

**CITY OF MIAMI GARDENS
REGULAR CITY COUNCIL MINUTES
APRIL 27, 2005**

(A) CALL TO ORDER/ROLL CALL.

The City Council of the City of Miami Gardens, Florida, met in regular session on Wednesday, April 27, 2005, beginning at 7:12 p.m., in the City Council Chambers, 1515 NW 167th Street, Building 5, Suite 200, Miami Gardens, Florida.

The following members of the City Council were present: Vice Mayor Aaron Campbell, Jr., and Council members Barbara Watson, Melvin L. Bratton, Sharon Pritchett, and Oscar Braynon, II. Mayor Shirley Gibson was out of town. Councilwoman Audrey J. King was not present due to illness.

Also in attendance were: City Manager Dr. Danny O. Crew, City Attorney Sonja K. Dickens, and City Clerk Ronetta Taylor.

(B) INVOCATION.

Oliver Gilbert delivered the Invocation.

(C) PLEDGE OF ALLEGIANCE.

The Pledge of Allegiance was recited in unison.

(D) APPROVAL OF MINUTES

Regular City Council Minutes April 13, 2005.

Moved by Councilwoman Watson, seconded by Councilman Braynon to approve the minutes, with the necessary additions/deletions as provided by the City Clerk. There being no discussion, this motion passed and carried by a 5-0 vote.

(E) ORDER OF BUSINESS (ADDITIONS/DELETIONS/AMENDMENTS):

Moved by Councilman Braynon, seconded by Councilwoman Watson to accept the official Agenda as presented. This motion passed and carried by a 5-0 vote.

(F) SPECIAL PRESENTATIONS (5 minutes each)

**1. Special Recognition – Proclamation
Municipal Clerks Week**

Clerk Taylor indicated she placed this item on the official agenda to bring attention to the fact that May 1-7, 2005 is recognized as Municipal Clerk's Week.

2. Carol City Optimist Club – Trina Marie Bell, President

Trina Marie Bell, President of the Carol City Optimist Club appeared before the City Council and presented each Council member with a plaque for their continued support.

**Regular City Council Agenda
April 13, 2005**

3. Florida Memorial University – Accomplishment Model United Nations

- a. Adam Andrews**
- b. Kimian McLean Cousley**
- c. Denyssa David**
- d. Susanne Sintjago**

Councilwoman Pritchett along with Vice Mayor Campbell and members of the City Council presented the above referenced students with plaques for their achievements. While participating in the Model United Nations Conference, held at Bethune Cookman College, February 9-12, 2005, Adam Andrews was selected as Chair overseeing the committee comprised of Developed Countries. Addition, participating in the ultimate Model United Nations event, held in New York, February 22-26, 2005, the students had an opportunity to work with the actual United Nations staff and met several ambassadors and consular representatives of various countries. This is the first time in the history of Florida Memorial University that students participated in this venue, which takes place in the actual United Nations building.

(G) ZONING MATTERS

There were none

(H) ORDINANCE(S) FOR FIRST READING

- (1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO QUASI-JUDICIAL PROCEEDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROCEDURES FOR QUASI-JUDICIAL MATTERS; 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 ATTORNEY)**

Attorney Dickens explained her rationale for sponsoring this item. She said there is some confusion in Miami-Dade County over how Quasi-Judicial matters are handled as far as disclosure by Council members about conversations they have had with applicants or someone else involved with the property. She referenced the Jennings case which basically states that those discussions should be disclosed on the record of the proceedings. Subsequent to Jennings, the Legislature created a provision in the Florida Statutes, which basically says that in relation to land use matters, there is no duty to disclose. She opined that it is still an unclear provision in the law because on one hand, Jennings is a case that deals with constitutional issues, and the State which deals with the legislative issues. Only the Courts can decide a constitutional issue. However, there has not been an action before the Courts to entertain a new statute. With that being the case, she had drafted an ordinance so that the City could deal with this matter.

Attorney Dickens further explained that this ordinance provides that those discussions the Council members have had with an applicant before the hearing, should be disclosed at the time of the

hearing. That way, the Council's ultimate decision is not in jeopardy. This ordinance also sets up the proceedings for a Quasi Judicial Hearing

Moved by Councilwoman Watson, seconded by Councilman Braynon to approve this item on first reading, with second reading and public hearing scheduled for May 11, 2005.

Councilman Bratton asked at what point during the Quasi Judicial Hearing, would a Council member disclose this information.

Attorney Dickens said that the disclosure could be made at any point during the deliberations. In most cases, the disclosure is made at the beginning of the deliberations.

Councilwoman Pritchett thanked Attorney Dickens for creating this much needed ordinance.

There being no further discussion, the motion to approve on first reading **passed and carried by a 5-0 vote.**

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

(I) ORDINANCE(S) FOR SECOND READING "PUBLIC HEARINGS."

ORDINANCE NO. 2005-16-54

- (1) AN ORDINANCE ESTABLISHING A MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, DEVELOPMENT ORDERS, AND THE ISSUANCE OF CERTIFICATES OF USE OR OCCUPANCY FOR THE PROPERTIES GENERALLY LOCATED AT THE INTERSECTION OF NW 27th AVENUE AND N.W. 183RD STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A TERM; PROVIDING FOR A STUDY; PROVIDING FOR DIRECTIONS TO THE CITY MANAGER; PROVIDING FOR EXCEPTIONS; 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) (1st Reading – April 6, 2005)**

Manager Crew explained the City was in the process of developing the first Comprehensive Development Master Plan. One of the things mentioned in that Plan is the possibility of creating a town center for the City of Miami Gardens. The area being looked at for this type of center is about a

half mile of 27th Avenue NW 183rd Street. Currently the City's Zoning code does not provide for any kinds of standards that would allow the City to develop any type of town center. The City received from Miami-Dade County a grant in the amount of \$50,000 to conduct a study on how to develop this area by the appropriate standards. The big concern is, what happens to that area between now and when that study is completed. The law allows that while there is zoning in progress, the City Council can issue a moratorium on permits so that the City does not end up with something in that area that would not be conducive or compatible with a town center concept. This ordinance, would for a period of six months, preclude any development permits from being issued within this area. Within that six month time period the City can work with the property owner and developer because it would take them longer than six months to development the property anyway. He conveyed his thoughts that this moratorium would not be a deterrent to the developer, but would be a deterrent to the City to see something developed there that was not what the City was looking for, and hoped to have as the City's town center. He asked the Council to adopt this ordinance on second reading and allow staff to continue the study, and at a later date bring the matter back to the City Council for consideration.

Vice Mayor Campbell opened the floor for the public hearing.

Sharon Frazier Stephens, residing at 145 NE 193rd Street, Miami, Florida, appeared before the City Council to convey support of this item.

After there were no other interested parties to speak on this item, the public hearing was closed.

Moved by Councilman Braynon, seconded by Councilman Bratton to adopt this ordinance.

