

**CITY OF MIAMI GARDENS
REGULAR CITY COUNCIL MINUTES
DECEMBER 14, 2005**

(A) CALL TO ORDER/ROLL CALL.

The City Council of the City of Miami Gardens, Florida, met in regular session on Wednesday, December 14, 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: Mayor Shirley Gibson, Vice Mayor Oscar Braynon II, and Council members Barbara Watson, Aaron Campbell Jr., Melvin L. Bratton, Ulysses Harvard and Sharon Pritchett.

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

(B) INVOCATION.

Delivered by Dr. Lester Brown

(C) PLEDGE OF ALLEGIANCE

Recited in unison

(D) APPROVAL OF MINUTES

Regular City Council - October 12, 2005

Regular City Council - November 9, 2005

Moved by Vice Mayor Braynon, seconded by Councilman Campbell to approve the minutes with necessary corrections as provided by the City Clerk. This motion passed and carried by a 7-0 vote.

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

Mayor Gibson removed Item K-3 from Consent Agenda asked that this item be placed on the regular agenda as Item L-2.

Moved by Vice Mayor Braynon, seconded by Councilman Harvard to approve the Official Agenda with the noted change. This motion passed and carried by a 7-0 vote.

(F) SPECIAL PRESENTATIONS (5 minutes each)

F-1 Major Donald Rifkin

Mayor Gibson and members of the City Council presented Mayor Donald Rifkin with a plaque for his outstanding service and personal commitment to the City of Miami Gardens, and its residents while serving as Miami Gardens District Commander.

Each Council member articulated their appreciation for Mayor Rifkin and his dedicated service to the City of Miami Gardens.

F-2 Proclamation - Miami Gardens Holiday Basketball Classic

Mayor Gibson and members of the City Council presented a proclamation to Ed Brown, of Distinguished Sports for organizing this outstanding event being held in the City of Miami Gardens, at Carol City High School, December 19-22, and December 26-29, 2005.

(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 APPENDIX A OF ORDINANCE NO. 2004-08-24, (LICENSE TAX SCHEDULE) IN ACCORDANCE WITH EXHIBIT "A", ATTACHED HERETO; 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 is a house cleaning item. The schedule is being amended to provide clarification. Clarification has been made between bars, lounges and nightclubs as it relates to entertainment. Another example is the City is not authorized to license limousine services however; the City can issue a license for an office to house limousine services.

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

Councilman Bratton referenced page 8 of the Occupational License Schedule, more specifically the two references (1710 and 1720) to Motion Picture Theatre, in particularly Motion Picture Theatre 1000 Seats.

Manager Crew said this was a scrivener's error; that particular item should read 1001 seats...

Councilman Bratton referenced page 9 of the Occupational License Schedule, more specifically Item No. 1900 "Parking Lots Over 26 Cars..."

Manager Crew explained this specific item should read Parking Lots Over 26 cars or more...

Attorney Dickens said the changes would be made as scrivener's.

Councilwoman Pritchett moved to remove the language "as a matter of house cleaning", from page 1, line 11 of the ordinance. This motion was seconded by Vice Mayor Braynon.

There being no further discussion on this amendment, the motion passed and carried by a 7-0 vote.

Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes
Councilman Harvard:	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 on first reading passed and carried by a 7-0 vote.

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

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

ORDINANCE NO. 2005-42-80

- I-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, IMPOSING AN ANNUAL MONITORING FEE FOR COMMUNITY DEVELOPMENT DISTRICTS LOCATED WHOLLY WITHIN THE CITY'S BOUNDARIES; PROVIDING FOR DISCLOSURE REQUIREMENTS FOR COMMUNITY DEVELOPMENT DISTRICTS; PROVIDING FOR PENALTIES; PROVIDING AUTHORIZATION TO THE CITY ATTORNEY; PROVIDING 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 said the adoption of this ordinance would allow staff to monitor the various Community Development Districts [CDD] within the City of Miami Gardens. The fee being proposed of \$1,000.00 or ten dollars per unit is very reasonable. There is one CDD with approximately 57 units. Another CDD has approximately 540 units. The City of Miami Gardens is perhaps the first municipality in the State of Florida to implement this fee.

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

Moved by Vice Mayor Braynon, seconded by Councilwoman Watson to adopt this ordinance.

Vice Mayor Braynon conveyed his support of this item.

Councilwoman Pritchett referenced page 3 of the ordinance, and pointed out that subsections “i and j” should be changed to “g and h”.

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

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

Attorney Dickens advised the Council that a resolution imposing the CDD Fee will be on the next City Council agenda for approval.

