

**CITY OF MIAMI GARDENS
REGULAR CITY COUNCIL MINUTES
FEBRUARY 9, 2005**

(A) CALL TO ORDER/ROLL CALL.

The City Council of the City of Miami Gardens, met in regular session on Wednesday, February 9, 2005, beginning at 7:17 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 Audrey J. King, Barbara Watson, Melvin L. Bratton, Sharon Pritchett and Oscar Braynon, II.

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

(B) INVOCATION.

Vice Mayor Campbell delivered the Invocation.

(C) PLEDGE OF ALLEGIANCE.

The Pledge of allegiance was recited in unison.

(D) APPROVAL OF MINUTES

Regular City Council Minutes January 26, 2005

Moved by Councilman Bratton, seconded by Councilwoman King to approve the minutes with the necessary additions/deletions as presented by the City Clerk. This motion **passed and carried by a 7-0 vote.**

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

Moved by Councilwoman Watson, seconded by Vice Mayor Campbell to approve the official agenda with the following changes: Move Item 3 under Special Presentations to be heard after Item 2. There being no further discussion, this motion **passed and carried by a 7-0 vote.**

(F) SPECIAL PRESENTATIONS

1. Special Recognition

a. Ms. Nichelle Davis

Councilwoman Pritchett, along with Mayor Gibson and members of the City Council presented Ms. Davis with a plaque for her outstanding achievement in winning the Miami Herald Publishing Company's Black History Essay Contest for 2005.

b. Ms. Skekinah Tillman

Councilwoman Pritchett, along with Mayor Gibson and members of the City Council presented Ms. Tillman with a plaque for academic excellence, and outstanding accomplishment in being the only

student selected from the Miami-Dade County Public Schools System to participate in the Presidential Classroom Program in Washington, D.C.

2. Commendation – Retirement

a. Robert L. Delancy

Councilwoman Pritchett, along with Mayor Gibson and members of the City Council presented Mr. Robert L. Delancy with a Commendation for his outstanding contributions to this community for over 24 years, as a Library Attendant with the North Dade Regional Library.

3. KAPOW (Kids and the Power of Work) Program

Mr. John Casbarro, Program Manager of the KAPOW Program for the Miami-Dade County School System. The KAPOW Program is made up of volunteers who once a month go into elementary classrooms to students about careers, and success skills that are necessary in the job market. The program is geared toward broadening the students' horizon about what they can accomplish. The KAPOW Program has been implemented in six of the local elementary schools.

Mr. Casbarro asked that the City become a KAPOW Partner. This would involve one hour per month of volunteer service at one of the local elementary schools.

Councilwoman Pritchett asked if there was a cost involved with this partnership.

Mr. Casbarro said there doesn't have to be a cost involved. KAPOW normally ask for voluntary contributions, however, there is no requirement to contribute. The KAPOW Program does get funding from the Police Department's Law Enforcement Trust Fund. In addition, the KAPOW Program's funding comes from the School District as well as KAPOW partners (e.g. major corporations, Civic Groups and Foundations).

Moved by Councilman Braynon to direct the City Manager to look into this program and come back to the City Council with a recommendation. This motion was seconded by Councilwoman King. There being no further discussion, the motion **passed and carried by a 7-0 vote.**

4. Miami Gardens/Carol City District Police Department Monthly Report

a. Major Donald Rifkin

Major Rifkin reported that overall targeted crimes were down by 6% this month, as compared to last month. Overall targeted crimes remains down by 5% year to date.

Major Rifkin related that the a portion of the \$40,000.00 Grant received by the City is being utilized to fund a portion of the KAPOW Programs in the six local elementary schools in the Miami Gardens' area.

5. FY 02-03 Audit Report

a. Comprehensive Annual Audit Report from May 13, 2003 to Sept. 30, 2003
Rachlin, Cohen & Holtz

Mr. Gerry Chiocca, Audit Director for Rachlin, Cohen & Holtz, appeared before the City Council to present the findings of the City's FY 02-03 Audit. He stated that the audit found no

financial emergency or deteriorating financial conditions. The City is standing firm and financially sound.