Councilwoman Pritchett referenced page 1, line 1 of the cover memorandum, specifically the language "that intersection is considered ground zero to Miami Gardens." She shared that the 9/11 tragedy is etched into the minds of people around the world. The term "ground zero" may be considered by some to be insensitive because the City's building and zoning moratorium in no way resembles the ground zero aftermath of that great tragedy. She opined that the words "ground zero" should be replaced with the words "that intersection is geographically in the center of the City and was once the community focal point when the commercial development was viable." She said by changing the language, someone, anyone reviewing this document tomorrow, next year, ten years from now, will not see verbiage or words used in this manner that can be interpreted or misconstrued as being insensitive. Surely that was not the intent of this memorandum when it was generated.

Councilwoman Pritchett offered a motion to remove the words "ground zero" from the cover memorandum.

Attorney Dickens stated that a motion was not necessary in order to have staff correct a memorandum. All one has to do is to ask that the correction be made.

Manager Crew related that this correction would be made.

Councilwoman Pritchett referenced page 2 of the cover memorandum, specifically the language

“Given the above criteria and shortcomings of existing planning and zoning criteria for the area, a building moratorium is recommended per the attached ordinance. Provisions include: 1) Six (6) months period; 2) area identified on Exhibit “A,” Defined Area Map, attached; and 3) the City Manager to report back to the Mayor and City Council regarding a study to develop new planning and zoning criteria.” She said the first two provisions are included in the ordinance, but not the third. She questioned why that third provision was not included in the ordinance.

Manager Crew said that statement could be added to Section 5 of the Ordinance.

Moved by Councilwoman Pritchett, seconded by Councilman Braynon and Councilman Bratton to amend Section 5 of the ordinance by inserting the language “the City Manager to report back to the Mayor and City Council regarding a study to develop new planning and zoning criteria.”

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

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

There being no further discussion on the ordinance as a whole, this motion passed and carried by a 5-0 vote.

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

ORDINANCE NO. 2005-17-55

- (2) **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE 2005-10-48 TO AMEND THE REQUIREMENTS FOR THE LOCAL PREFERENCE PROGRAM; 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 COUNCILMAN BRAYNON) (1st Reading – April 13, 2005).**

Councilman Braynon explained that this item provides for a slight change in the ordinance, addressing local preference, and points received for local preference. This ordinance provides that the primary contractor provide the City with a Letter of Intent stating what percentage of the work the local subcontractor would receive. The ordinance further addresses how tie breakers were to be addressed (e.g. City Manager would decide those tie breakers for bids under his jurisdiction; the City Council would decide those tie breakers under the Council's jurisdiction).

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

Moved by Councilman Braynon, seconded by Councilman Bratton to adopt this ordinance.

Councilwoman Watson questioned whether the Council could establish that a certain minimum percentage amount be set aside for local subcontractors.

Attorney Dickens stated the City can not require that the Primary Contractor do anything. However, this ordinance is providing that if the Primary Contractor is using the local preference in order to get the points they would actually commit to a percentage amount of the work the local subcontractor would be assigned.

Councilwoman Watson said she can appreciate Attorney Dickens' explanation however, she wanted to have a minimum percentage established.

Councilman Braynon conveyed his agreed with the amendment. In creating this ordinance, one of the problems encountered was with the point system. If the point system was used, which changes from department to department, the entire point system would have to be incorporated into the ordinance. He stated he definitely wanted to follow up on finding a unified way (point system) of dealing with this issue.

Attorney Dickens said this situation is not dealing with local businesses that compete for the same bid; because the City already has that provision taken care of. If that local business comes within five percent of the low bid, the local bidder would have an opportunity to match that low bid. This particular ordinance addresses a situation whereby a company comes in with a proposal, and they have agreed to use a local vendor. The City is not requiring the company use a local vendor. However, if that company wants to get the points the City offers, that company has to certify up front their guarantee to use a local vendor, with that local vendor receiving a certain percentage of the work.

Councilwoman Watson shared first hand knowledge of a primary firm that had received a huge contract as a result of their commitment to partner with a local firm. The primary firm did partner with the local firm however the local firm had only one piece of equipment, whereas the primary firm had multiple pieces of equipment. She shared concern with a primary firm utilizing a local subcontractor to met the threshold but only giving the contractor one percent of the work.

Attorney Dickens said to address Councilwoman Watson's concern, the ordinance requires the primary firm to certify their intent up front by identifying the local business being used and what percentage of the work the subcontractor would be given.

Councilman Braynon said this issue was partially addressed in the ordinance. The only reason it was not completely resolved was because of the points system.

Attorney Dickens suggested directing the City Manager that anytime a primary contract comes in to have at least 25 points allotted toward local preference; with the provision that a person can not get the 25 points unless they give a minimum to a business. This would also depends upon the nature of the contract.

Manager Crew said these guidelines could be spelled out in the bid documentation. Certainly a primary firm that conveys its intent to award one percent to a local vendor would not be considered. He said that five percent is the maximum a primary firm could receive for using the local preference provision.

Vice Mayor Campbell commented that this item, if adopted tonight, can always be brought back and improved upon.

There being no further discussion, the motion to adopt this ordinance, passed and carried by a 5-0 vote.

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

(J) PUBLIC COMMENTS (10 - MINUTES)

Hugh Dodd, residing at 17125 NW 19th Avenue, Miami Gardens, Florida, appeared before the City Council and recounted concerns and he had raised in 2002 to the North Dade Community Council about no sidewalks on the south side of 183rd Street, and the shoddy work performed by in the black community by contractors. He said the sidewalks have never been put down and questioned whether there were plans to install these sidewalks in the very near future.

Manager Crew conveyed his agreement with comments made by Mr. Dodd about the shoddy work done by contractors. He said the City has a full time engineering specialist who goes out in every job to make sure it is done right. He further asked that Mr. Dodd get with Mr. Ruiz, Director of Public Works to provide the location for the sidewalks. That location would be placed on the City's list. Money was appropriated in this fiscal year to address sidewalks. He voiced his commitment to getting

the sidewalks installed either this fiscal year or next fiscal year.

Sharon Frazier Stephens, residing at 145 NW 195th Street, Miami, Florida, appeared before the City Council to announce the PTSA General meeting and Installation of Officers Ceremony scheduled for Tuesday, May 3, 2005, from 7:00 – 9:00 p.m., at Miami Norland Senior High School.

Bennie M. Grant, residing at 17740 NW 14th Terrace, Miami Gardens, Florida, appeared before the City Council to voice concern with the decrease in the quality of life, for the residents residing near Scott Park, being caused by the patrons visiting the soccer games.

Manager Crew shared that it has been discovered that the soccer team does not have a contract to utilize Scott Park. The City is now in the process of informing the soccer team they can no longer utilize Scott Park. The City will give the soccer team a reasonable amount of time to find some place else to go. The City has no obligation to anyone that does not maintain control over the group that comes with them.

Vice Mayor Campbell suggested shutting down the park to alleviate this problem.

