

**CITY OF MIAMI GARDENS
REGULAR CITY COUNCIL MINUTES
FEBRUARY 23, 2005**

(A) CALL TO ORDER/ROLL CALL.

The City Council of the City of Miami Gardens, met in regular session on Wednesday, February 23, 2005, beginning at 7:13 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, Melvin L. Bratton, Sharon Pritchett and Oscar Braynon, II.

Moved by Councilwoman Pritchett, seconded by Councilman Braynon to allow Councilwoman Audrey J. King to participate in this meeting telephonically. This motion was passed and carried by a 6-0 vote.

Also in attendance were: Assistant City Manager Horace McHugh, City Attorney Sonja K. Knighton Dickens and City Clerk Ronetta Taylor. City Manager Dr. Danny O. Crew arrived at 8:25 p.m.

(B) INVOCATION.

The Invocation was delivered by Dr. Lester Brown

(C) PLEDGE OF ALLEGIANCE.

The Pledge of Allegiance was recited in unison.

(D) APPROVAL OF MINUTES

Regular City Council Minutes February 9, 2005.

Moved by Councilman Braynon, seconded by Councilwoman Pritchett to approve the minutes with the necessary additions/deletions as noted by the Clerk. This motion passed and carried by a 7-0 vote.

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

Assistant City Manager Horace McHugh requested that the official agenda be amended to include the following items under presentations: 1) Golden Glades Optimist club; and 2) Presentation by City Manager Danny O. Crew.

Mr. McHugh further noted a correction to the agenda under Special Presentations, Item No. 4, which should read Community Crusade Against Drugs, Inc., instead of Community Crusade for

Drugs.

Moved by Vice Mayor Campbell, seconded by Councilman Braynon to accept the amendments and corrections to the official Agenda. This motion **passed and carried by a 7-0 vote.**

(F) SPECIAL PRESENTATIONS

1. Fedrick C. Ingram, Miami Carol City Senior High Band Director

Mayor Gibson along with members of the City Council proclaimed Wednesday, February 23, 2005, Fedrick C. Ingram Day for his outstanding achievement.

Councilwoman Pritchett on behalf of the City Council presented Mr. Ingram with a plaque for his outstanding achievement, academic excellence and dedicated service to the Community.

2. Tanisha Cidel, Miami Norland Middle School Drama Teacher

Ms. Cidel was not present for this presentation.

**3. Christopher Norwood – Annual Report
The Children’s Trust of Miami-Dade County**

Mr. Norwood was not present for this presentation.

4. Chuck Ridley, Executive Director

Community Crusade Against Drugs, Inc.

Mr. Ridley appeared before the City Council seeking the Council’s support. He provided an overview of the Miami Gardens Coalition, which focuses on issues that impact youth and families residing in Miami Gardens. The initiative of the Miami Gardens Coalition is to promote the positive development of children and youth and prevent adolescent problem behaviors including alcohol and drug use, juvenile delinquency, teen pregnancy, school failure and violence.

Mr. Ridley requested to partner with the City of Miami Gardens in order to receive grant funding for the organization’s community based initiatives.

Attorney Knighton Dickens indicated that the City could at this point approve the concept. She indicated that a Memorandum of Understanding could be brought back to the Council for consideration at the March 9th City Council meeting.

Mr. Ridley clarified that at this point only a letter of support was needed. The Memorandum of Understanding would come at a later date.

Moved by Vice Mayor Campbell, seconded by Councilwoman King to issue a letter of support to the Community Crusade Against Drugs, Inc. and its efforts. This motion passed **and carried by a 7-0 vote.**

5. Golden Glades Optimist Club

Mr. Christopher Steers, Assistant to the City Manager for Business Services, presented on behalf of the Golden Glades Optimist Club, a plaque to William J. Green, Assistant to the City Manager for Public Services, for his support during the Optimist Club Football season.

6. Special Presentation by the City Manager

City Manager Danny O. Crew presented a bronze wall hanging depicting a replica of the City's Seal.

(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, ESTABLISHING AN ELECTION CODE FOR THE CITY OF MIAMI GARDENS; PROVIDING FOR ADOPTION OF THE STATE LAW; PROVIDING FOR DUTIES OF THE CITY COUNCIL; PROVIDING FOR A PROCEDURE FOR THE CALL OF AN ELECTION; PROVIDING FOR CITY CLERK TO SERVE AS SUPERVISOR OF ELECTIONS; PROVIDING FOR CERTIFICATION OF ELECTION RESULTS; PROVIDING FOR A FEE FOR CANDIDATES; PROVIDING FOR AN OATH OF OFFICE; PROVIDING FOR BALLOT REQUIREMENTS; PROVIDING FOR THE INSTALLATION OF NEW OFFICERS; 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 explained that per the City's Charter the City of Miami Gardens needs to establish a Municipal Election Code. She indicated that the Charter also requires that the City adopt an ordinance addressing ethical campaigning, and maximum campaign contributions. That ordinance will be presented for first reading at the next City Council meeting.