Moved by Councilwoman Watson, seconded by Vice Mayor Campbell to accept FY 02-03 Audit Report. There being no further discussion, the motion **passed and carried by a 6-0 vote**.

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

(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, 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).**

Manager Crew related that this ordinance provides that all Special Masters be members of the Florida Bar Association.

Attorney Knighton Dickens further explained that this is a housekeeping item, which clarifies how liens get resolved.

Moved by Councilman Braynon, seconded by Councilwoman Watson to adopt this ordinance on first reading, with second reading and public hearing scheduled for February 23, 2005.

Councilwoman Watson asked how a violator would be notified if they qualified for the Special Masters process.

Attorney Knighton Dickens indicated that proper notification would be mailed out advising the property owner of the violation. If that individual does not come into compliance within a reasonable time, subsequent action would be taken, prior to the matter going before the Special Master. If there is a lien imposed, there is another process whereby the City can release the lien. If the property owner

responded to the notices, then they would know about the process.

Mr. Christopher Steers, Assistant to the City Manager for Business Services, appeared before the City Council to expound on this issue. He said the notices are sent out prior to a lien being imposed. There are two notices that go out prior to the item being scheduled before the Special Master. Within that time frame, individuals have the opportunity to meet with staff to settle the issue.

Councilman Bratton asked whether the notices were sent out Classified or Certified.

Mr. Steers replied that the notices were sent out by Certified Mail.

There being no further discussion, this motion **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

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

ORDINANCE NO. 2005-10-48

- (1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY MIAMI GARDENS, FLORIDA, REPEALING ORDINANCE NOS. 2003-09 AND 2004-01-17; ESTABLISHING PURCHASING PROCEDURES; PROVIDING DEFINITIONS; PROVIDING FOR A PURCHASING AGENT; PROVIDING FOR PURCHASING LIMITATIONS AND COMPETITIVE BIDDING; PROVIDING FOR PURCHASING POWER TO THE CITY MANAGER; PROVIDING FOR BID AWARDS, PROVIDING FOR THE EVENT OF ONLY ONE RESPONSIVE BID; PROVIDING FOR ALL BIDS TO BECOME THE PROPERTY OF THE CITY; PROVIDING FOR A WAIVER OF COMPETITIVE BIDDING PROCEDURES; PROVIDING FOR A VENDOR'S LIST; PROVIDING FOR EXEMPTION FROM BIDDING; PROVIDING FOR A LOCAL PREFERENCE PROGRAM; PROVIDING FOR COOPERATIVE BIDDING; PROVIDING FOR CONTRACT ADMINISTRATION; PROVIDING FOR PROTEST PROCEDURES; PROVIDING FOR ETHICS IN PUBLIC CONTRACTING; 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 is a revision of the City's current Purchasing Code. This

ordinance includes: a definition for local businesses; establishes a purchasing system which provides that the City use a Purchase Order or a Purchasing Contract for all purchases; establishes a vendor list; establishes a three tier system of purchasing (1) purchases in excess of \$50,000.00, must go through a formal sealed bid process, and must be awarded by the City Council; 2) Bids between \$25,000.00 and \$50,000.00, must use the formal bid process, with the only difference being that once the low bid has been determined, the bid is awarded by the City Manager, and would not come to the City Council; Bids between \$10,000.00, and \$25,000.00, will not go through a formal bid process, but must go through an informal bid process, where the City is required to get three written quotes from bidders, with the staff awarding the bid to the lowest bid quote; 3) formal quotes are not required for purchases under \$10,000.00, however the City is required to get informal quotes. This ordinance also sets up a system for bid protests; it establishes a procedure for local preference in bidders.

Manager Crew shared that an Open House of all local suppliers from Miami Gardens is scheduled for Wednesday, March 9, 2005, to explain the City's rules and how these suppliers can get on the bidder's list.

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

Councilman Braynon thanked Manager Crew for providing the information he'd requested at the last Council meeting with regard to those items formally bid and previously approved by the City Council that would now fall within the \$25,000.00 to \$50,000.00 threshold. He shared that he was in support of this item because of the *Local Preference* provision. This provides an opportunity for local businesses within this area to do business with the City.

Councilwoman Watson referenced page 1, line 30 of the ordinance, which provides for four affirmative votes to waive a competitive bidding process, and indicated that she'd prefer to word "majority" rather than the number four.