Councilwoman Pritchett cautioned doing anything that would prohibit the residents from enjoying the park.

Councilman Bratton shared someone from this particular neighborhood wrote a letter to members of the City Council about this situation. Even though the letter was not sign, this concern is being addressed.

Councilman Braynon shared first hand knowledge of the situation by relating that he had visited this area a few weeks back and got caught in the situation occurring at the park. In addition, he was threatened by somebody blocking his vehicle.

Manager Crew said a large part of Scott park is being prepared for the football season. The same improvements are scheduled to be done where the soccer team is now playing. The installation of a fence along with the reseeding of that area will discourage any soccer playing.

Councilwoman Watson asked whether there were any legal ramifications for shutting down the park.

Attorney Dickens opined that Vice Mayor Campbell's suggestion of shutting the park down for a couple Sundays so that people will know that there is no longer that activity is certainly in the City's purview to do so. The Council approved an agreement with the soccer team the last time this issue came up. Staff is not sure if that agreement ever got signed, but the soccer team has been operating. What could happen is once the City Manager notifies them that they would not be able to operate, the problem may go away. She opined that Vice Mayor Campbell's concern is that if it does not go away, people will come anyway, and start doing whatever. The City can then come up with some solutions for that type of activity at that time. Right now the soccer team is under the impression they have an

agreement with the City to operate.

Vice Mayor Campbell said if the park is closed and there is activity on that closed park, the police can issue citations for being in a closed park.

Councilwoman Watson asked whether the soccer team has been paying for the use of the park.

Manager Crew acknowledged that the soccer team has been paying the City for the use of the park, even though there is no signed agreement.

Attorney Dickens related that City Council had authorized an agreement, which she signed off on. However no one knows where the agreement is. There were provisions in that agreement that stated if certain rules and regulations were not abided by, the City Manager has the discretion to terminate the agreement.

Benjamin Essien, with a business address of 4715 NW 157th Street, Suite 202, Miami Gardens, Florida, appeared before the City Council to comment on Item I-2 on tonight's agenda. He opined that the City Manager was right in that the percentage should not go beyond five percent. He related that bids and RFP's are two different things and the same can not be applied. The issue addressed by Councilman Braynon, in Item I-2, is related to the RFP process. He further conveyed his opinion that a minimum percentage of the work can be established, and shared that the South Florida Water Management District has adopted this practice.

Attorney Dickens told Councilwoman Watson, she would look at the South Florida Water Management District's point system to see if this is something the City can incorporate.

(K) CONSENT AGENDA/RESOLUTION(S)

Councilwoman Pritchett pulled Items K-1, 2, and 3 from the Consent Agenda. Those items are now reflected under Item L – Regular Resolutions.

RESOLUTION NO. 2005-64-241

- (1) **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 NON-EXCLUSIVE CONTRACT WITH B.E.A. INTERNATIONAL CORPORATION FOR ARCHITECTURAL AND LANDSCAPE ARCHITECTURAL SERVICES, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

RESOLUTION NO. 2005-65-242

- (2) **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 NON-EXCLUSIVE CONTRACT WITH R.J. BEHAR & COMPANY FOR TRANSPORTATION/TRAFFIC AND STORM WATER ENGINEERING SERVICES, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2005-66-243

- (3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE DESIGN OF THE CITY'S FLAG AS SHOWN ON EXHIBIT "A" ATTACHED HERETO; ESTABLISHING SAID FLAG AS THE CITY'S OFFICIAL FLAG; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY MAYOR GIBSON)

RESOLUTION NO. 2005-67-244

- (4) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO REJECT ALL BIDS IN RESPONSE TO REQUEST FOR PROPOSAL NO. 04-05-010, RELATING TO ENTRANCE SIGNS FOR THE CITY OF MIAMI GARDENS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE (SPONSORED BY THE CITY MANAGER)

Moved by Councilman Braynon, seconded by Councilman Bratton to approve the Consent Agenda. There being no discussion this motion passed and carried by a 5-0 vote.

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

(L) RESOLUTION(S)

RESOLUTION NO. 2005-68-245

- (1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR YEAR 2005 TRANSPORTATION ENHANCEMENT PROGRAM FUNDS THROUGH THE MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION; PROVIDING FOR THE ADOPTION OF

REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER).

Manager Crew explained that staff is asking for the authorization to apply for a grant for up to One Million Dollars to redo all of the City's School Crossings throughout the City. This would include: enhanced pavement markings, landscaping, sidewalks, and ADA Compliance.

Councilwoman Pritchett asked which of the twelve eligible categories of the Transportation Enhancement Program would the City utilize as justification to be awarded the funds for the City's School Crossing Guard program.

Manager Crew said the City would probably apply for: 1) provision of facilities for pedestrians and bicycles; and 2) provision for safety and educational activities for pedestrians and bicyclists.

Councilwoman Pritchett thanked Manager Crew for this information. She emphasized the importance of sharing this kind of information with the residents. She asked that a copy of the application and applicable documentation be provided to her. This information would be shared with the residents when she attended the various community meetings.

Manager Crew further related that if there were any groups that would like to endorse this project to provide the City with a Letter of Endorsement before May 6, 2005. That information would be included in the application package.

Councilman Bratton referenced the Project Evaluation and indicated that the total points allotted is only 90 and questioned whether the total points issued should be 100.

Manager Crew said this formula is issued by the State of Florida.

Councilwoman Pritchett shared that even if the City is awarded the funds, the funding cycle is already taken up until 2011. Therefore, even if the City received the funds no improvements would be implemented right away.

Moved by Councilwoman Pritchett, seconded by Councilman Braynon to approve this item. This motion passed and carried by a 5-0 vote.

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

RESOLUTION NO. 2005-69-246

- (2) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO THE CORRADINO GROUP IN THE AMOUNT OF EIGHTY THOUSAND DOLLARS FOR PREPARATION OF THE MIAMI GARDENS TRANSPORTATION PLAN; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Councilwoman Pritchett shared she pulled this item because of the memorandum attached as backup.

Clerk Taylor indicated that this memorandum should have been removed from the packet. However Councilwoman Pritchett's packet had gone out prior to the discovery.

Moved by Councilwoman Pritchett, seconded by Councilman Braynon to approve this item. There being further discussion, the motion **passed and carried by a 5-0 vote.**

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

RESOLUTION NO. 2005-70-247

- (3) **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 NON-EXCLUSIVE CONTRACT WITH LAND DESIGN INNOVATIONS INCORPORATED FOR PLANNING SERVICES, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.. (SPONSORED BY THE CITY MANAGER)**

Councilwoman Pritchett questioned why the cover memorandum did not match the item.

Manager Crew stated that the same memorandum was used for all three firms.

Councilwoman Pritchett asked if this should be done this way or should it be specific.

Attorney Dickens said that the memorandum is fine because it does mention the other firms.