Moved by Councilman Braynon, seconded by Councilman Bratton to approve this item on first reading, with second reading and public hearing scheduled for March 9, 2005.

Councilman Braynon referenced the provision which requires that the Council meet the day after the General and Primary Elections, if applicable, and questioned whether City business would be discussed at these meetings.

Mayor Gibson explained that the meeting is to ratify the results of the election.

Councilman Braynon questioned whether the two meetings were required.

Clerk Taylor explained that the Council would meet after each election if applicable to ratify the results of that particular election.

Councilwoman Watson referenced the Run-off provision on page 2 of the ordinance, which

provides for two candidates' names to be placed in the run-off election. She emphasized the importance of clarifying this provision to say the candidates receiving the highest number of votes in the General Election.

Mayor Gibson pointed out that a clarification is made in another section of the ordinance and provides for the two candidates receiving the most votes to proceed to the Run-Off Election.

Councilman Bratton referenced the Sworn Affidavit provision on page 5, line 21 of the ordinance and questioned what the additional blank space was for.

Attorney Knighton Dickens indicated that this additional space would be removed.

At the conclusion of this discussion, the motion to approve 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

- (2) **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REPEALING CHAPTER 19 AND SECTION 33-4.25 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; CREATING A NEW PROPERTY MAINTENANCE ORDINANCE TO IMPOSE MORE STRINGENT STANDARDS FOR MAINTENANCE OF PROPERTY, BUILDINGS, STRUCTURES, WALLS, FENCES, SIGNS, PAVEMENT AND LANDSCAPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR COMPLIANCE; PROVIDING FOR REGULATIONS FOR ABANDONED PROPERTY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR NOTICE; PROVIDING FOR THE ABATEMENT OF CERTAIN NUISANCES; PROVIDING FOR GENERAL PENALTIES FOR VIOLATIONS; 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 that this ordinance increases some of the standards for property maintenance.

Moved by Vice Mayor Campbell, seconded by Councilman Bratton to adopt this ordinance on

first reading, with second reading and public hearing scheduled for March 9, 2005.

Vice Mayor Campbell conveyed his pleasure in seeing this item before the Council. He further requested that if this item is adopted, a public awareness campaign be launched so that the residents are made aware of this new law.

Manager Crew said that staff would work with the property owner to ensure that the property is brought into compliance.

Councilwoman Pritchett asked if Mr. Steers had something he'd like to add with regard to this ordinance.

Christopher Steers, Assistant to the City Manager for Business Services, appeared before the City Council and shared that the ordinance addresses how the property is to be maintained. It addresses commercial as well as vacant residential properties. It addresses the permitted height of grass growing on the property. It addresses driveways and designated parking areas.

Mayor Gibson referenced page 10, Section E (3E) of the ordinance with regard to the tree canopy and the minimum height, and questioned whether this was in relationship to the property and the swale area.

Mr. Steers related that this provision addressed vacant properties, which created nuisances and possible locations for illegal dumping. This ordinance would require the property owner to secure the property. Additional requirements made are added depending on whether the property is located in a residential or commercial area.

There being no further discussion, the motion to approve this item on first reading **passed and carried by a 6-0 vote.**

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

- (3) **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, PROVIDING FOR "LANDLORD PERMITS"; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICATION PROCEDURES; PROVIDING FOR SPECIFIC GROUNDS FOR DENIAL; PROVIDING FOR THE TERM OF LANDLORD PERMITS AND TRANSFER; PROVIDING FOR RENEWALS OF LANDLORD PERMITS; PROVIDING FOR DUTIES OF LANDLORDS; PROVIDING FOR DUTIES OF THE CITY; PROVIDING FOR RIGHT OF INSPECTION; PROVIDING**

FOR CIRCUMSTANCES UNDER WHICH A PERMIT MAY BE DEEMED NULL AND VOID OR ILLEGAL; PROVIDING FOR REVOCATION PROCEDURES PURSUANT TO WHICH A LANDLORD PERMIT MAY BE REVOKED; PROVIDING PENALTIES FOR VIOLATIONS; 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 that this ordinance provides for a Landlord Certificate. This would allow an annual inspection of the rental property for Code Violations and any other violations that may be apparent. This and the previous ordinance would go hand in hand to improve the overall quality of life. This item if approved on first reading will come back on second reading with a companion resolution which would set up a fee schedule. The implementation of this program would also require additional staff for the Code Enforcement Department. A resolution will be forthcoming requesting authorization to hire two additional Code Enforcement Officers and one clerk. The City received a grant which will cover the cost of the additional personnel for the remainder of this fiscal year. It is the City's goal to make this program self funded.