Attorney Knighton Dickens stated that this provision provides for the waiving for a competitive bidding, which is a serious matter for the Council to consider. The four affirmative votes is the higher level than a majority of the Council members present. In addition, this wording is prescribed in the City's Charter.

Councilwoman Watson questioned what would happen if there were not enough members present to constitute four affirmative votes.

Attorney Knighton Dickens indicated that the item could always be tabled and brought back at a later date.

Councilwoman Watson referenced page 10, Section 14, lines 41 through 45, of the ordinance and expressed concern with the \$250.00 fee to be paid to the Special Master. She related that the previous ordinance quoted a fee of \$300.00 as payment to the Special Master, whereas, this ordinance

lists that payment at \$250.00. She conveyed that there needs to be consistency.

Attorney Knighton Dickens explained that this is not a fee to be paid to the Special Master, but rather an administrative cost. The cost of the Special Master is \$300.00 per hearing, not per issue. If it is determined that the \$250.00 administrative fee is not enough to cover the cost of the Special Master, this ordinance can always be amended to increase the administrative fee.

Councilwoman Pritchett referenced, page 9, Section 11, of the ordinance, relating to purchases of \$50,000.00 or less, and stated that she was concerned about the perception of going from the current amount to \$50,000.00, which is a big leap. She suggested limiting the amount to \$25,000.00, and monitoring that process to see how it would work with the lesser amount. If that system worked well, that \$25,000.00 amount could always be increased.

Manager Crew conveyed his understanding of Councilwoman Pritchett's comments. He shared that in reality, who awards the bid (e.g. City Council or City Manager) is not important, but how you get to that award that matters. Currently, the City Manager has no choice but to award to the low bidder. This ordinance does require a formal bidding process for bids over \$25,000.00. This ordinance saves between two to four weeks on an award, which moved the process along.

Councilwoman Pritchett conveyed her understanding of having to move the process along, and opined that the Council still needs to be in a position to be aware of what's going on in terms of spending money.

Manager Crew indicated that he had no problem with providing Council, each month, with a report of any bids within his prevue that he has awarded. The entire bid process is open to the public.

Councilwoman Pritchett opined that it is a good process for the Council to intermittently make changes for the better at a slower pace or a slower rate.

Manager Crew conveyed his understanding of Councilwoman Pritchett's concerns. He explained that, that is one of the reasons why he put in the provision that bids between \$25,000.00 and \$50,000.00 must go through the formal seal bid process. This provision provides for a safety net. He reiterated that he did not have a problem with, at each City Council meeting, providing a memorandum, along with backup documentation of the bid that has been awarded.

Councilwoman Pritchett referenced page, 11, Section 15, line 25 of the ordinance and stated that she had some un-readiness as it relates to defining *insufficient time*; because this Council has dealt with issues, and situations based upon allegedly there not being sufficient time to do due diligence, for an example. She asked for a clarification of *insufficient time*.

Attorney Knighton Dickens opined that the term *insufficient time* should be left broad because it depends on the nature of the services being pursued, the nature of the goods being purchased. The insufficient time would be the determination of the Council. The section Councilwoman Pritchett had referred to deals with the Council waiver of the formal bidding process. The City Manager, based upon his recommendation, would need to tell the City Council why the formal bidding process needs to be

waived. She opined that the Council needs that discretion and should not limit itself by establishing a sufficient time because not all situations are the same. The competitive bidding requirement must come before the City Council for approval.

Councilman Bratton questioned what would happen if the low bidder is awarded a contract and subsequently comes back indicating that the bid amount needs to be increased.

Manager Crew indicated that this is a very common situation. If the low bidder comes back and states that the bid needs to be increased, the City's position is to deny that increase because the award was based on the amount bid. If that bidder can not comply, the City will move to the next low bidder. However, if the low bidder comes back requesting more money because of unforeseen regulations imposed by a governmental entity, the City would issue a Change Order, because this would be something out of the bidder's control.

Councilman Brayton shared that like Councilwoman Pritchett, he too had some concerns with the changes being made. He placed emphasis on the importance of receiving a monthly written report on the bids that were awarded by the City Manager, along with the supporting documentation.