Councilwoman Pritchett referenced Exhibit "A" of this item and questioned why a clean copy and not a handwritten copy was not provided in the agenda package, as previously discussed.

Manager Crew said that he was not sure why the handwritten copy was provided. He said he would get a clean copy.

Moved by Councilwoman Pritchett with the understanding that a clean copy of Exhibit "A", Consultant Compensation Rates, will be included in the final document. This motion was seconded by Councilman Braynon.

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

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

RESOLUTION NO. 2005-71-248

(4) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO WACHOVIA BANK TO PROVIDE THE FINANCING FOR THE BORROWING OF TEN MILLION (\$10,000,000.00) DOLLARS FOR THE PURCHASE OF REAL PROPERTY FOR A PERMANENT CITY HALL AND/OR PUBLIC WORKS FACILITY, AND FOR THE PURCHASE OF CITY FLEET VEHICLES AND OTHER MAJOR EQUIPMENT; PROVIDING FOR AUTHORIZATION TO THE CITY MANAGER; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Manager Crew explained that the City has two sets of financial needs that will be coming up. The first financial need is for City vehicles. Some of those vehicles the City is in the process of purchasing cost approximately \$200,000.00 each. This type of purchase would drastically distort the budget. Often times, this type of situation would cause the elected body to raise taxes in order met that high burden when making this type of purchase on a cash basis. One of the advantages of being a municipality is that cities get a very low rate to borrow. By buying the vehicles through a loan and spreading that expenditure over a five year period provides minimum impact on the budget and the tax base. The first part of this bid was for 2.5 million dollars for the purchase of vehicles and equipment. Coming up within this next year, it is anticipated the City will have to buy a computer system for the City. This system could cost approximately \$750,000 to One Million dollars for a City this size.

Manager Crew emphasized that this resolution does not borrow any money. Money can only be

borrowed by the City Council through an ordinance. All this document is doing is setting up a line of credit, which can be executed by an ordinance when the time comes.

Manager Crew explained that the second part of the loan is for 7.5 Million Dollars, again if the funds are not needed, the City will not execute the loan. The reason for this loan is for if and when the City finds a piece of property for a City Hall Complex. The City is also looking for a piece of property to house the Public Works Department and to store the City's equipment.

Manager Crew indicated there were several proposals received and ranked, with Wachovia Bank finishing first. He asked that the Council authorized administration to negotiate with Wachovia Bank to develop the terms for any loans the City would decide to take out in the future.

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

Chris Wallace, Finance Director for the City of Miami Gardens, appeared before the City Council to further expound on this item. This is a proposal for a line of credit, which is attributed to borrowing, which you may or may not draw down upon or should that need arise.

Attorney Dickens clarified all this document, that she created, does is award the bid. It does not provide for the borrowing of money.

Mr. Wallace said that is correct. The next step would be to bring back an ordinance for borrowing, which would obligate the City.

Councilman Bratton asked if this would have a direct impact on property taxes.

Mr. Wallace said this would not impact property taxes but it would burden the City's budget with a fixed cost.

Councilwoman Pritchett said this resolution, awarding a bid to Wachovia Bank in Deerfield, Florida, to provide financing for 10 Million Dollars, is certainly, the most ambitious undertaking of the City, since incorporation. She said the residents will foot the bill for such an ambitious project because their tax dollars will be utilized to pay this Ten Million Dollars back. A resolution this sensitive generates lots of questions, from not only the Council but the residents. These questions really do need to be not only asked but answered satisfactorily. She conveyed her belief the Council would benefit most from workshopping this resolution, even though she understood this is not actually the ordinance to borrow money. The matter would have to be brought back to the Council in order to borrow the money. She opined in workshopping this resolution, everyone walks away with gets a clear understanding, in terms all can relate to; where this fits into our Comprehensive Development Master Plan, and what the City is trying to accomplish. This Council can set a precedent of inclusion by sponsoring a workshop or a series of workshops where this information is shared, responses and feedback from the residents and the Council are encouraged, and everyone leaves that workshop or those series of workshops feeling empowered because the information has been shared.

Having said that, Councilwoman Pritchett moved to remove this resolution from tonight's agenda, workshop the resolution, ensuring that the workshop be advertised and open to the public so that the public can come and get more information, the Council can get more information and everyone is on the same page. This motion died for a lack of a second.

There being no further discussion, the item as a whole, the motion to approve **passed and carried by a 4-1 vote.**

Councilman Braynon:	Yes
Councilwoman King:	Not present
Councilwoman Pritchett:	The public needs to be informed. We should workshop this item; I respect the Council members not choosing to do that. I think it is very important, to do so, and because we chose not to, I vote
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Vice Mayor Campbell:	Yes

(M) REPORTS OF CITY MANAGER AND CITY ATTORNEY.

Attorney Dickens had no report.

Manager Crew reported that staff has tentative scheduled a ribbon cutting ceremony for the entranceway signage on 27th Avenue and NW 215th Street for Thursday, May 5, 2005 at 10:30 a.m.

Manager Crew shared that staff along with members of the City Council attended a Broward Leadership Luncheon where Assistant City Manager Horace McHugh was honored. Mr. McHugh is recovering from open heart surgery and is expected to return to work within the next couple of weeks.

Clerk Taylor introduced Mercedia Williams, an Administrative Assistant with the City Clerk's office.

Mercedia Williams was afforded an opportunity for comments.

Attorney Dickens announced that she will be out of the County from May 15-22, 2005.

(N) REPORTS OF MAYOR AND COUNCIL MEMBERS.

Councilman Braynon reported on the successful Parade of Homes event held at City Hall. Approximately 200 interested parties attended this event.

Councilwoman Pritchett shared that some of the crime watch groups were very concerned about the young people who ride their all terrain vehicles from 21st to 22nd Avenue and NW 152nd Terrace, as was from 22nd to 27th Avenue and NW 151st Street. The Crime Watch representatives indicated that they have called the police department requesting assistance with this problem. The police department has not been forthcoming in addressing this concern.

Councilman Bratton requested City Manager Crew to implement a program in recognition of Memorial Day for May 30, 2005.

Councilwoman Watson thanked all the volunteers and neighbors for their assistance during the planting of the Butterfly Garden at Andover Park. She further acknowledged the City's Keep Miami Gardens Beautiful Program, Parks and Recreation, and the Public Works Departments for their assistance. Special recognition was given to Mr. Warren Zinn for the donation of a waterfall.

Lillie Q. Odom, Administrative Assistant to the Mayor/City Council appeared before the City Council to advise she will be providing a folder at each Council meeting with pertinent information for the Council members. She asked that the folders be left on the dais so that she will be able to reuse them for the next meeting.

Ms. Odom further announced that the 2nd Annual State of the City Address will be held on Thursday, May 12, 2005, at 6:30 p.m., in the Lou Rawls Performing Arts Center, located at Florida Memorial University.

Councilwoman Pritchett thanked Ms. Odom for providing the information about the Dade League of Cities, Inc., monthly dinner meeting. She asked what time was the dinner meeting scheduled.