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

Mayor Gibson referenced page 2, Section 4 (b) of the Ordinance, which talked about dormitories and asked how would this apply to the Universities and Colleges located within the City of Miami Gardens.

Mr. Steers indicated that this ordinance would apply to those institutions as well.

Mayor Gibson asked if the universities and colleges would have to get a Certificate for each one of the dormitory rooms.

Mr. Steers replied that technically, yes.

Attorney Knighton Dickens suggested deleting the reference to dormitories from the ordinance. She explained that the dwellings the City was trying to address were sufficiently covered by the other wording in the ordinance.

Mayor Gibson concurred with the deletion of the word dormitory.

Vice Mayor Campbell asked if there was a requirement in the ordinance for landlords to conduct quarterly or annual inspections of their rental property, with proof of this inspection being provided to the City.

Mr. Steers stated that this was not specifically addressed in the ordinance.

Attorney Knighton Dickens indicated that the way the ordinance was written requires the City

to conduct the annual inspection.

Vice Mayor Campbell clarified that having the landlord conduct a quarterly or annual inspection might simplify what the City has to do during its annual inspection.

Mr. Steers indicated that the City has the ability to monitor a situation and could in all probability do an inspection at any time.

Councilman Bratton referenced page 4, Item No. B, of the ordinance, which provides that all applications be assigned a number, and asked if this was necessary.

Attorney Knighton Dickens indicated that this language would be deleted from the ordinance. These changes will be noted as scrivener errors.

Councilwoman Pritchett referenced page 4, Item No. 2 and recommended language requiring the applicants that are corporations provide the telephone number along with the name and address of the corporation.

Councilwoman Pritchett referenced page 3, Section 7(B), of the ordinance and the language in the very last sentence, which states “the City may pursue the revocation of any existing permits to be issued to the subject premises”, and asked that this provision be expounded upon.

Attorney Knighton Dickens said the language should not be “permit” but should be “certificate”. This change would be made as a scrivener’s error.

Mayor Gibson shared that from her experience while serving on the Community Council, she has learned that there are a lot of illegal structures, with numerous ones coming before the City Council. She opined that once this program is in place and the Code Enforcement Officer inspects the subject property and it is found that an illegal structure has been built, that illegal structure will be reported, with that illegal structure ultimately coming before this Council for a variance, etc. She opined that this will probably be one of the fall outs of having this type of program in place. She related that Council should be aware of this and ready to make some difficult decision when these items are presented.

Attorney Knighton Dickens indicated that the State has taken the position in some instances that municipalities don’t have the right to do this, which she disagrees with, and has gone to bat with someone from the state with regard to this issue. The Attorney General however has not issued such an opinion. The State has the authority to regulate hotels and rooming houses. However, someone has taken the position that they also have the authority to regulate apartment houses, which is not what is incorporated in the State Statutes.

Councilman Brayton apologized from being away from the dais momentarily because he had to get a bite to eat. He explained that with a pre-op appointment scheduled for first thing tomorrow morning, he was prohibited from eating after 9:00 p.m., however he’s not eaten all day, therefore famished.

Councilman Braynon's apology was accepted by the members on the dais.

Councilman Bratton referenced page 3, Section 6(B) of the ordinance and questioned whether a property owner in violation of this ordinance would be charged a fee.

Mr. Steers said that the property owner would be subject to a fine. The maximum of the fine is 25 percent.

There being no further discussion on this item, the motion to approve on first reading, with second reading and public hearing scheduled for March 9, 2005, **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

Barbara Jordan, Miami Dade County Commissioner for District 1, was afforded an opportunity for comments. She conveyed her hopes that Miami-Dade County was responsive to the City of Miami Gardens with its CDBG process. The City of Miami Gardens did get additional funding. She encouraged the City to still pursue its direct application with the State of Florida for CDBG funding.

Mayor Gibson thanked Commissioner Jordan for her assistance in helping the City to get the additional funding.

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

ORDINANCE NO. 2005-11-49

- (1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2004-11-27, THE CODE ENFORCEMENT ORDINANCE TO REQUIRE THAT SPECIAL MASTERS BE MEMBERS OF THE FLORIDA BAR, AND TO AMEND THE PROCEDURES FOR LIEN/FINE REDUCTIONS; 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 – February 9, 2005).**

Please note that Councilwoman King elected to end telephonic participation at 8:40 p.m.

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.

There being no discussion on this item, the motion to adopt **passed and carried by a 6-0 vote.**

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

(J) PUBLIC COMMENTS (10 - MINUTES)

Dale Barham, with a residential address of 2955 SW 15th Street, Pembroke Pines, Florida, appeared before the City Council to ask the City to allow his church's Sports Club to have a place to play the game of Cricket.