ORDINANCE NO. 2005-43-81

I-2) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXTENDING THE MORATORIUM ON THE PROCESSING OF SITE PLANS, BUILDING PERMITS, DEVELOPMENT APPLICATIONS AND 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; EXPANDING THE MORATORIUM TO INCLUDE BUILDING, PLUMBING, MECHANICAL AND ELECTRICAL PERMITS FOR THE IMPROVEMENT OF EXISTING BUILDING ELEMENTS THAT ARE ASSOCIATED WITH THE CITY OF MIAMI GARDENS FAÇADE GRANT PROGRAM FUNDED BY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; PROVIDING FOR A TERM; 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)

Manager Crew explained when this item was previously adopted the backup material was different from the ordinance being read. To error on the side of caution, staff is bringing this item back for another second reading and adoption.

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

Moved by Vice Mayor Braynon. seconded by Councilman Harvard to adopt this ordinance.

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

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

(J) PUBLIC COMMENTS (10 - MINUTES)

Mark Arena, 1151 SE 7th Court, Dania, Florida, appeared before the City Council to comment on the outcome of a Special Master Hearing held on November 30th. The Special Master had entered a Final Order stating that Mr. Arena was not in violation of any city ordinances and should not have been denied an occupational license to vend outside of Dolphins Stadium. He solicited the City Council's adoption of an ordinance or resolution, issuing a Special Events Vendor's License to allow vendors to vend outside of the Dolphins Stadium. He discouraged the City's appeal of this ruling citing a misuse of tax payers' money.

Councilwoman Pritchett asked Attorney Dickens to clarify the Special Master's ruling on this particular issue.

Attorney Dickens said she would not talk about the specifics of this case because the matter is being appealed. She said there was a decision entered into by the Special Master, which she believes was the wrong decision based upon her experience as an attorney. Mr. Arena's situation occurred before the changes were made to the Code, therefore it is still a prohibited. She said she did not want to discuss the legal issues and opined the City has adequate grounds for an appeal

(K) CONSENT AGENDA/RESOLUTION(S)

Please note: Councilwoman Pritchett pulled items K-1 and K-2 from the Consent Agenda. Items have been renumbered accordingly.

RESOLUTION NO. 2005-159-336

K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, IN CONJUNCTION WITH THE NORTHEAST MIAMI-DADE MAYORS' JOINT TASK FORCE ON TRANSPORTATION, EXPRESSING SUPPORT FOR THE MIAMI-DADE COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) FUNDING FOR THE SOUTH FLORIDA EAST COAST CORRIDOR TRANSIT ANALYSIS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY MAYOR GIBSON)

RESOLUTION NO. 2005-160-337

- K-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 ADDENDUM TO THE AGREEMENT BETWEEN THE CITY OF MIAMI GARDENS, FLORIDA AND THE STATE OF FLORIDA OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, 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. 2005-161-338

- K-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CANCELING THE DECEMBER 28, 2005, CITY COUNCIL MEETING; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY MAYOR GIBSON)

RESOLUTION NO. 2005-162-339

- K-4) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT APPROVED UNDER RESOLUTION NUMBER 2005-20-197 WITH MIAMI-DADE COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR A FACADE RESTORATION PROGRAM IN THE MAXIMUM AMOUNT OF THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2005-163-340

- K-5) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT APPROVED UNDER RESOLUTION NUMBER 2005-21-198 WITH MIAMI-DADE COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR A CODE ENFORCEMENT PROGRAM IN THE MAXIMUM AMOUNT OF TWO HUNDRED THOUSAND (\$200,000.00) DOLLARS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2005-164-341

- K-6) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE AGREEMENT APPROVED UNDER RESOLUTION NUMBER 2005-22-

199 WITH MIAMI-DADE COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR A PUBLIC FACILITIES PRE-ECONOMIC DEVELOPMENT PROGRAM IN THE MAXIMUM AMOUNT OF TWO HUNDRED SEVENTY-FIVE THOUSAND (\$275,000.00) DOLLARS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2005-165-342

K-7) A RESOLUTION OF THE CITY OF MIAMI GARDENS AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, A SECOND ADDENDUM TO THAT CERTAIN LEASE AGREEMENT BETWEEN THE CITY OF MIAMI GARDENS AND GOLDEN GLADES ASSOCIATION, LLP, IN SUBSTANTIAL FORM AS THAT DRAFT ADDENDUM ATTACHED HERETO AS EXHIBIT "A", SUBJECT TO THE REVIEW AND APPROVAL OF THE SAME BY THE CITY MANAGER AND CITY ATTORNEY; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Moved by Vice Mayor Braynon, seconded by Councilwoman Watson to approve the Consent Agenda. There being no discussion, this motion passed and carried by a 7-0 vote.

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

L. RESOLUTION(S)

RESOLUTION NO. 2005-166-343

L-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO AWARD A BID TO AIR B SCHOOL BUS TRANSPORTATION IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-SIX THOUSAND DOLLARS (\$126,000) FOR TRANSPORTATION SERVICES; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS ON AN AS-NEEDED BASIS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Councilwoman Pritchett asked how long has the Air B School Bus Transportation company been in existence. She further questioned whether the City had a record of the bus company's driving

record for the past three years. She asked whether the bus company was ADA compliance.