Ms. Odom indicated that the before dinner reception will start at 6:00 p.m., with the dinner meeting starting at 7:00 p.m.

(O) REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC.

There are none.

(P) ADJOURNMENT.

After there was no further business to come before this Body, and upon being duly moved by Councilman Braynon and seconded by Councilman Bratton, the meeting adjourned at 9:05 p.m.

Attest:


Shirley Gibson, Mayor

Attest:


Ronetta Taylor, CMC, City Clerk

**CITY OF MIAMI GARDENS
REGULAR CITY COUNCIL MINUTES**

May 25, 2005

(A) CALL TO ORDER/ROLL CALL

The City Council of the City of Miami Gardens, Florida, met in regular session on Wednesday, May 25, 2005, beginning at 7:09 p.m., in the City Council Chambers, 1515 NW 167th Street, Building 5, Suite 200, 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, Audrey J. King, Melvin L. Bratton, Sharon Pritchett and Oscar Braynon.

Also in attendance were: City Manager Dr. Danny O. Crew, City Attorney Sonja K. Dickens, and City Clerk Ronetta Taylor.

(B) INVOCATION

Oliver Gilbert delivered the Invocation.

(C) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited in unison.

(D) APPROVAL OF MINUTES

Regular City Council Minutes – May 11, 2005

Moved by Councilwoman Watson, seconded by Councilman Bratton to approve the minutes with the necessary additions/deletions as provided by the City Clerk.

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

(E) ORDER OF BUSINESS (ADDITIONS/DELETIONS/AMENDMENTS):

Manager Crew requested the agenda be amended to add the following described item: **“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 ADDENDUM TO THE AGREEMENT BETWEEN THE CITY OF MIAMI GARDENS AND COOL KIDS LEARN, INC., TO INCREASE THE TIME PERIOD FOR SUMMER CAMP FROM SIX (6) WEEKS TO NINE (9) WEEKS, AND TO INCREASE THE CONTRACT PRICE BY \$32,400 TO ACCOMMODATE THE ADDITIONAL SUMMER CAMP WEEKS, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.”**

Moved by Councilman Braynon, seconded by Councilwoman Watson to amend the official

Agenda with the above referenced item, as Item L-1 This motion **passed and carried by a 7-0 vote.**

(F) SPECIAL PRESENTATIONS (5 minutes each)

1. Proclamation – Arbor Day

Mayor Gibson along with the members of the City Council presented Tsahai Codner, Keep Miami Gardens Beautiful Director with a Proclamation, which proclaimed January 22, 2005, as Arbor Day.

(G) ZONING MATTERS

There were none

(H) ORDINANCE(S) FOR FIRST READING

H-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 5 OF ORDINANCE NO. 2004-11-27, ADJUSTING THE SALARIES OF CODE ENFORCEMENT SPECIAL MASTERS; 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)

Manager Crew explained his rationale for sponsoring this item and the necessary salary adjustment. The ordinance provides for a minimum of three hours at fee of \$300.00; any Special Master presiding over a Hearing going beyond the minimum three hours would be paid an additional \$100.00 per hour.

Moved by Councilman Braynon, seconded by Councilwoman Watson to approve this item on first reading.

Councilwoman Watson conveyed, understanding that a Special Master’s experience is a vital necessary part of this process it is important to ensure the residents know the City is maintaining the highest level of standards in these kinds of proceedings. Having said that, she moved to amend the ordinance to require that prior to appointment, all special masters be members in good standing of the Florida Bar, licensed to practice for at least three years prior to appointment. This motion was seconded by Councilman Braynon.

There being no further discussion on the amendment, the 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

There being no further discussion on the ordinance as a whole, the motion to approve this item on first reading **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

(I) ORDINANCE(S) FOR SECOND READING "PUBLIC HEARINGS."

ORDINANCE NO. 2005-19-57

I-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO "SEX OFFENDERS"; PROHIBITING SEX OFFENDERS CONVICTED OF CRIMES UNDER CERTAIN FLORIDA STATUES FROM LIVING WITHIN 2,500 FEET OF SPECIFIED LOCATIONS WITHIN THE CITY OF MIAMI GARDENS; 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 MAYOR GIBSON)

Mayor Gibson opened the floor for the public hearing. After there were no interested parties to speak for or against this item, the public hearing was closed.

Mayor Gibson passed the gavel to Vice Mayor Campbell she then moved to adopt this ordinance. This motion was seconded by Councilwoman Watson.

Councilman Bratton asked whether the number of sex offenders residing within the City of Miami Gardens was known.

Mayor Gibson said she did not have the exact number. She shared a sex offender is required to register when moving into any neighborhood. In the past a list, including photographs of the sex offenders were provided by either the local police department or the department of parole.

Major Rifkin, Commander of the Miami Gardens District Police Department, appeared before the City Council to state he did not have the exact figures as to the number of sex offenders residing within the City of Miami Gardens. He said he would provide this information. He further shared the police department has implemented a call-back information hotline, alerting residents of sex offenders

residing in their neighborhoods.

Vice Mayor Campbell shared that a document is also published by the Florida Department of Law Enforcement. This information is also available on the Internet.

Attorney Dickens further shared that this information can be assessed by anyone, through the Florida Department of Law Enforcement website; by putting a residential address in, a resident can find out if a sex offender is living within their neighborhood.

Mayor Gibson said other municipalities are enacting legislation to provide sex offenders from residing within their communities. This would create a situation whereby the City of Miami Gardens would be the only place these individuals could live. She stated that it would not be fair for the City of Miami Gardens to have an undue burden of them all being able to live here when other communities don't want them living in their neighborhoods where their children live. The City of Miami Gardens' children are just as important. Miami Gardens' officials are just as concerned about their well being as any other communities.

Councilwoman Pritchett questioned whether the City had a mechanism, procedure or process in place already so if this ordinance passed, the City can immediately start to identify the sexual offenders residing within the City of Miami Gardens.

Mayor Gibson said it was not necessary to place the implementation process as part of the ordinance. Staff would be required to take all steps necessary to implement this ordinance if it is approved.

Councilwoman Pritchett conveyed the importance of providing the City Council with the implementation procedures once it is effectuated.

Mayor Gibson concurred with Councilwoman Pritchett's statement. She further directed the City Manager to, once the procedures were in place that pertinent information be placed on the City's webpage, as well as utilizing printed media for distribution in the community.

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

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

At this time, Vice Mayor Campbell relinquished the gavel to Mayor Gibson.

ORDINANCE NO. 2005-20-58

- I-2) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 21-27.1. (“SELLING, SERVING, VENDING IN PUBLIC RIGHTS-OF-WAY NEAR PUBLIC SCHOOLS”) OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES, AS MADE APPLICABLE TO THE CITY OF MIAMI GARDENS, BY VIRTUE OF SECTION 8.3 OF THE CITY’S CHARTER; 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)**

Manager Crew shared one of the biggest complaints from school officials is the safety issue created by vendors selling near public schools. This ordinance would increase the radius from 500 to 1,500 feet.