Manager Crew asked that Mr. Barham make an appointment to meet with Mr. Green about this request.

Mayor Gibson asked whether the City of Miramar prohibited the sport of Cricket in their parks.

Mr. Barham said that he was not aware of this. He shared that he'd heard some talk about building a facility to accommodate the game, but to his knowledge this has not been realized.

Mayor Gibson shared that she's received complaints about Cricket being played in the parks. The complaints were not aimed at Mr. Barham's particular group. However, those participating in this game travel from as far north as West Palm Beach because they don't have an opportunity to play in their respective areas. She conveyed concern and wanted to know why those municipalities were not allowing their residents to play Cricket on their parks. She conveyed her belief that a resident paying ad valorem taxes should be allowed to utilize the facilities where they live and not be forced to come to another county to look for the facility to engage in recreational activities.

Mr. Barham shared that the City of Lauderhill has allocated a significant amount of money to facilitate this game in Lauderhill. He shared that although his residency is in Pembroke Pines, he has a vested interest in the City of Miami Gardens.

Mayor Gibson clarified that she had a concern when a City as large as Miramar did not allow its residents to play the game of Cricket in its parks.

Mr. Barham indicated that his team was utilizing the Opa-locka Airport, but because of the number of teams playing there, the site has become crowded. He further shared that his team emphasizes the importance of family involvement and the team members project a positive image. In addition, the team membership is not exclusive to church members. Anyone that plays with this team must transform to certain standards of behavior.

Councilwoman Pritchett asked how many members played on a Cricket team.

Mr. Barham indicated that there were eleven playing members.

Councilwoman Pritchett asked how many of those eleven members are residents of the City of Miami Gardens.

Mr. Barham indicated that a majority of the team members reside within the City of Miami Gardens. Even though there are eleven players, the entire group is comprised of approximately twenty individuals.

Manager Crew related that the City had a very bad experience with an adult league utilizing one of the city's parks. He said that he wanted to check into what Mayor Gibson was talking about with the City of Miramar as well as becoming familiar with Mr. Barham's teammates.

Mr. Barham indicated that his team has certain standards and would be held accountable.

Councilman Braynon shared that he is a Cricket fan and is quite familiar with the game. Cricket is not the type of sport where the players or observers are loud sport, it is also not the type of game that would tear up a playing field.

Roylan Williams, with a residential address of 17710 NW 8th Avenue, Miami Gardens, Florida, appeared before the City Council to further expound on Mr. Barham's request and the Council's support of that request.

Anthony Brown, with a residential address at 17710 NW 8th Avenue, Miami Gardens, Florida, appeared before the City Council to further expound on the requests made by Mr. Barham and Mr. Williams, and asked for the Council's support of those requests. He also shared that the City of Miramar is providing, in the western portion of the city, a facility where the game of Cricket can be played.

Dorothy Smith, President of the Brentwood Crime Watch, with a residential address at 18900 NW 30th Court, Miami Gardens, Florida, appeared before the City Council and shared that she'd provided a list identifying locations (vacant lots, and residential properties) with Code Violations. She indicated that nothing has been done to address those concerns. She further expressed concern with the loud music and the lack of respect shown to the residents in her neighborhood by Section 8 renters. She shared that her life has been threatened, her house spray painted and her son's dog was killed. She shared that she has reported these incidents to the local police, however nothing has been done. She conveyed that she is so discouraged that she is contemplating moving out of the city.

Councilman Bratton informed Ms. Smith that the City Council had tonight passed an ordinance on first reading, which would address many of her concerns. However, the City could not regulate Section 8 Housing.

Manager Crew shared that Mr. Steers has been working on the list provided by Ms. Smith. A lot of the items listed were not violations. The ordinance adopted on first reading, tonight, by the Council will help in addressing many of Ms. Smith's concerns. He suggested that Ms. Smith make an appointment with Mr. Steers to get an update as to where the City is on the items she submitted.

Ms. Smith suggested conducting a monthly Code Enforcement sweep in each district.

Councilwoman Pritchett stated, "on behalf of this Council, we appreciate everything that you have done in this City as it relates to the Brentwood Crime Watch Association. You have done a stellar and tremendous job and the Council is really indebted to you. We appreciate you for all your hard work and have always tried to support you in any way any of us could." She invited County Commissioner Jordan to come forward for comments at this point.

County Commissioner Jordan appeared before the City Council and advised that if there are concerns with regard to Section 8 tenants, a complaint can be filed with the Miami-Dade Housing Agency. The complaint must include the subject address and the violation. She placed emphasis on the importance of getting the complaint on the record.

Councilwoman Watson told Ms. Smith that the Council recently adopted an ordinance, which provides a mechanism for placing a fine on the property owners. The City would also have the ability to go out and clean up the property. The adoption of that ordinance gave the Code Enforcement Department another vehicle by which to address the many concerns raised by the citizens of this community. As this City moves forward, more and more legislation will be put in place to raise the standard and quality of living in this City. She opined that the concerns raised by Ms. Smith prompted the City's administration to bring the appropriate legislation forward for the Council's consideration.