Vernita Nelson, Director of Parks and Recreation appeared before the City Council to respond to the questions raised by Councilwoman Pritchett. She said this bus company is on the approved vendor list for Miami-Dade County public schools.

Councilwoman Pritchett explained she had asked the question regarding ADA Compliance because of the language found in the Tabulation Sheet, more specifically “Neither company has buses with wheel chair lifts or provided information on bid submittal that they can provide this service if needed”. She expressed concern for those children with special needs wanting to participate in the City’s summer youth programs.

Pam Thompson, Procurement Manager appeared before the City Council to state that the ADA Compliance was a part of the bid specs however neither bus company had vehicles with those capabilities. The City is looking into purchasing buses that are ADA Compliance.

Councilwoman Pritchett questioned whether in the interim, staff was asking the Council to approval this purchase until such time as the City can purchase its own ADA Compliance buses. She asked what would happen in the interim if there is a child with those special needs.

Attorney Dickens clarified there were only two bids received. Neither one of the companies that responded to the bid have the wheel chair lifts. She said the option is to approve the bid for the company that don’t have it or there is no other choice.

Ms. Thompson further clarified that she did not ask for specific number of years in business only that the companies have been in business for the last five years.

Moved by Councilwoman Pritchett, seconded by Vice Mayor Braynon to approve this item.

Manager Crew voiced his assurance to having appropriate ADA Compliance transportation for those with special needs, either through leasing or ownership.

Councilwoman Pritchett said she did not want to belabor the point and conveyed her belief in the goodwill gesture of the City and all that is being created for all citizens. It would have been good if the ADA Compliance was in place to go along with this particular item.

Attorney Dickens said the City Manager has stated his assurance to having transportation vehicles that are ADA Compliance. The City Manager has the authority to spend up to fifty thousand dollars, therefore if this Council wanted to ensure ADA Compliance transportation was provided all that was needed was for the Council to tell the City Manager that in conjunction with this item, ADA Compliance transportation shall be provided.

Councilwoman Pritchett expressed concern with not knowing the dollar amount associated with leasing or purchasing an ADA Compliance Vehicle.

Manager Crew explained there are sidewalks that must be repaired right a way. There are other sidewalks that must be repaired in a timely manner. There are also a number of sidewalks that must be replaced as a result of Hurricane Wilma. The City has a continuous sidewalk maintenance program. Once the streets and sidewalk study has been completed, the City will have a more comprehensive approach to addressing sidewalk repairs.

Councilwoman Pritchett asked who is responsible for removing and disposing of the concrete.

Manager Crew said this is a responsibility of the contractor. The concrete has to be taken to a certified landfill. There is no restriction as to which landfill, as long as it is an official dumpsite.

Mayor Gibson questioned whether the City had litigation because of someone falling on the sidewalk.

Manager Crew said there were a number of cases.

Mayor Gibson opined that staff's decision to do this on an as needed basis is very important. Due to the number of slip and fall cases, it would be irresponsible of this Council and the City Manager if he did not do something to mitigate that potential.

Councilwoman Pritchett inquired about the anticipated completion date for this Comprehensive Study.

Manager Crew said it is anticipated that the Roads and Sidewalks Comprehensive Study will be completed by January 2006.

Moved by Councilwoman Pritchett, seconded by Vice Mayor Braynon to approve this item.

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

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

(~~L~~M) RESOLUTION(S) PUBLIC HEARING(S)

RESOLUTION NO. 2005-168-345

L-M-1)A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXERCISING AN OPTION TO PURCHASE THAT

CERTAIN REAL PROPERTY DESCRIBED IN THE OPTION AGREEMENT AND PURCHASE AND SALE AGREEMENT, ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE USE OF PROCEEDS FROM THE 2005 \$7.5 MILLION PUBLIC FACILITIES BOND ISSUE FOR THE PURCHASE; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THE PURCHASE OF THE PROPERTY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER

Manager Crew shared his rationale for bringing this item before the Council and recounted the steps taken by staff to negotiate the purchase. This acquisition of this property would be an addition to Rolling Oaks Park. This parcel would also allow the City to move the main entrance of Rolling Oaks Park out of the Rolling Oaks subdivision and on to a six lane highway. The major portion of the parking would also be located on this parcel. The price of this 2.5 acre property is 1.4 Million Dollars. The City had two appraisals done and both came in excess of the purchase price. An environmental assessment was done and no contamination was found. He recommended Council's approval of this item, which would authorize staff to utilize bond funds to pay for the purchase.