Mayor Gibson opened the floor for the public hearing.

Randolph McMillan, residing at 19030 NW 11th Court, Miami Gardens, Florida, appeared before the City Council in support of this ordinance. He suggested not allowing this type of activity in the City at all.

Edward Norris, residing at 910 NW 200th Terrace, Miami Gardens, Florida, appeared before the City Council in support of this ordinance. He questioned why the vendors should be allowed to sell near the schools as all.

Moved by Councilwoman Watson, seconded by Councilwoman King to adopt this ordinance.

Councilwoman Pritchett questioned whether the vendors can be prevented from coming into the community altogether.

Attorney Dickens responded to the question raised by Councilwoman Pritchett and answered yes.

Councilwoman Pritchett asked how would prohibiting mobile vending in the City be accomplished.

Attorney Dickens suggested approving this item tonight and bring back another ordinance addressing prohibiting this activity.

Councilwoman Pritchett said it is very important that the residents came out to voice their concerns and equally important for the City to address those concerns.

Mayor Gibson suggested that Councilwoman Pritchett sponsor the legislation addressing the concerns of the residents.

Councilwoman King said she witnessed first hand the unsafe conditions this type of activity generates, not to mention the beautiful lawns being destroyed.

Vice Mayor Campbell suggested once this ordinance is adopted official notification be given to not only Miami Gardens District Police, but the Miami-Dade Public School System Police, as well as the principals of each school.

Councilwoman Pritchett shared the School Board Police jurisdiction was only 1,000 feet from the school.

Vice Mayor Campbell said providing official notice to the School Board Police would make them aware of what is prohibited.

There being no further discussion, the motion to adopt **passed and carried by a 7-0 vote.**

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

ORDINANCE NO. 2005-21-59

- I-3) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 21-27.2. (“SELLING, SERVING, VENDING IN PUBLIC RIGHTS-OF-WAY NEAR PUBLIC PARKS”) OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES, AS MADE APPLICABLE TO THE CITY OF MIAMI GARDENS, BY VIRTUE OF SECTION 8.3 OF THE CITY’S CHARTER; 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)**

Manager Crew explained this ordinance is similar to the previous ordinance the only difference is that it applies to the parks.

Mayor Gibson opened the floor for the public hearing.

Loretta Ham, residing at 17731 NW 15th Court, Miami Gardens, Florida, appeared before the City Council to express concern with the excessive amount of trash being left in the parks by adult patrons.

Manager Crew shared one of the components of the Keep Miami Gardens Beautiful Program is

educating the children about keeping their surroundings clean and trash free. Litter is against the law and if a police officer witnesses this unlawful act, an arrest can be made.

Randolph McMillan, residing at 19030 NW 11th Court, Miami Gardens, Florida, appeared before the City Council to suggest charging a clean up fee (deposit) for those individuals or organizations utilizing the parks for planned activities. He further suggested having a monthly clean-up day for neighborhoods.

Mayor Gibson shared that the clean-up event is currently in place and is conducted the first Saturday of the month.

Lemuel Wims, residing at 19675 NW 37th Court, Miami Gardens, Florida, appeared before the City Council to question whether this included garage sales.

Manager Crew indicated that it did not include garage sales.

There being no other interested parties to speak for or against this item, the public hearing was closed.

Moved by Councilwoman Watson, seconded by Councilman Bratton to adopt this ordinance.

Councilman Braynon questioned whether there were vending machines in the parks.

Manager Crew related that there were no vending machines currently in the parks.

Councilman Braynon asked whether plans were in the works to have vending machines in the parks.

Manager Crew said staff will keep trying to address this issue, the previous vendors backed out of the contracts.

Councilman Braynon expressed concern with not having something cool to drink for the patrons utilizing the parks.

Mayor Gibson questioned whether the water fountains in the parks were working.

Councilman Braynon shared there are water fountains in the parks that he visits, however the water is rather warm.

Manager Crew shared the City has approximately \$32 Million dollars slated to be used for park renovations within the next five years. Certainly a large part of the upgrades would be addressing the water supply for the parks. Staff will also be looking at ways to handle the vending at the parks which would be more reasonable than having private vendors come in.

Mayor Gibson said this is also a means of eliminating the litter problem at the parks. She

further emphasized the importance of addressing the drinking water supply at the parks. She related the drinking water at the parks has been a long standing problem. It is going to take some time however; the City is committed to addressing this issue.

Councilwoman Pritchett asked whether it was known how many water fountains were actually functioning in the various parks.

Vernita Nelson, Director of Parks and Recreation, appeared before the City Council to respond to Councilwoman Pritchett's question and stated out of the 15 parks, 13 have water fountains and out of that 13, two are not functioning because of vandalism.

There being no further 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

ORDINANCE NO. 2005-22-60

I-4) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 21-36 ("SIDEWALK SOLICITATION OF BUSINESS") OF THE MIAMI-DADE COUNTY CODE OF ORDINANCES, AS MADE APPLICABLE TO THE CITY OF MIAMI GARDENS, BY VIRTUE OF SECTION 8.3 OF THE CITY'S CHARTER; 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)

Manager Crew explained the City has been fairly successful in eliminating street vendors. However, one of the biggest problems the City has is individuals walking the median and going into the streets trying to sell things when traffic stops, which is a very dangerous situation. This activity is illegal however the ordinance presently on the books is somewhat vague. This ordinance would provide for proper enforcement.

Mayor Gibson opened the floor for the public hearing.

Sharon Frazier-Stephens, residing at 145 NE 193rd Street, Miami, Florida, appeared before the City Council on behalf of the Miami Norland PTSA representative to comment on this item. She encouraged the Council members to solicit more presentation from the business community with regard to fund raising events for the schools.

There being no other interested parties to speak for or against this item, the public hearing was closed.

Moved by Councilwoman Watson, seconded by Councilwoman Pritchett to adopt this ordinance.

Councilwoman Watson questioned what effect the passage of this ordinance would have on the homeless soliciting donations and the newspaper vendors currently selling papers on the streets.

Attorney Dickens explained the City can not give certain benefits to a select group of people and not others. This particular ordinance relates to safety issues. It is prohibiting persons from soliciting, whether it is a newspaper, or school or anyone in the public rights-of-way.

Councilman Bratton questioned whether this would include the once a year fund raising event done by the fire and/or U.S. Postal Service.

Attorney Dickens said this ordinance prohibits any and everybody from soliciting in the public-rights-of-way.

Councilwoman Pritchett placed emphasis on the words "it becomes a safety issue", used by Attorney Dickens.

Mayor Gibson conveyed the importance of having staff notify the various entities and organizations that this ordinance is now in effect, via the media, etc.

Manager Crew shared that public entities like the police and fire departments will set up their fund raising efforts in the parking lots of Publix or Wal-Mart, which is perfectly legal.