Vice Mayor Campbell shared that he has two Section 8 tenants on his block, and too has the same concerns as Ms. Smith.

Mayor Gibson thanked Ms. Smith for bringing this issue forward. She suggested inviting a representative from Section 8, to come to a future Town Hall meeting to talk about Section 8. She conveyed her belief that there are rules and regulations for Section 8 tenants that have not been enforced for a long period of time.

Wendell James, residing at 18810 NW 29th Place, Miami Gardens, Florida, appeared before the City Council to congratulate the sponsors and supporters of the City of Miami Gardens Martin Luther King, Jr., event. He volunteered his services to assist with the painting of Ms. Dorothy Smith's home, and asked if the City would donate the paint for this purpose. He further expressed his support of the Cricket League.

Pat Stripling, with a residential address of 20733 NW 9th Court, Apartment 202, Miami Gardens, Florida, appeared before the City Council to share that she is a member of the Section 8 Advisory, and shared that there is a process being implemented to receive complaints about Section 8 tenants and landlords.

Mayor Gibson asked that Ms. Stripling provide Mr. Steers with the pertinent information.

Mr. Hugh Dodd, with a residential address of 17125 NW 19th Avenue, Miami Gardens, Florida, appeared before the City Council to express his views about Section 8 tenants and landlords. He shared that it is also up to the landlord to screen the Section 8 tenants. He further expressed his views about the Cricket League and whether the City was in acceptance of other cultures.

Mayor Gibson advised Mr. Dodd that she was familiar with the game of Cricket and did not have a problem with the game. It is the individuals who frequent the games that cause the problems. She said that if the residents who live around these parks observe activities that should not be going on, those residents are going to call the City. She placed emphasis on the fact that residents were not complaining about the game of Cricket, but the behaviors of those attending the games.

Mayor Gibson further addressed Mr. Dodd's comments about Section 8 tenants and stated that the concerns raised about Section 8 tenants was applicable to Mr. Dodd and his tenants. However, there are some real issues involved with Section 8 tenants.

James Gonzales, a Customer Sales Specialist with Lowe's with a business address of 17460 NW 57th Avenue, Hialeah, Florida, appeared before the City Council and shared that his store would donate the paint for the repainting of Ms. Dorothy Smith's house.

Mayor Gibson asked that Ms. Codner coordinate these efforts with Mr. Gonzales.

Councilwoman Pritchett pulled Item K-1 from the Consent Agenda. This item is now reflected as Item L-1.

(K) CONSENT AGENDA/RESOLUTION(S)

(1) Preliminary Paving Program.

Moved by Councilwoman Pritchett, seconded by Councilman Bratton to approve the Consent Agenda. There being no discussion, the Consent Agenda passed and carried by a 6-0 vote. Councilwoman King was not present for this vote.

(L) RESOLUTION(S)

RESOLUTION NO. 2005-28-205

- (1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ESTABLISHING AN ADOPT-A-ROAD PROGRAM IN THE CITY OF MIAMI GARDENS IN ACCORDANCE WITH THE GUIDELINES ATTACHED HERETO AS COMPOSITE EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER).**

Manager Crew explained that this item was discussed at the last City Council meeting. There has been a change since the last meeting. That change allows local businesses to participate by being a financial contributor and sponsoring a segment of a road.

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

Councilwoman Pritchett addressed the Financial Contributor's form and asked if it was possible to provide language to clarify that this applies to a business.

Manager Crew explained that the Financial Contributor might not be a business, but an individual. That individual could sponsor a segment of a road.

Councilman Pritchett expressed concern that the \$500.00 fee might discourage individuals from participating. She further referenced the volunteer agreement and suggested that language be included that would provide for community hours for those high school students wanting to participate.

Ms. Codner, Keep Miami Gardens Beautiful Director, appeared before the City Council to share that forms are in place to assist those students wanting to obtain community hours.

Councilwoman Pritchett asked Ms. Codner to provide her with a copy of this form. She then referenced the application process, which provides that sign dedications and recognitions are limited to the deceased, and asked for clarification.

Manager Crew explained that they wanted to leave this open and if a relative wanted to dedicate the clean up to one of the deceased members of their family that would be acceptable. He opined that when you start dedicating a road to people who are alive, you run into real problems.

Councilwoman Pritchett referenced the Safety Outline portion of this program and suggested adding the language to always ask that a first aid kit be provided. She further suggested stipulating that volunteers should never bring a pet.

Vice Mayor Campbell referenced the sign designation and recommended that they be limited to the names of organizations or those individuals who have specifically worked to beautify the City. He said that may have answered his concern about organizations circumventing the process by naming a road after an individual through their organization.