Manager Crew shared that he was working on a grant application and if successful with this purchase, there is a possibility of getting grant funding from the Department of Community Affairs, Florida Forever Trust, which would reimburse the City approximately forty-five percent of the purchase price. He opined even if the City is not successful with the grant funding, the purchase of this property is a very good deal for the City.

Mayor Gibson opened the floor for the public hearing.

Hugh Dodd, 17125 NW 19th Avenue, Miami Gardens, Florida, appeared before the City Council to express his views about this item. He questioned whether the City was accepting the appraisal provided by the property owner.

Manager Crew said the City paid to have two appraisals done; both appraisals came in above the purchase amount.

Naomi Wright, 18330 NW 30th Court, Miami Gardens, Florida, appeared before the City Council to ask the Council to consider what would happen to control the traffic flow if there were major events taking place simultaneously at the park and Dolphin Stadium, especially along the 183rd street corridor.

There being no further other interested parties to speak on behalf of this item, the public hearing was closed.

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

Vice Mayor Braynon said this park was a passionate of former fellow Council person,

Councilwoman King. She took a high interest in its development and how it affected the surrounding neighborhoods. He shared that he too lives in this area. One of the major concerns was as this park is developed it would turn into a major traffic problem on 17th Avenue. As a result of the wall surrounding the neighborhood, 17th Avenue is the main most eastern entrance into this community. Also the development of Rolling Oaks Park would alleviate some of the sports and recreation activity occurring at Scott Park. The way the park is developed at present provides for less parking than what is provided for at Scott Park.

Vice Mayor Braynon conveyed his support of this item and said this purchase will help the residents in this area to feel better about the improvements to this park. This will also provide a relief for Scott Lake because more of those sports and recreational events can be relocated to Rolling Oaks Park.

Vice Mayor Braynon asked whether the City has been in discussions with FDOT about putting in a left hand turn from 183rd Street into the City's largest park.

Manager Crew said staff has not done this as of yet however, this is a long term item that would have to be addressed.

Vice Mayor Braynon asked if this property will be included in the overall development plan for the park and whether residents will be informed of this change in development from the original development plan. He further asked if parking would also be provided on this property.

Manager Crew said residents would be informed. He further said the original development plan had the sport's field closer to the Turnpike however, the parking is provided along 17th Avenue, which meant park patrons would have to walk across the park get to the sport's field.

Vice Mayor Braynon inquired about the current zoning on this property.

Manager Crew said there is no zoning designation on this property.

Vice Mayor Braynon shared that the Village of Pinecrest has a park located along U.S. 1, which is the main roadway through the City. The park is beautifully landscaped and well maintained, with identifying signage for the Village of Pinecrest. He conveyed his desire to have similar identifying signage for Rolling Oaks Park along 183rd Street.

Manager Crew said a larger version of the signage erected at Brentwood Park would be erected at Rolling Oaks Park.

Councilwoman Pritchett asked what the two appraisals quotes were.

Manager Crew said 1.515 Million and 1.6 Million.

Councilwoman Pritchett asked Manager Crew to elaborate on this property's future appreciation value.

Manager Crew said property values are appreciating at a tremendous rate. He shared his concern that two years from now the City would not be able to afford this property. The asking price for properties along 27th Avenue is \$750,000 per acre.

Councilwoman Pritchett said Manager Crew had mentioned that the City might be able to receive reimbursement for up to 45 percent of the purchase price of this land through the Florida Community Forever Trust; she asked the City Manager to expound on the Florida Community Forever Trust Grant.

Manager Crew explained the Florida Community Forever Trust is a Trust Fund set up by the Florida Legislature to assist local government jurisdictions with purchasing open space and park land. The application is due May 2006. It is a point based application with over fifty to sixty items for which points are given. If an applicant purchases the property first and then ask for reimbursement, extra points are given for that. He conveyed his confidence that there were several areas where the City could receive points (e.g. urban area, and eastern host community) in its efforts to acquire this grant.

Councilman Harvard asked whether this trust fund funding is a part of the 66 Million Dollars that comes from the State that Miami-Dade County usually applies for.

Manager Crew affirmed this is the 66 Million Dollars that is available state-wide. Now that the City of Miami Gardens has its own municipal jurisdiction, it has to apply for the funds and not go through Miami-Dade County.

Mayor Gibson expressed concern with the City of Miami Gardens not having a regional park. She opined due to the population of this City, it is critical to have a regional park. She placed emphasis on the importance of getting a regional park in this City.

Manager Crew shared that even though the City of Hialeah does not have a regional park, Amelia Earhart Park, which is a Miami-Dade County regional park is located within the City.

There being no further discussion, the motion to approve this item passed and carried by a 7-0 vote.