Attorney Dickens clarified this ordinance as well as the two previous ordinances do not prohibit soliciting on private property.

There being no further discussion, this 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

(J) PUBLIC COMMENTS (10 - MINUTES)

Robert and Loretta Ham, residing at 17731 NW 15th Court, Miami Gardens, Florida, appeared before the City Council to express concern with the excessive speeding up and down the street by

ATV's drivers. She further told the Council about the illegal gambling activity occurring at Scott Park. The Hams further questioned whether the Scott Park is supposed to be opened to 11:00 p.m.

Ms. Nelson, Parks and Recreation Director appeared before the City Council to respond to the question raised by the Hams. She explained the parks are typically opened from sun rise to sun down, however depending on the activities occurring as some of the parks, the hours are extended. Scott Park had up until two months prior; signage posted indicating the park is opened to 11:00 p.m. That has been changed the signage new reads open from sun rise to sun set unless otherwise noted.

Mr. Ham further expressed concern with not have an attendance on the park when the park is open, which would make the restroom accessible to those utilizing the parks.

Mrs. Ham thanked the City Council and staff for addressing the issue with the soccer teams playing at Scott Park.

Mayor Gibson thanked the Hams for voicing their concerns, and conveyed her assurance of staff's commitment to addressing these concerns.

Rosetta Rolle Hylton, residing at 20211 NW 42nd Avenue, Miami Gardens, Florida, appeared before the City Council to express concern about the deplorable, unsafe and unhealthy conditions at the 183rd Street Flea Market. She further stated that she has seen a child purchasing drugs inside the flea market.

Manager Crew said this issue is being looked at by staff. He opined, ultimately this prime piece of property will be developed.

Vergil R. Goldson, residing at 1545 NW 181st Street, Miami Gardens, Florida, appeared before the City Council to express concern with individuals approaching patrons pumping gas at one of the local gas stations, to sell or solicit business.

Attorney Dickens said the owner of the gas station should be made aware this activity is going on.

Manager Crew suggested calling the police or Code Enforcement Department.

Mayor Gibson said she did not see the police responding to this type of activity within 2 minutes. She said a more realistic approach would be to advise the management of the establishment this activity is occurring.

Mr. Goldson said he brought this issue forward because this is a potential dangerous situation due to the exchange of money.

Councilwoman Pritchett asked Major Rifkin whether the police department could be of assistance in getting the local businesses involved with the voluntary program, which provided for the

posting of signage prohibiting no loitering or soliciting on the premises.

Major Rifkin said the police did have this program, which is called the Retail Program. The letters and affidavits are sent out on a regular basis to the local business. A Community Service Officer would be sent over to the establishment to offer the service.

Councilwoman Pritchett asked for a list of those businesses participating in this program. This information can also be shared with the residents advising of those participating businesses.

Councilwoman Watson shared the City has a no peddler's license provision in the City of Miami Gardens.

Billy Isley, residing at 1740 NW 193rd Street, Miami Gardens, Florida, appeared before the City Council to comment on the FY 03/04 Audit, and the 2 Million Dollar cash carryover.

Manager Crew said the audit is currently underway. The 2 Million Dollars left over from the 02/03 Fiscal Year was carried over to the 03/04 budget. He further questioned the protocol process for the State of The City Address.

Marie Conyers, residing at 18714 NW 32nd Place, Miami Gardens, Florida, appeared before the City Council to express concern about the loud music coming from Carol City Park. She further voiced concern with the cars parking in the street and obstructing traffic.

Mayor Gibson told Ms. Conyers that Major Rifkin was taking notes of her concerns and would provide a report on the measures to be taken in addressing these concerns.

Eldora Cameron, residing at 1735 NW 185th Terrace, Miami Gardens, Florida, appeared before the City Council to voice concern with the partial road and drainage repairs going on her community.

Mayor Gibson asked Ms. Cameron whether she had called the City prior to coming to the City Council with her issues.

Ms. Cameron said she had not.

Mayor Gibson told Ms. Cameron she did not have to wait for two weeks to get her concerns addressed. She can call City Hall to speak with Mr. Steers, the Assistant City Manager, Mr. Ruiz, the Public Works Director or Mr. Marder, the Development Services Director about her concerns. She asked Ms. Cameron to speak with Mr. Ruiz tonight about her concern. She further encouraged Ms. Cameron to call the City Manager as well.

Jay Marder, Development Services Director appeared before the City Council to invite everyone out to the third Charrette scheduled for Saturday, June 16, 2005, from 9:00 a.m. to 1:00 p.m., at City Hall.

Hugh Dodd, residing at 17125 NW 19th Avenue, Miami Gardens, Florida, appeared before the

City Council to comment on the audit and the 2 Million Dollar surplus.

Sharon Frazier-Stephens, residing at 145 NE 193rd Street, Miami, Florida, appeared before the City Council to commend Mayor Gibson on her involvement with the Parent Academy and the PTSA. She credited parental involvement as a key factor in the PTSA receiving the prestigious award.

(K) CONSENT AGENDA/RESOLUTION(S)

RESOLUTION NO. 2005-78-255

K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CANCELING ALL CITY COUNCIL MEETINGS IN THE MONTH OF AUGUST; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY MAYOR GIBSON)

RESOLUTION NO. 2005-79-256

K-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO CALVIN, GIORDANO & ASSOCIATES, INC. IN THE AMOUNT OF FIFTY-EIGHT THOUSAND FOUR HUNDRED TWENTY-EIGHT (\$58,428.00) DOLLARS FOR THE STRATEGIC PLAN OF THE FUTURE TOWN CENTER AREA OF THE CITY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Moved by Councilman Braynon, seconded by Councilwoman King to approve the Consent Agenda. There being no discussion, this motion **passed and carried by a 70- vote.**

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

(L) RESOLUTION(S)

RESOLUTION NO. 2005-80-257

L-1 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 ADDENDUM TO THE AGREEMENT BETWEEN THE CITY OF MIAMI GARDENS AND COOL KIDS LEARN, INC., TO INCREASE THE TIME PERIOD FOR SUMMER CAMP FROM SIX (6) WEEKS TO NINE (9) (8)

WEEKS, AND TO INCREASE THE CONTRACT PRICE BY \$32,400 TO ACCOMMODATE THE ADDITIONAL SUMMER CAMP WEEKS, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE

Manager Crew explained his rationale for sponsoring this item. He said one slight change should be eight weeks instead of nine weeks. The additional amount list would probably cost that much due to the fees being collected by Cool Kids Learn.

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

Councilman Bratton referenced an enrollment announcement flyer and questioned the deadline date.

Ms. Nelson indicated that the flyer Councilman Bratton was referring to was about the registration deadline for summer camp.

Councilwoman Pritchett questioned the total cost for the summer camp program

Ms. Nelson outlined the budgeted activities to take place during the first six weeks. The information on the tem being voted on tonight will be provided to the Council at a later date.

