entering into an agreement with anybody else that provides this service, including these people or somebody else. That process would be a separate issue.

Councilwoman Pritchett referenced the replacement cost for the new bus benches, which is estimated to be \$40,000.00 - \$70,000.00, and asked how the City arrived at this amount.

Manager Crew related that this is the maximum amount of money the City would lose by not

awarding the contract. The estimated cost for approximately 300 new benches would be in the range of \$250,000.00, or more. Generally, one bench can cost anywhere from \$400.00 – \$900.00. He related that he has not done enough research at this point, to be in a position to provide the Council with very specifics. He also related that the \$10,000.00 Bid Bond would be returned to Bench Ad Management of South Florida, Inc.

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

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

11. REPORT OF THE CITY ATTORNEY

Attorney Knighton announced that she would be on vacation from May 28 through June 8, 2004. However in her absence, Mr. Brody would be available to assist with any legal issues the City might have.

12. REPORTS OF CITY MANAGER

Manager Crew shared that the only date that he could get for a moving van to move his family from North Carolina is June 9, 2004. He related that a Budget Workshop has been scheduled for June 10, 2004, and asked if the City Council would be amenable to moving that workshop to June 16, 2004. He further announced that he will be out of the office from June 9 – June 13, 2004.

By a consensus of the City Council the workshop for FY 04/05 Budget was rescheduled to Wednesday, June 16, 2004, at 5:30 p.m.

Captain Rifkin of the Miami Gardens/Carol City District Police Department appeared before the City Council to provide a calendar of scheduled community and neighborhood meetings the police department was involved with. He further announced that the police department would be conducting commercial vehicle verification enforcement at 18200 NW 27th Avenue, on tomorrow, from 7:-00 am – 9:30 am. The entire squad would be out, stopping vehicles to make sure they are in compliance with Miami-Dade County's ordinances.

Mayor Gibson related that she'd had an opportunity to speak with a FST Trooper, about making sure he was putting the right code on any citations that he was issuing within the City of Miami Gardens. She related that the Trooper indicated that the State did not use code numbers, but the actual city name. She said that the Trooper had asked that FST be provided with a defined map with the boundaries of the City of Miami Gardens.

Captain Rifkin said this information would be provided.

13. REPORTS OF MAYOR AND COUNCIL MEMBERS

12A) GENERAL REPORTS FROM MAYOR AND COUNCIL MEMBERS

Councilman Bratton announced FYI, that on tomorrow, at 3:00 p.m., he would be meeting with Mr. James Clausell to discuss neighborhood/crime watch organizations. He extended an invitation to anyone that was interested in attending.

Mayor Gibson questioned whether the Council members could attend this meeting.

Attorney Knighton indicated that the Council could always meet but just couldn't discuss items that might be brought before the Body.

Mayor Gibson said that this item might come before the Council because the discussion will involve the concept of the neighborhood watches.

Attorney Knighton said that if this is a possibility, she suggested that the City Clerk post a notice announcing the meeting. She said that it is always safe to have some form of notice posted somewhere for the public.

Councilwoman Pritchett inquired about the status of the Martin Luther King Celebration Committee.

Mayor Gibson asked if each Council member had appointed someone to that committee. She opined that first, members needed to be appointed. She related that she's not submitted a name as yet and encouraged each Council member to submit their name and contact information to Ms. Odom. She further asked Attorney Knighton to attend the initial meeting to brief the members on the Sunshine Law.

Attorney Knighton said that it is her belief that these individuals were not subject to the Sunshine law. She said that she will look at the issue and present something in writing.

Mayor Gibson said that she was under the impression that any committee created, and appointed by the Council, was governed by the Sunshine Law.

Attorney Knighton opined that this was not true, not any committee.

Mayor Gibson further suggested expanding the scope of what the MLK Committee may do to include other cultural activities.

Vice Mayor Campbell referenced the City Manager's organizational chart and requested that each Council member give their suggestions to him in regard to this organizational chart.

Manager Crew indicated that the organizational chart would be a part of the budget workshop.