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

RESOLUTION NO. 2005-169-346

K-3 M-2)A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO

NEGOTIATE AND EXECUTE AN AGREEMENT WITH TYLER TECHNOLOGIES, INC., EDEN DIVISION, FOR THE PURCHASE AND IMPLEMENTATION OF A FULLY INTEGRATED CITY-WIDE SOFTWARE SYSTEM, IN AN AMOUNT NOT TO EXCEED \$650,000.00 DOLLARS, BY PIGGYBACKING ON THAT CERTAIN CITY OF FORT MYERS REQUEST FOR PROPOSALS NO. R6006-03 AND THE RESULTING CONTRACT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Manager Crew explained the City is having tremendous problems with its records' keeping because of the software system. Currently the City uses software owned by the City's finance contractor. There are stand alone systems for the building, planning and code enforcement departments. Those systems are clasping under the weight of the data. Until the City gets some sort of integrated finance system this is going to happen. This process started approximately eight months prior. The City had the seven leading software providers provide demonstrations in order to ascertain which software most met the needs of the City. It was unanimously determined by staff that Tyler Technologies, Inc., Eden Division system was the best. The next step in the process was to visit those municipalities currently utilizing this system. The city wanted to get a company that has been in the field and had a good track record. As part of the General Ledger system the City gets an Account's payable system, a budget system; Human Resource System, which involves payroll; the Code Enforcement and permitting, which all inputs money into the System. For example when someone pays a code fee that money immediately goes into the General Ledger of the System, which immediately updates the entire General Ledger. This provides the City with current up to the minute finances at all time.

Manager Crew said in addition, the City needs to have a major Project Manager system to keep track of projects. One of the goals of the City is to bring the financial function in-house, this can not be accomplished without the City having its own system in place. It is estimated that training and installation would take between six and nine months. In addition the two systems will have to run parallel for a while in order to work out any unforeseen complications. It is anticipated the system will be in place by October 2006.

Mayor Gibson explained her rationale for removing this item from the Consent Agenda. She said when this item was first discussed she had indicated that a Comprehensive Technology Plan was needed and had asked staff to prepare an IT Plan, bring it back to the Council for its consideration. This was not done. She said her concern was to spend this amount of money and not have a Comprehensive IT Plan is crucial. She expressed concern with the other stand alone components that need to be a part of the IT Plan for the City. There are many other functions that need to be accessible to not only the various departments, but residents as well. She expressed concern with the fact that this item is back before the City Council without having the IT Plan completed.

Mayor Gibson stated that she was not going to support this resolution. She shared the belief that the time, resources and money needs to be spent to get the IT Plan in place before the City spends \$650,000.00 to purchase the system even though it is needed.

Mayor Gibson reiterated that before she is supportive of spending this kind of money she wanted to see the IT Plan in place. She re-emphasized the importance of having an IT Plan in place and stated that if a consultant is needed to assist with the plan, then acquire one. It is important to spend whatever money on the front end, when one is spending a couple of million dollars on technology.

Manager Crew said he understood where Mayor Gibson was coming from and obviously staff is trying to work on the IT Plan. He shared that he had produced a much larger IT Comprehensive Plan for the City of Gastonia, which had over 27 employees in the IT Department, whereas the City of Miami Gardens only has one. However, no matter what the city's needs are in the future and other basic needs in the City, there is one basic need that has to be done first. He emphasized the city has to have a General Ledger that works and can be depended on to provide accurate financial information.

Mayor Gibson clarified her position and stated that she was not saying the General Ledger was not important. She conveyed her knowledge that the City has basically an antiquated system that can not handle the financial activities of this City. She restated that she is very much aware of the current situation. She further acknowledged that the General Ledger is a component of a plan, and conveyed her respect for the number of years Manager Crew has been a City Manager. She stated that she was not satisfied with the fact that Manager Crew was directed to provide a Comprehensive IT Plan, and it has not been done. She said if the Plan was not completed, the City Manager should have come back to the City Council prior to bringing this item forward, to give the Council an update on where the City was with the IT Plan. The IT Plan would provide the City Council with viable information of the various components to be integrated into this system. She opined the entire system, once all the components are in place will cost more than this \$650,000.00.

Manager Crew conveyed his belief that he could not hold off on this purchase until the Comprehensive IT Plan was completed. He opined the City has the professional expertise to do the Comprehensive IT Plan in-house as opposed to hiring a consultant to do the work. He apologized for not providing a status report on the IT Plan prior to bringing this item before the City Council.

Councilman Bratton asked if the Council voted to table this item, what would be the time line in getting the IT Plan completed.

Manager Crew said even if this item is adopted tonight, the City is looking at between seven to nine months before the City could have a system to handle the volume. He opined the City would have to deal with the system currently in place, and this could be a disaster.

Councilwoman Pritchett asked where Tyler Technologies was located.

Manager Crew in response to Councilwoman Pritchett's question said Tyler Technologies is located in Washington State.