Mayor Gibson questioned whether the City would be retaining a portion of the funds collected for the summer camp.

Attorney Dickens explained the additional to the City is going to be offset by the payment of the fees for summer camp.

There being no further discussion, 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

(M) REPORTS OF CITY MANAGER AND CITY ATTORNEY.

1. Major Donald Rifkin, Miami Gardens District Police Department

Major Rifkin introduced his command staff: 1) Lt. Carl Wright.; and 2) Lt. John Webb.

Lt. Wright appeared before the City Council and briefly highlighted his professional law enforcement career.

Lt. Webb appeared before the City Council and briefly highlighted his professional law enforcement career.

Both officers were welcomed by all.

Major Rifkin announced the Miami Gardens District Police Department along with the City of Miami Gardens received an award for their participation in the KAPOW Program. This program was funded in part by the Byrne Grant.

Major Rifkin addressed a question raised by Councilwoman Watson with regard with a 5 Year Crime Trend. From 2000-2001 there was a one percent overall decline in crime; 2001-2002 there was a three percent increase; 2002-2003 there was a six percent decline; 2003-2004 there was a four percent decline. Other districts were down overall last month by less than one percent. The police department will continue with its efforts to addressing the increase in crime.

Major Rifkin next provided a report on the concerns raised by Mayor Gibson and Councilwoman King about the vacant field next to the police station being utilized by ATV drivers. Mr. Rosenberg, the attorney for the Morton Family Trust welcomed any enforcement imitative the City could provide. Mr. Rosenberg agreed to post a minimum of ten signs. The Police Department requested a barrier be placed around the property. In addition, information will be included in the article to be placed in the Miami Herald. The individuals currently utilizing this field have been notified enforcement is imminent.

Major Rifkin addressed Councilwoman Pritchett's concerns about the ATV activity in the Bunche Park and Rainbow Park areas. He report additional speeding and traffic enforcement was implemented. Within the last two weeks a total of 25 citations were written for speeding in this area.

Major Rifkin further reported a Crime Suppression Team is assigned to the Scott Park area.

Major Rifkin announced the open house is scheduled for Saturday, June 4, 2005, from 10:00 a.m. to 2:00 p.m.

Councilwoman Pritchett shared there are a group of concerned senior citizens between 22nd and 27th Avenue and NW 157th Street and 159th Street Road, who are very concerned about going outside especially in the evenings because of a certain element in their neighborhood. This element would actually come up to them look in their window sit on their porch without permission. These senior citizens are afraid. She asked if this area could be patrolled a little more often.

Major Rifkin said he could be more affective in assisting if he had more information and a contact person. He said when a complaint is file, the person filing that complaint has a right to remain anonymous.

Vice Mayor Campbell opined the Miami Gardens District Police Department is doing a fantastic job in deterring crime. He said it is the routine things the citizens have the most complaints

about (e.g. noise, ATV's), which are very important to the citizens. He commented that for the police officer these issues might not be as important, asked if there was a way whereby it could be emphasized to the supervisor to have the officers do some patrolling in those off roads rather than concentrating on the main thoroughfares as often as possible.

Major Rifkin said he would relate this information. He shared that he had met with Mayor Gibson who had expressed these same concerns.

2. City Manager Monthly Report (April-May, 2005)

Vice Mayor Campbell inquired about the CEMUSA item on the City Manager's Report.

Manager Crew explained this is the company that built the bus shelters within the City of Miami Gardens. Initially, Miami-Dade County was under the impression that CEMUSA had the power to do this, but later found out the company does not. City staff has been meeting with the company in an effort to work out a contract to complete the bus shelters within the City. It is anticipated a contract will be brought to the City Council for approval within the next month.

Vice Mayor Campbell inquired about the Auto Auction item.

Manager Crew explained the auto auction is the 150 acres property located in the northwest corner of the City, which use to be the old county dump. A site plan was approved by Miami-Dade County prior to the incorporation of the City. The developer has been meeting with staff about revising the site plan to something that is more acceptable to everybody.

Vice Mayor Campbell conveyed the importance of mentioning the renovations being done to the parks, which were turned over to the City in deplorable conditions.

Manager Crew share the City within the next five years will have over 30 Million dollars to renovate the City's parks. Not a penny of those funds will be coming from property taxes.

Councilman Bratton referenced the Auto Auction item, and shared that he was a Community Councilmember on Seat 4. He asked the City Manger to investigate whether it was Community Council Seat 4 or Miami-Dade County actually approved the original site plan. He asked that this information be provided to the City Council.

Manager Crew reported on the zip code situation and stated the City can not get the zip codes changed to Miami Gardens. The reason being zip codes are managed by the Post Master. Miami Gardens does not have a full fledged Post Master. From working with Congressman Meeks's office, the City has an opportunity to have a secondary zip code designation.

Mayor Gibson said this is a long process and an act of Congress to get the secondary designation.

(N) REPORTS OF MAYOR AND COUNCIL MEMBERS.

Councilman Braynon announced his appointment to the Performing Arts Center Trust. He conveyed his anticipation of getting some of the auxiliary performances scheduled at the Lou Rawls Performing Arts Center.

Councilwoman Pritchett announced that the Florida Department of Revenue distributed a flyer, which explained the Hurricane Preparedness Sales Tax Holiday, June 1-12, 2005, and all items purchased during this time period, that are hurricane related, are tax free.

Councilman Bratton questioned whether the City Manager had introduced Ms. Perry. Manager Crew introduced Ms. Cynthia Perry, a recent hire in the position of Media and Special Events Coordinator.

Cynthia Perry, Media and Special Events Coordinator appeared before the City Council to expound on the City of Miami Gardens Memorial Day Breakfast on Monday, May 30, 2005, from 8:30-10:00 a.m. The City will be recognizing seven fallen soldiers.

Councilwoman King announced that on June 6, 2005, she will be admitted into Jackson Memorial Hospital to undergo a bone marrow procedure.

Mayor Gibson announced that Councilwoman Watson lost her father, Mr. Samuel Golden. Funeral services will be held on Saturday, June 4, 2005, at Greater New Bethel Missionary Baptist Church, beginning at 10:00 a.m.

(O) REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC.

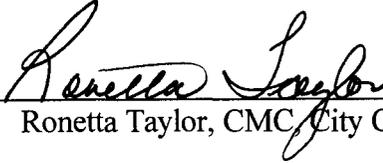
Billy Isley, residing at 1740 NW 193rd Street, Miami Gardens, Florida, appeared before the City Council to suggest providing free bottled water for senior citizens and the physically challenged during hurricane season. He further suggested providing ethics training for the City's advisory boards.

(P) ADJOURNMENT.

There being no further business to come before this Body, and upon being duly moved by Councilman Braynon and seconded by Vice Mayor Campbell, this meeting adjourned at 9:47 p.m.


Shirley Gibson, Mayor

Attest:


Ronetta Taylor, CMC, City Clerk