Manager Crew indicated that it would be more appropriate to provide this report at the first meeting of the month, that way all activity for the previous month can be reported.

Mayor Gibson referenced Section 11, which related to the purchase of \$50,000.00 or less, and acknowledged that this is a larger amount than where the City is presently. She shared that pursuant to her personal business, \$50,000.00 is a lot. However, in the amount of money that this City expends and the contracts and the things the City will be doing as evident by the list provided by the City Manager, \$50,000.00 is not a lot of money to that extent. She shared that she is more comfortable with the fact that the City Manager has to follow a process. In addition, there is a process if any one of the bidders feels that they have not been treated fairly. Also, this Council can still monitor the City Manager if it does not work; this Council has the ability and the authority to change this ordinance at any time, if there is something the Council is not comfortable with.

Mayor Gibson acknowledged that some people have a fear that when people are allowed access to deal with money, they are all going to do the wrong thing. She stated that she did not want to assume that someone is going to do the wrong thing until and if they actually do it; Council then has the responsibility to change the procedures by which the employees work under. She related that if this ordinance is approved tonight, it is important to know that there must be coming to this Council from now on, written reports on what is happening. This would provide each Council member with an opportunity to see what is happening on a monthly basis. She shared that she has already discussed this with the City Manager, and will be forthcoming.

Manager Crew stated that it is anticipated that the Financial Report on revenues and expenditures through the month of January 2005, would be available by the next City Council meeting.

Mayor Gibson emphasized the point that she did not want the City Manager to hold up his monthly report if the financial information was not available.

Vice Mayor Campbell related that there seemed to be a specific concern about the bidding process and suggested amending Section 11 of the ordinance to state that there would be a monthly report as it related to any bids. He asked if this amendment would change the ordinance substantially.

Attorney Knighton Dickens asked if this was limited to purchases over \$10,000.00, but less than \$50,000.00 or to every purchase that the City Manager makes.

Vice Mayor Campbell said that there seems to be a particular concern with Section 11, paragraph 1, of the ordinance.

Attorney Knighton Dickens suggested the language “the City Manage shall provide a monthly report concerning all such bids issued under this paragraph.

Moved by Vice Mayor Campbell, seconded by Councilman Braynon to amend Section 11, paragraph 1 of the ordinance to read “there will be a monthly report provided by the City Manager to the City Council on all bids that fall into this category.

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

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

There being no further discussion on the ordinance as amended, the motion to adopt, **passed and carried by a 6-1 vote.**

Councilwoman King:	Yes
Councilwoman Pritchett:	“While Vice Mayor Campbell and Mayor Gibson have made attempts to help with the concerns under Section 11, I still have that concern and for that reason, I am voting “no”.
Councilwoman Watson:	Yes
Councilman Bratton:	Yes
Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes
Mayor Gibson:	Yes

(J) PUBLIC COMMENTS (10 - MINUTES)

Ms. Dorothy Smith, Chairperson of the Brentwood Crime Watch, with a residential address of 18900 NW 30th Court, Miami Gardens, Florida, appeared before the City Council and stated that she

had requested that a sign be erected on NW 191st Street between 27th and 47th Avenue in honor of Chief Willie Marshall. She questioned why the sign was taken down after being approved by the City Manager and subsequently erected.

Manager Crew indicated that the assumption of what should have been was not correct. The City Council never approved this program, which should have been brought forward for approval.

Ms. Smith placed emphasis on the importance of honoring Chief Willie Marshall for his outstanding contributions to this community, while serving as the Miami Gardens/Carol City District Police Department District Commander.

Mr. Phil Tavernier, with a residential address of 2750 NW 172nd Terrace, Miami Gardens, Florida, appeared before the City Council to present the February 2005, Volume 4- 4th Edition of the Urban America newspaper. He acknowledged and thanked Councilman Bratton, Councilman Braynon, and Assistant City Manager Horace McHugh for their support.

Ms. Sharon Frazier Stephens, with a residential address of 145 NE 193rd Street, Miami, Florida, appeared before the City Council to announce that Miami Norland Senior High is hosting its annual yard sale, on Saturday, February 12, 2005, from 8:00 a.m. to 2:00 p.m. She further reported on a meeting the PTSA had with the Miami-Dade County School Board District, with regard to the existing conditions at Carol City and Norland High Schools.