Councilwoman Pritchett recommended for future references, that the beautification event coordinator sign off and date the check list.

There being no further discussion on this item, the motion to approve **passed and carried by a 6-0 vote.**

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

RESOLUTION NO. 2005-29-206

- (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 AGREEMENT WITH CALDER RACE COURSE, INC. FOR SLOT MACHINES AND PARIMUTUEL FACILITIES, 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.).**

Manager Crew recounted the events of the November 2004 State Election as it related to slot machines. There are three Parimutuel facilities in Miami-Dade County that would be affected by the possible outcome of the March 8, 2005, Special Election, which would or would not allow slot machines in these facilities. Representatives from the various Parimutuel facilities have been meeting with the affected municipalities in Broward and Dade Counties to try and come to an Impact Agreement. The Miami-Dade County Commission approved their agreement several weeks ago.

Manager Crew said that it is very important to understand that this is not about whether an individual supports gambling or not. He said that he was not asking this Council to vote for or against slot machines, or anything to do with slot machines other than protect the City's interest. If the referendum passes this City will feel the impact, and as such, the Council needs to make sure the City is positioned to best absorb the impact that would be coming from such an operation. The agreement provides that Calder Race Track will provide to the City, on a monthly basis 1.7 percent of its gross profits. Gross profit is defined as "revenue less payoffs." If Calder Race Tracks' revenue exceeds 250 Million, the City's percentage would increase to 2.5. It is estimated that this profit increase would happen sometime within the fourth year. The City's revenue is estimated to be between 2.5 and 3 million dollars, annually. This revenue would be utilized to mitigate the impact the slot machines would have on the community.

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

Councilman Braynon shared that after review of this item, it brought him back to a time when he'd first started working for County Commissioner Betty Ferguson. One of the lessons he learned and learned hard had to do with an event that was coming whether you wanted it or not, an event that you didn't have any control over. Even though you fight against it, it is going to come just like a wave, and you either prepare for it or you don't. He emphasized the importance of preparing for an event for which one does not have control over. He opined that this agreement is preparation for what may be coming in the near future. He related that even though they'd fought against the development, it was constructed anyway, without any input from the Commissioner, which might have been possible had they taken another approach. He opined that the City Council as a whole is not voting for gambling however this is a way for the City to prepare for an event, which it has no control over and might occur. He shared that this is why he is inclined to support an agreement beforehand, regardless of whether there is support for slot machines in Calder Race Tracks or not.

Councilman Bratton concurred with Councilman Braynon's statement. He asked what would the effects be if the City did not pass this agreement this evening, and the vote for slot machines was passed on March 8th.

Manager Crew indicated that if the City did not adopt the agreement, the City's fate would be in the hands of the Racing Commission. He opined that this agreement puts the City in a solid position in dealing with the Legislature on this issue. Certainly the City wants an Impact Agreement that is favorable to the City.

Councilwoman Pritchett stated that this measure is scheduled to go to the ballot on March 8th. She asked, if this measure is voted for by the people on March 8th, does the Legislative Session then have the responsibility of coming up with the implementation of the process.

Attorney Knighton Dickens said that the Legislature will have the responsibility to come up with rules and regulations and possible additional taxes for the Parimutuel facilities. She said what the City Manager is saying is that it is his hope that with the City's agreement already in place, the Legislature would be less inclined to invalidate those agreements, or do something that would in effect not benefit the City. She opined if all the cities involved come forth with these agreements a head of time, the legislature might be less likely to invalidate the agreements. It is still a possibility that they might invalidate the agreements anyway.

Councilwoman Pritchett said the reason why she was asking this is because everyone in this room tonight recognizes the sensitiveness of this item. She asked why wasn't a workshop held on this item so that everything in this agreement could have been explained to everyone. She conveyed her belief that if the residents had a chance to hear what it means, and what it means if the City doesn't act and what those consequences would be, they would have a better understanding.

Attorney Knighton Dickens said that the agreement is only affected if the item is approved by the voters on March 8th. All this agreement is doing is providing for some money to come into the City, as a revenue source.

Vice Mayor Campbell used the hurricane analogy and stated that if the weatherman announces that there is a category five hurricane coming, and opined that he would have an obligation and responsibility to prepare for that hurricane. He shared that he did not like hurricanes and if he had to vote for or against a hurricane he would definitely vote against it. He opined that the only thing this item is providing, is that if the issue passes on March 8th, then there is a way for the City to benefit. If the item does not pass, this item is null and void. If it passes there is definitely going to be an impact. He opined that the City Council has an obligation and responsibility to protect the City.