Councilwoman Pritchett asked if this item was approved by the Council would representatives travel from Washington State to provide support, assist with the setup of the program and the training of employees.

Manager Crew said yes those services are a part of the package.

Councilwoman Pritchett pointed out that in one part of the information provided there is reference to an Eden System and in another section of the information an Eden Division is mentioned. She asked which one is correct.

Manager Crew said Eden System is a division of Tyler Technologies, Inc.

Councilwoman Pritchett expressed concern with Manager Crew's answer. She asked Pam Thompson the City's Procurement Manager if this corporation, in terms of doing business in the State of Florida was in good standing with the Florida Department of Incorporations.

Pam Thompson, Procurement Manager appeared before the City Council to respond to Councilwoman Pritchett's question. She said Tyler Technologies, Inc., is incorporated in the State of Washington however, the corporation has a license to operate in Florida and has done business with municipalities in the State of Florida.

Attorney Dickens asked if Ms. Thompson had a Certificate of Good Standings from Tyler Technologies, Inc.

Ms. Thompson replied, yes.

Councilwoman Pritchett asked to be provided with a copy of that Certificate of Good Standings.

Vice Mayor Braynon stated that he has heard both sides of the issue, from Manager Crew and Mayor Gibson, which is similar to the sidewalk issue discussed earlier tonight. During the previous discussion about the need to repair the sidewalks on an as needed basis until the Comprehensive Study is completed because of potential catastrophic circumstances; that discussion is similar to what is being discussed now, a Comprehensive IT Plan is being mandated, however if this system is not purchased something potentially catastrophic can happen with the City's finances because the moneys are not matching up.

Vice Mayor Braynon said the city is now in its third year; he is of the opinion that the Council should now not be voting on items in the catastrophe mode. However, he would give this item the benefit of the doubt. He further stated that January 1, 2006, is coming up and he might not be so inclined to vote on items in the catastrophe mode, as he has in the past.

Councilwoman Pritchett conveyed her understanding of Vice Mayor Braynon's comments. She asked if there were any pending lawsuits because of the City's computer technology.

Manager Crew said there were no pending lawsuits with regard to the City's computer technology.

Councilwoman Pritchett commented the repair of sidewalks on an as needed basis and the

purchase of this computer software are two different things. She opined \$650,000.00, is a lot of money and that is just the beginning.

Vice Mayor Braynon clarified his comments by saying that both issues have the potential to become situations the City did not want.

Councilman Harvard inquired about the time frame involved with putting together the Comprehensive IT Plan.

Manager Crew said every comprehensive plan is different. The City is currently working on six comprehensive plans. The completion of a comprehensive plan can vary on completion from two to six months.

Manager Crew stated that he is concerned about the City's finances, which has always been his number one concern. In preparing a Comprehensive IT Plan there needs to be thought as to what the City's actual needs are. Consideration would need to be given to the type of equipment necessary, as well as future purchases (e.g. the City's police department).

Councilwoman Watson asked whether an additional two months was needed to complete the Comprehensive IT Plan.

Manager Crew said he did not know how long it would take because the more information gathered the more consideration for other items is required. In during a Comprehensive IT analysis, for the PLAN, it is imperative that all areas are covered. The city is currently into the data gathering phase of the Comprehensive IT Plan. However, none of the information being gathered will change the General Ledger, which is basically a stand alone system.

Councilwoman Watson referenced the sidewalk issue and said that discussion involved potential and on-going lawsuits, which was a mitigating factor in approving that item. She asked when talking about the inability to balance the City's financial records, would major audits become a problem.

Manager Crew said the financial computer situation is not necessarily about balancing the books. When one starts to get two different sets of figures and two different ways of doing something that is a concern. When the cash registers are not linked to the General Ledger System potential problems can occur. Even with this purchase, the City will have to wait approximately seven months to rectify the problem.

Councilwoman Watson asked whether auditing could be a problem.

Manager Crew said auditing as well as accountability could be problematic. Permit tracking, which is a part of this General Ledger is also a problem.

Councilman Campbell opined Mayor Gibson has sufficiently, verbally reprimanded the City Manager regarding the fact that he did not provide the information she requested. However, from what

he was hearing there is a need for this equipment. He conveyed his sense that there is an immediate need and the Council should approve this item. He opined the Council needs to resolve the current conditions as opposed to waiting three to six months.

Councilwoman Pritchett expressed concern with not having seen the Certificate of Good Standings prior to voting on this item, and questioned whether language should be placed in the resolution with regard to the company having such certification.

Attorney Dickens said it is not necessary to have that language in the resolution; however she will not sign off on the contract without having that documentation.

Mayor Gibson passed the gavel to Vice Mayor Braynon and motioned to approve this item. This motion was seconded by Councilman Harvard.