Mayor Gibson thanked Ms. Stephens for her report. She further encouraged residents to attend a District 1 School Board meeting being held on February 17, 2005, at Norland Senior High School.

Ms. Sylvia Daughtrey, with a residential address of 2759 NW 196th Street, Miami Gardens, Florida, appeared before the City Council to concur with comments made by Ms. Dorothy Smith about having a street dedicated in honor of Chief Willie Marshall.

Mr. Hiram Colhazo, with a housing development project located at NW 47th Avenue and 163rd Street, appeared before the City Council to expound on the development. He provided the Council members with four designs of Single Family Homes proposed to be built on this site. The proposed purchase price is starting at \$200,000.00.

Mayor Gibson expressed concern that the proposed homes were not attainable because of the purchase price.

Mr. Colhazo indicated that plans are underway to build additional homes with a starting purchase price of \$185,000.00.

Manager Crew shared that the Coconut Cay developing located in Andover has a starting purchasing price of \$325,000.00. There have been over 1,000 individuals applying to purchase those homes. Coconut Cay had to do a lottery for the first phase. He opined that there is a tremendous demand for houses in the \$200,000.00, plus market.

Mayor Gibson shared that she has always been supportive of quality housing in the City of Miami Gardens. She said that many professionals can not qualify for a \$180,000.00 - \$200,000.00 home. She emphasized the importance of looking at attainable housing.

Mr. Colhazo indicated that he's been in discussions with Ms. Irma McDuffie of Miami-Dade County about special financing programs to assist first time home buyers. This special financing is available to this community and information would be forthcoming to the Council.

Mr. Hugh L. Dodd, with a residential address at 17125 NW 19th Avenue, Miami Gardens, Florida, appeared before the City Council to inform them of an item, sponsored by County Commissioner Carey-Shuler, relating to getting rid of corruption. This item is scheduled for consideration before the Miami-Dade County Commission on Thursday, February 10th. He encouraged everyone to attend this meeting. He further expressed concern with the lack of signage on the construction site located at 191st Street NW 27th Court.

Manager Crew stated that he was not aware of this project and suspected that it was one of the development projects permitted under Miami-Dade County, prior to this area becoming a municipality. Miami-Dade County would still have jurisdiction over this project. He told Mr. Dodd to that Mr. Steers would be able to provide the applicable information on this project.

(K) CONSENT AGENDA/RESOLUTION(S)

Councilwoman Pritchett pulled Item K-1, from the Consent Agenda. This item is now reflected under the regular agenda, as Item No. L-1.

Councilwoman Watson pulled Item K-6, from the Consent Agenda. This item is now reflected under the regular agenda, as Item No. L-2.

RESOLUTION NO. 2005-20-197

- (1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT 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. 2005-21-198

- (2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT 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. 2005-22-199

- (3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT 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. 2005-23-200

- (4) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, NOMINATING DANNY O. CREW FOR CITY MANAGER OF THE YEAR WITH THE FLORIDA LEAGUE OF CITIES; DIRECTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE (SPONSORED BY MAYOR GIBSON)

RESOLUTION NO. 2005-24-201

- (5) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR THE "HIRAM SUBDIVISION"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2005-25-202

- (6) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACCEPTING A DECLARATION OF RESTRICTIONS FROM WAL-MART FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF STATE ROAD 7 AND 177TH STREET ("NORLAND SUPERCENTER") AND PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 27TH AVENUE AND 199TH STREET ("PRO PLAYER SUPERCENTER"), A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Moved by Councilwoman Watson, seconded by Councilman Braynon to approve the Consent Agenda, with the necessary changes. There being no discussion, this motion **passed and carried by a 7-0 vote.**

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

(L) RESOLUTION(S)

RESOLUTION NO. 2005-26-203

- (1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE SEVEN (7) 1-TON CREW CAB PICK-UPS IN THE AMOUNT OF ONE HUNDRED SIXTY-THREE THOUSAND EIGHT HUNDRED FIFTY SIX (\$163,856.00) DOLLARS BY PIGGYBACKING ON THAT CERTAIN BROWARD COUNTY BID NO. C-904191 AWARDED TO DON REID FORD; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE (SPONSORED BY THE CITY MANAGER).**