Councilwoman Watson opined that the Council members have a responsibility to this City and to make sure certain safeguards are put in place. She opined that if the Council did not put this mechanism in place, the Council members would be totally remised. The Council members must put something of this nature in place. She shared that she did not approve of gambling, however she was not going to put off voting on this item. She emphasized that the City needed to have a safety net. She said that the Council members needed to assure the residents that they would not repeatedly come back

to them and ask to raise taxes for a facility that could have provided a revenue stream for this City and the Council members did not do anything about it when they had the chance. She opined that the City Council has an opportunity here to be pro-active and encouraged her colleagues to do just that.

Mayor Gibson opined that it is necessary that the City enter into this agreement, and invited Mr. Dunn to come forward for comments.

Ken Dunn, President of Calder Race Course, appeared before the City Council to further expound on this issue.

Mayor Gibson asked for clarification as to when the 1.7 percent was calculated and paid to the City.

Mr. Dunn indicated that the 1.7 percent would be calculated and paid to the City after the winner was paid off and before Calder Race Course paid any operation expenses.

Mayor Gibson asked Mr. Dunn that if the Legislature decided that it was not going to recognize this agreement, what would Calder Race Course be willing to do to try and mitigate what would then be an enormous burden on this City.

Mr. Dunn said that his organization would be willing to sit down and negotiate with the City. Calder Race Course has been in this community since 1971, and has been a good corporate citizen. In addition, Calder Race Course has no plans to not continue to make that commitment just because there is an opportunity to have additional entertainment opportunities. In addition to the 1.7 percent, there is a tremendous amount of capital investment that is going to be made, which includes jobs, education as well as an increase in property values.

Mayor Gibson inquired as to Calder Race Course's plan for handling the extra security and traffic control that would be needed due to the increased activity. She asked whether Calder Race Course would be expecting the City of Miami Gardens to assist with these issues or whether payment for these types of services would be taken from the 1.7 percent slated to come to the City.

Mr. Dunn stated that it is in the best interest of Calder Race Course to ensure that traffic flows in a productive manner. He said that Calder Race Course currently utilizes the Miami-Dade County police department for security and traffic control purposes and would continue to do so.

Mayor Gibson inquired as to the time frame involved with the additional construction.

Mr. Dunn said it is anticipated that the construction would take approximately three years to complete.

Mayor Gibson asked her fellow elected officials on the dais, as well as members of the audience, not because we support gambling, but if this measure passes, that everyone send a letter to their legislative representatives in Tallahassee, and others that will be voting on this issue, that they do not do anything that will circumvent the agreements that have been made in Miami-Dade and Broward

Counties. She said that it is going to be very critical that this issue be lobbied in Tallahassee.

Vice Mayor Campbell emphasized the importance of putting security measures in place to deter crimes (e.g. purse snatching, robberies, breaking into vehicles, etc.) that occur in the parking lots.

Mr. Dunn said that Calder Race Course would be taking measures to ensure that those types of crimes are deterred and is committed to providing its patrons with excellent security.

Councilwoman Pritchett referenced page 7, Section 7 of the Agreement and asked for clarification of the following language: Calder Race Course shall pay all building, zoning, permits and impact fees as may be required pursuant to the Code of the City of Miami Gardens and other applicable laws as such fees becomes due and payable. After any such payment, Calder shall be entitled to deduct from the monthly percentage payment in the subsequent month an amount equal to the amount in fees that Calder has paid to the City for square footage use for the operation or support of slot machines, including but not limited to building renovations or expansions, construction of parking garages or other modifications to the Parimutuel facility.”

Manager Crew explained that any expansion of Calder Race Course would involve either: 1) an expansion to actually house the slot machines (casino complex); or 2) build a parking garage, which would be in support of those extra people visiting the facility. Those fees would be waived. However, if a restaurant, hotel or retail uses were built, the fees would not be waived because that is not considered in support of the slot machines.

Attorney Knighton Dickens further explained that the fees being paid are impact fees, which Calder Race Course is already paying anyway. She said that it is sort of a give and take. Calder is already paying the impact fees and the City is giving a credit on the building fees.

Mr. Dunn indicated that this agreement is consistent with what Miami-Dade County and other cities have adopted.

Attorney Knighton Dickens indicated that the City’s agreement is more stringent than Miami-Dade County’s agreement.

Councilwoman Pritchett referenced page 9, Section 8 (C) of the contract entitled Bond and Assignment of Revenues, specifically the language “the City Manager agrees to waive or modify the requirements of this section based upon satisfaction of a payment history by Calder, and opined that the City Manager should get approval from the City Council. She reminded everyone that the City Council will ultimately be held responsible and if the process is approved by the City Council it would be better because the Council has to give the accounting. She recommended removing the City Manager from this section and replacing it with the City Council.

Manager Crew indicated that he did not have a problem with the removal of City Manager and the insertion of City Council.