Mayor Gibson conveyed her understanding of the importance of what this technology would do; because it is so important, the item should have been presented during the budget process in October, 2005. The City Manager was fully aware, back in October that this Comprehensive IT Plan needed to be done. If this item had been brought to the Council in October, the City Manager could have been well on his way to completion. She emphasized that when the City Manager found out this item could not be completed in time, he should have come back to the Council to advise that the Plan could not be completed, however the purchase of this technology is very important.

Councilman Bratton asked how long would it take to do and complete a Comprehensive IT Plan.

Manager Crew said two to three months.

After there as no further discussion, the motion passed and carried by a 5-2 vote.

Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Mayor Gibson:	No
Vice Mayor Braynon:	Yes

Vice Mayor Braynon relinquished the gavel to Mayor Gibson.

(MN) REPORTS OF CITY MANAGER AND CITY ATTORNEY.

1. Staff Monthly Report – October – November 2005

2. Employee Christmas Party

Manager Crew announced the employee Christmas Party is scheduled for Friday, December 16, 2005, at 3:00 p.m., in the City Council Chambers at City Hall.

Renee Farmer, Assistant City Manager for Public Services appeared before the City Council to expound on the White Elephant Gift Exchange to take place during the Christmas party. All one has to do to participate in this event is to bring a generic wrapped gift to the Christmas party.

Manager Crew further introduced a new hire, Ula Zucker the City's Special Events and Media Coordinator. He further announced a Town Hall meeting scheduled for Wednesday, December 21, 2005, at 7:00 p.m.

Major Boyd, Commander for the Miami Gardens District Police Department appeared before the City Council to make a monthly police report. He said according to the year-to-date time, the City is down in every category except commercial and residential burglaries, and robberies.

Major Boyd said a comprehensive plan is being put together to deal with the issues. He further anticipated significant change with the robberies statistics. He said for the month of December 2005, there were 60 robberies. He conveyed his belief that that number would be significantly reduced for the month of January 2006.

Major Boyd further acknowledged his Executive Officer John Alonzi. He shared that Captain Alonzi had taken a pay cut to come to the City of Miami Gardens.

Captain John Alonzi appeared before the City Council to expound on the Miami Gardens District Police Department's commitment to this community, as well as the commitment of the dedicated men and women who serve this community. He said representatives from the Miami Gardens' District Police Department have been meeting with the various Crime Watch and civic Organizations

(NO) REPORTS OF MAYOR AND COUNCIL MEMBERS.

Councilwoman Pritchett provided each Council member with information she had received from the National League of Cities, which the City Manager is aware of.

Councilwoman Pritchett asked whether the City of Miami Gardens would be able to determine how its Community Development Block Grant dollars would be spent, starting January 1, 2006.

Manager Crew said the City has an appointment near the end of January with the head office to open a dialogue. Before the City can receive any funds the City has to complete another Comprehensive Plan (Housing); Renee Farmer is in the process of doing that. This Comprehensive Plan has to be submitted before July 2006. A consultant has been hired to assist with the PLAN. The city would then be eligible starting in October 2006.

Councilman Bratton conveyed his desire to rename a park or street after the Late Audrey J. King, Council member for Seat 3. Staff has suggested renaming a park as opposed to a street. He asked for the Council's recommendation.

Vice Mayor Braynon said there has been some discussion about the three facilities with the same name: Carol City Park, Carol City Complex and Carol Park. He suggested renaming one of those facilities in honor of Audrey J. King.

There was a consensus of the Council to rename a park after the Honorable Audrey J. King.

Mayor Gibson advised Councilman Bratton to sponsor a resolution and in that resolution, identify the park to be renamed after the Honorable Audrey J. King.

Councilman Bratton shared he has received numerous calls complaining about the debris staging area at 199th Street and 32nd Avenue. He asked about the time frame involved with the completion of the hurricane debris clean up effort. He further questioned whether more debris is being added to the already existing pile of debris.

Manager Crew said the original time frame to complete this process was supposed to be by the end of next week. However that is not going to happen. No new debris is being received at this site. The only activity occurring there is the chipping. These chippings are then being hauled to the landfill.

Tom Ruiz, Public Works Director said he was told by the contractor that the area should be cleared up within the next two weeks. He shared from first hand experience he knows that it will take an additional two to three weeks to clear the area. The separation of the construction debris is causing a delay. The landscaping debris has to be separated from the construction and both type of debris must be taken to separate landfills.

Councilman Bratton asked whether chemicals were being stored on this site.

Mr. Ruiz said most of the construction debris is dry and includes no chemicals that could contaminate the ground.

Manager Crew asked about rodents.

Mr. Ruiz said he would have to check into whether rodents were living and breeding on this site.

Vice Mayor Braynon related that Country Walk had much more hurricane debris and that area's clean up efforts have been completed.

Manager Crew attributed Country Walk's clean up efforts to the fact that there was probably more equipment being used. He further shared that currently the City has spend over 3 Million dollars on its hurricane clean up efforts.