Councilwoman Pritchett read into the record a statement, "In reviewing this resolution, I see once again we are piggybacking on a bid from Broward County to purchase seven one-ton crew cab pick-ups from Don Reid Ford, a dealership in Maitland, Florida. When we consider the fact that we know how much we can pay for these vehicles from Don Reid Ford; would it not be wise to exercise due diligence and pursue other options before spending \$23,408, per vehicle, for a grand total of \$163,856.00. Have we compared locally and/or through the Miami-Dade County process? Miami-Dade County is larger than Broward County, so surely we should compare prices and availability when considering a purchase of this size. We are in Miami-Dade County, and even though we may not agree on some issues, I would feel comfortable knowing we compared what they have to offer as well. Along NW 2nd Avenue, we have, in our vehicle corridor one of the largest dealerships in Florida. Maroone. When piggybacking on this bid, there is no competitive bidding process. The opportunity to compete is snatched from dealerships in our City because what they have to offer is never even considered. We can do better than this. Please exercise due diligence, Mr. Crew before taking \$163,000.00, plus dollars of our tax payers' money. Many of who purchase vehicles from dealerships in our City, along that very same NW 2nd Avenue corridor, and sending it to Maitland, Florida. We do deserve better".

Manager Crew said that staff had looked at a number of bids on this item and not from just Broward County. The information provided with this item shows that Maroone Dodge and Maroone Chevrolet dealerships did bid on this item. He explained that when buying fleet vehicles it is not like buying a car. There are only certain dealerships that deal with fleet vehicles. He said that statement that this is not a bid item is not correct. Broward County bid this item November 2004. He emphasized that piggybacking under the state law is bidding. He shared that the City will be looking for a bid for a water truck. There are no dealerships in Miami-Dade County that deals with water trucks, therefore the City will be looking at other entities that have bid out for the purchase of a water truck.

Councilwoman Pritchett related that on one hand she heard that dealerships in this town don't bid on fleet bids. And then on the other hand she understood that Maroone did. She related that she understood the process for piggybacking. She related that it was very difficult to phantom how over and over and over again this is the only process, we manage to come up with information on. She affirmed seeing the information provided by Manager Crew with regards to this item, and conveyed that she still voiced those very same concerns where businesses within the City of Miami Gardens (she conveyed her understanding that those dealerships did not provide fleet service) are not given an opportunity to even be considered.

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

Mayor Gibson asked Ms. Pam Thompson, Procurement Manager for the City of Miami Gardens, appeared before the City Council to come forward and asked if she was involved with this process.

Ms. Pam Thompson, Procurement Manager indicated that she was involved in this process.

Mayor Gibson stated that she wanted clarification as to what Councilwoman Pritchett has stated that the City was not allowing dealerships in this area to participate. She asked that when an RFP goes out, if companies from all across the county can participate in that process.

Ms. Thompson said this is correct. Broward County does advertise their bids. Notices were also sent out to 237 dealerships throughout the State of Florida.

Mayor Gibson asked if the price quoted in the resolution was the best price the City could obtain for this type of vehicle.

Ms. Thompson indicated that this was correct. She shared that the State of Florida had awarded a bid December 2004, for a price per vehicle of \$23,855.00. All of the state agencies throughout the State of Florida are mandated to use the state's bid. The Broward Sheriff's Office awarded their bid in October 2004, same vehicle for a price of \$24,413.00 per vehicle. Broward County did receive the better bid.

Councilwoman Pritchett asked if the City knew what that comparative analysis would be with Miami-Dade County.

Ms. Thompson stated that she did not talk with Miami-Dade County because of the two percent surcharge to piggyback off of their bids. She explained that Miami-Dade County's Procurement Department is self funded and is no longer funded through the General Fund.

Vice Mayor Campbell asked whether an additional cost would have been incurred by the City, if Ms. Thompson had bid this purchase out.

Ms. Thompson replied that it would have cost the City more. In addition, the City is only

buying seven crew-cabs, whereas Broward County is purchasing over 20 vehicles. This is another savings for the City.