Mayor Gibson concurred and asked that the language providing for the City Manager be taken

out of that section and replaced with City Council.

There being no further discussion on this item, the motion to approve **passed and carried by a 6-0 vote.**

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

Councilwoman Pritchett: stated that she wanted everyone in the audience that the Council members have a responsibility to ensure that they do the very best by all 100,809 residents, and because the City has to have something in place from what she has been empowered to understand from the City Attorney, the manager, and of course the comments from fellow sitting council members she voted”:

	Yes
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

Mayor Gibson stated that she understood Councilwoman Pritchett’s point about a workshop and opined that it is important for the Council members to understand that they have make decisions, even though the public might not have all the information that Council is utilizing to make those decisions. Sometimes this Council has to make those hard decisions without the input of the residents.

Councilwoman Pritchett opined that it behooves the Council on every level and at every opportunity to try to demand that the Council has the information to share so that the residents can be empowered. She emphasized the importance of being inclusionary.

(M) REPORTS OF CITY MANAGER AND CITY ATTORNEY.

Attorney Knighton Dickens related that she did not have a report but wanted to clarify that the City did not adopt an ordinance on first reading tonight, relating to Section 8 Housing. The ordinance adopted on first reading is related to Landlord Permits. She said that the ordinance would be enforced across the board and would involved Section 8 housing as well as non-section 8 housing.

Manager Crew announced that Community Day is scheduled for Saturday, March 26, 2005 at Carol City Park. He further announced that a workshop on how to do business with the City scheduled for March 9, 2005, from 5-7 p.m.

The City Manager’s monthly report is attached as Exhibit “A”.

(N) REPORTS OF MAYOR AND COUNCIL MEMBERS.

Councilman Braynon announced that due to a surgical procedure, he would not be in attendance at the next City Council meeting scheduled for March 9, 2005.

Councilwoman Pritchett shared that a part of what the Council members do is to attend workshops, seminars and meetings that help the Council to be the kind of people each resident in the City

of Miami Gardens and business person can be proud of. Most times the Council members have to pay for those seminars and workshops. She related that she is proud to say that she along with Councilwoman Watson and Mayor Gibson attended a workshop held in Ft. Lauderdale that was free. She shared that the members are constantly as a Council trying to do things for all that helps to improve our quality of life, even when it means a sacrifice on the Council member's part. She asked that the audience be patient with the Council members because they are growing and are determined to have a successful Council, and an even more successful City.

Councilman Bratton asked the City Manager to elaborate on a part of his report that mentioned the alarm system being installed at Myrtle Grove Inspection Station.

Manager Crew explained that the City's vehicles were vandalized over this past weekend, therefore the City is looking to install an outdoor security system.

Mayor Gibson shared that she had attended the workshop with Councilwoman Pritchett on how to lobby the legislature. She said that the Council members try to get as much education as possible and take being an elected official for the City of Miami Gardens very serious. She further announced that she would be out of town on tomorrow and part of Saturday and that Vice Mayor Campbell has very graciously agreed to stand in for her at the community day. She further announced that Councilman Bratton has agreed to assist Senator Wilson with her campaign "Don't Accept a Ride with A Stranger."

Vice Mayor Campbell asked for the status on the name change for the police department.

Manager Crew said that it is official, the name has been changed by the Miami-Dade County Commission to the Miami Gardens District Police Station.

Councilwoman Watson piggybacked on comments made by Councilwoman Pritchett and Mayor Gibson. She shared that the Council members are constantly trying to empower themselves with additional information and to educate themselves as to what direction they feel the City should be going in. She said by learning from the experience of other cities, can provide a wealth of information to assist the City of Miami Gardens. She further expounded on the success of the City of Miami Gardens during last year's Dade Days event. The City was successful in bringing \$200,000.00 back to the City on its first try. She further encouraged the residents to continue their communication with the Council members and staff.

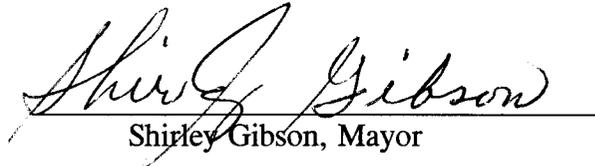
(O) REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC.

Dr. Lester Brown, appeared before the City Council to commend the Council members for doing an excellent job in their deliberations.

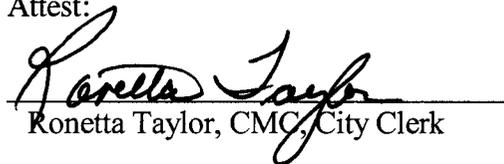
Mr. Wendell James, appeared before the City Council to express concern with the Calder Race Track agreement.

(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 the meeting adjourned at 11:13 p.m.


Shirley Gibson, Mayor

Attest:


Ronetta Taylor, CMC, City Clerk