Councilman Bratton asked for a moment of silence, as a tribute to veterans, on the occasion of Memorial Day.

Mayor Gibson conveyed to the Council members the importance of making sure that, as they conduct Council business, that all comments and all conversations between Council members and the City Attorney or City Manager are always on the record. She emphasized that all discussions must be on the record, and not side bar. She further emphasized the importance of following proper sequence and order of business for agenda items, and explained that when an item is introduced and read into the record by the City Clerk, the Chair will ask for a motion and a second on the item, for discussion purposes, only. After the discussion has taken place, the Council would then vote on whether to accept the item. If there is no motion on an item, that item fails and there is no discussion because there is no motion to bring it on the floor. She said that for future meetings, it is important that the Council adheres to proper order of business, as outlined in the City's Rules and Procedures Ordinance.

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

14A) PUBLIC COMMENTS – 20 MINUTES

Mr. Wendell James, residing at 18820 NW 29th Place, Miami Gardens, Florida, appeared before the City Council to ask for clarification as to the bus bench maintenance.

Mayor Gibson related that it is Miami-Dade County's responsibility to maintain the bus benches. The City of Miami Gardens did not have a public works department to take care of the maintenance, therefore City needed to contact Miami-Dade County about cleaning up the bus areas. The bus shelter component of the contract with Miami-Dade County, has someone that will come out and clear around the bus shelters, but not the bus benches.

Mr. James conveyed his desire to have the public's input and participation when the time comes to make a selection on the City's bus benches. He emphasized the importance of Miami Gardens having its own identify. He further commended the police department for doing an excellent job. In addition, because of his involvement with Crime Watch, he expressed concern with not being notified of the meeting being held between Councilman Bratton and Mr. Clausell.

Mr. Oswald Sands, residing at 1371 NW 173rd Terrace, Miami Gardens, Florida, appeared before the City Council to comment on the Code Enforcement violations occurring during the evening hours and on weekends.

Mr. Christopher Steers, Assistant to the City Manager expounded on this issue and related that the Code Enforcement officers have been going out in the evenings and on weekends and this activity will continue. He asked that when a resident witnesses Code violations occurring to call the City of Miami Gardens and report the activity.

Mayor Gibson shared that the Code Enforcement division has been doing an excellent job since April 2004. She related that there is a process and opined that the Code Enforcement division will do an even better job as time goes on. She put emphasis on the fact that the City would not be able to change everything overnight. However this is a continuous process that will get better so that people will know that there is going to be consistent Code Enforcement, and they will have to comply. She conveyed the City's commitment to making a difference. However, the City can not

change the behavior of residents in this City, who have been, for years conducting themselves in those kinds of manners, because they have not gotten the kind of Code Enforcement attention they should have gotten when Team Metro was in place.

Manager Crew indicated that Code Enforcement is here to get people to comply with the Code, not to get revenue from them.

Mr. James reappeared before the City Council and advised that residents can call the police department to report code enforcement violations during the weekends.

Captain Rifkin reappeared before the City Council and related that the police department would rather have the code enforcement complaints come through the City of Miami Gardens.

Vice Mayor Campbell shared that for uniformity and coordination purposes, it is important to have the Code Enforcement Division handle code enforcement complaints.

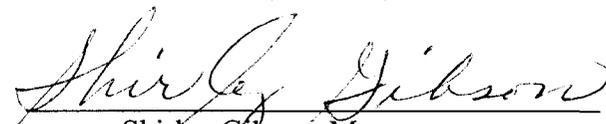
Mayor Gibson gave emphasis to the importance of having residents go through the Code Enforcement Division as opposed to the police department.

15. SPECIAL PRESENTATION(S)

None

16. ADJOURNMENT:

There being no further business to come before this Body, it was moved by Councilman Braynon, seconded by Councilman Bratton to adjourn the meeting at 8:05 p.m. This motion **passed and carried by a 6-0 vote.**



Shirley Gibson, Mayor

Attest:



Ronetta Taylor, CMC
City Clerk