Mayor Gibson said the longer the contractor is here, the more the cost will be. She said if an additional grinder is needed to do the job, the contractor needs to bring it in.

Vice Mayor Braynon placed emphasis on the fact that the contractor is being paid by the cubic

yard. He said the contractor has a job to do and if they can not do the job with the equipment they have, they need to bring in another grinder to do the job.

Mr. Ruiz said the contractor has indicated that they would provide three or four grinders, however he has not seen the additional equipment.

Councilman Harvard announced the City has seven teams within the Miami Gardens Optimist League that have done a great job during this football season (winning the Super Bowl). This coming wee-end the teams will be playing in the playoffs at the Orange Bowl. He conveyed his desire to honor these youth for their outstanding sportsmanship at a future event held by the City.

Councilman Harvard further expressed concern with the illegal trash pile along the canal and NW 17th Avenue, south of the Palmetto Expressway, which seems to keep getting bigger every day.

Manager Crew said this is Miami-Dade County's responsibility. The City has been working through County Commissioner Jordan's office in an effort to get Miami-Dade County's Solid Waste Department to take care of this situation.

Councilwoman Watson shared that she along with members of the City Council had attended the National League of Cities Conference, on last week. While there she had an opportunity to see young people involved in their local governments. She expressed her desire to implement a Youth Council for the City of Miami Gardens.

Councilman Campbell referenced the City Manager Monthly Report and asked that the Florida Regional Interagency Emergency Network in Disaster item be expounded on.

Horace McHugh, Assistant City Manager appeared before the City Council and shared that this meeting was called by a group of non-profit organizations such as the Red Cross and United Way. These organizations in conjunction with other municipalities used the social service arm of Miami-Dade County. Miami-Dade County offered to serve as a one-stop shop for addressing needs relating to housing, public assistance and the needs of people who have been impacted by hurricanes. This is an on-going initiative with future meetings to be scheduled.

Mr. McHugh said another public/private initiative was spearheaded by the Chamber of Commerce where Miami-Dade County has committed 25 Million Dollars to assist individuals impacted by hurricanes.

Councilman Campbell inquired about the City's emergency immobilization training as it relates to the recovery phase (e.g. distribution centers within the City of Miami Gardens).

Manager Crew said the City was approximately 95% completed with the Emergency Management Plan before the hurricanes. Since there was so much more that staff learned as a result of Hurricane Wilma, staff went back to square one to revamp the plan because there were so many other aspects to be incorporated.

Councilman said there are grants available to assist with the necessary equipment for emergencies. He opined the City of Miami Gardens should set up a command post and have the necessary equipment for training particularly since residents are becoming CERT trained.

Tom Ruiz, Public Works Director appeared before the City Council and shared that he had received grant information from Mayor Gibson and is in the process of putting the grant application together. As far as other similar grants, he would have to take a look at Homeland Security for some funding.

Mayor Gibson shared that the Florida Department of Transportation for District Six, sent representatives out to speak with her about the list of FDOT projects for the City of Miami Gardens. A copy of this list was provided to each Council member. She said the drainage problem on 441 and the exit ramp off of I-95 is being addressed.

Mayor Gibson referenced a letter she had written and shared that Councilwoman Watson has been the City's representative to the 441 Corridor Collaborative Board. The City of Miami Gardens will be hosting this Board's next meeting, which is scheduled for Thursday, January 12, 2005, from 8:00 a.m. to 12:00 p.m., with a Steering Committee meeting to take place from 2:00 – 4:30 p.m. She invited the City Council as well as members of the public to attend this meeting.

Mayor Gibson shared her intention to bring back an ordinance for the Council's consideration to change the meeting time for City Council and Zoning meetings from 7:00 p.m. to 5:00 p.m. She conveyed her belief that this would allow the Council to get through the agenda and end the meetings earlier.

Vice Mayor Braynon announced that he would be featured in the February Edition of Ebony Magazine's Leaders Under 30 Section.

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

Dr. Lester Brown, 18801 NW 29th Court, Miami Gardens, Florida, appeared before the City Council to commend Council and staff for their civility in which they discuss that disagree as well as agree on. He further shared his viewpoint on preparing a PLAN.

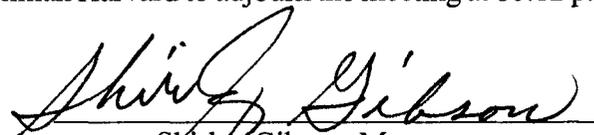
(Q) ADJOURNMENT.

After there was no further business to come before this Body, and upon a motion being duly made by Councilman Bratton, seconded by Councilman Harvard to adjourn the meeting at 10:12 p.m.

Attest:



Ronetta Taylor, CMC, City Clerk



Shirley Gibson, Mayor