Councilwoman Pritchett stated that if this item had not been pulled from the Consent Agenda this evening, they would not have known certain things. She conveyed that she did not know if that is fair to the Council. She stated that she certainly did not know about a two percent increase. She opined that this type of information should be included in the City Council Agenda packet.

Mayor Gibson concurred with Councilwoman Pritchett's comments and conveyed the importance of getting briefed prior to the City Council meetings. She said that as it related to agenda items, the Council members can request to be briefed by whoever is involved with an agenda item. In addition, special financing programs are also being looked at to assist first time home buyers.

Councilwoman Pritchett stated that in addition to the Council, it is very empowering for the residents to hear and know what is going on as well.

At the conclusion of this discussion, this motion **passed and carried by a 6-1 vote.**

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

RESOLUTION NO. 2005-27-204

- (2) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING FINAL PLAT FOR COUNTY LINE PROPERTIES, INC. FOR PROPERTY GENERALLY LOCATED AT COUNTY LINE ROAD AND STATE ROAD 91; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Councilwoman Watson expressed concern that the residents in this area were not notified about this final plat request. Though this particular developer is currently operating in the area doing other construction, and maybe it is an oversight on the developer's part by not communicating with the community. She opined that the community should be informed. She shared that within this area there is constructing occurring, which is generating a lot of dirt, dust and noise. The residents in this community are at a breaking point. She opined that there needs to be some dialogue between the developer and the area homeowner association. She opined that it is not fair for a community to endure a second development simultaneously. She opined that this would bring into play the State Statutes, which deals with platting as it relates to noise. She further explained that the current construction project site has pumps running all night long to disburse with the water accumulating on the site. She opined that this additional construction would add an additional hardship on the residents

in this area, with the noise, sand and constant traffic flow of heavy vehicles and equipment interrupting their quality of life.

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

Manager Crew indicated that this particular request is not a part of the D.R. Holton development, which is the other developer mentioned by Councilwoman Watson. This is one of those items that had gone through the process with Miami-Dade County. Miami-Dade County deposited this item with the City on October 1, 2004, when the City took over the Planning process.

Mayor Gibson asked whether the D.R. Horton and the residents of Andover had dialogue to mitigate the noise factor.

Mr. Christopher Steers, Assistant to the City Manager for Business Services appeared before the City Council and shared that he's had discussions with one of the project managers in regard to the noise, water and dust issues. Those types of issues would be addressed under the Nuisance provision.

Attorney Knighton Dickens interjected to advise that D.R. Horton's development was not being discussed and Council should direct their comments to the plat that's before them for consideration. Those other issues or areas of concern would be addressed at a later date.

Councilwoman Watson re-emphasized that her concern was that there will be two constructions occurring simultaneously. She said even though this is a platting request, the City has an obligation to make sure the state statutes as it relates to construction noise are abided by.

Attorney Knighton Dickens stated that the Council did not have any obligation to approve this item.

Vice Mayor Campbell opined that if this item is going to be approved, then either way there will be construction noise. It might be better to have the noise take place concurrently rather than consecutively.

Councilman Bratton asked Councilwoman Watson if the noise from the D.R. Horton development was occurring during construction hour.

Councilwoman Watson said the noise was occurring twenty-four hours, seven days a week. There is no relief from the noise. She said that along with the noise, there is dirt and dust as well, which has affected the quality of life for the residents in this area.

Manager Crew said that this project is approximately one half mile or more away from the D.R. Horton development. In addition, nothing is being proposed to be done at this time; there is not building in process, no site plan review, no pending development, but merely platting the property.

At the conclusion of this discussion, the motion to approve this item, **passed and carried by a 6-1 vote.**

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

(M) REPORTS OF CITY MANAGER AND CITY ATTORNEY.

1. The establishment of the “Adopt-A-Road Program

Manager Crew explained the relevant issues associated with this program. He said the initial program should have been brought to Council for its approval.

Ms. Tshasi Codner, Director of Keep Miami Gardens Beautiful Program appeared before the City Council to further expound on this program, and stated that it is a win-win situation because residents are recognized for their participation.

Mayor Gibson asked whether the Litter Removal Agreement provided in the packet was a standard agreement.

Ms. Codner said that the Litter Removal Agreement was something new.

Mayor Gibson referenced page 2 of the agreement which addressed whether an individual had been convicted of a felony within the past five years, or was the subject of a criminal investigation, and asked whether the City would be in the business of conducting background checks on volunteers. She said that she would rather have this provision deleted from the agreement.

Attorney Knighton Dickens stated that this is the first time she’s seen this document and conveyed her intentions to change the provision Mayor Gibson had referenced as well as other provisions, before this item is brought before the Council for approval.

Councilwoman Pritchett asked Ms. Codner to expound on the training that would be provided to the organizations.

Ms. Codner explained that before any organization participates in this program safety training is provided. She further announced that the second annual Earth Day Event is scheduled for April 16, 2005, from 8:30 a.m. to 1:30 p.m. at Andover Park.

Vice Mayor Campbell indicated that there was a companion program to the Adopt-A-Road program, which provided for the naming of streets after individuals. He asked that guidelines also be included to provide for an approval process for the naming of streets after individuals. He further shared that Miami-Dade County’s Adopt-A-Road Program provided for the naming of streets after organizations that were actually doing the clean-up; however the program did not provide for the naming of streets after individuals. He further stated that he was strongly opposed to having individual

names placed on Adopt-A-Road Program.

Mayor Gibson stated for clarification that individuals can adopt a road, if that individual meets the criteria. She said that this is not the same as having an organization or a group adopts a road and then naming that road after an individual. She said that she wanted to make sure that Vice Mayor Campbell's concern was addressed, but did not want to eliminate the possibility of having an individual adopt a road.

Manager Crew announced that William Green, Assistant to the City Manager for Public Services has been hospitalized with a serious illness. As soon as information is forthcoming it would be provided.

Manager Crew announced that the Open House to meet the Department Heads is scheduled for February 15, 2005, from 7:00 – 9:00 p.m. The Procurement workshop is scheduled for March 9, 2005, from 5:00 – 7:00 p.m. The first meeting on the City's Comprehensive Development Master Plan is scheduled for March 16, 2005 from 7:00 – 9:00 p.m.

Attorney Sonja K. Knighton Dickens had no report.

(N) REPORTS OF MAYOR AND COUNCIL MEMBERS.

Councilwoman Pritchett requested that Ms. Irma McDuffie, from Miami-Dade County Housing and Urban Development be invited to the next City Council meeting to share information about the program that would help potential home buyers with fifty percent of the purchase price.

1. City Manager's Evaluation

The City Council members were provided information regarding the City Manager's current salary, and where that salary would be if increased. After reviewing this information, it was moved by Councilman Braynon, seconded by Councilman Bratton to increase the City Manager's salary by 7%.

After there was no further discussion, this motion **passed and carried by a 6-0 vote.**

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

Mayor Gibson referenced the City of North Miami Beach - Miami Gardens Showerhead Program and related that the City of North Miami Beach has been offering this program for a number of years and now wants to help the City of Miami Gardens establish its own program. North Miami Beach is committed to water conservation and this initiative is apart of that effort. Ms. Codner will be meeting with a representative from the City of North Miami Beach to further discuss this initiative.

of saving water, the City of North Miami Beach is offering its residents an incentive to install toilets that only takes 1.6 gallons of water. One hundred and sixty water customers, from the City of Miami Gardens have already applied to get these toilets. She said she was sharing this information with the City Council and conveyed her intention of bringing this item back for further discussion. She further stated that she would be checking to see if Miami-Dade County offers a similar program.

Councilwoman Pritchett made reference to a letter received from FACC. She expressed concern with the fact that FACC wanted to honor each Council member and asked if this was something the Council members could accept. Complementary tickets are also being given.

Mayor Gibson said that it is up to the individual Council members if they want to accept the tickets. She said the tickets should be reported on the quarterly financial report.

Mayor Gibson further stressed the importance of each Council member providing Ms. Odom with a Bio and picture.

Councilwoman King thanked everyone for their prayers, phone calls and letters during her illness.

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

Ms. Dorothy Smith, Brentwood Crime Watch President appeared before the City Council to provide a report on the activities of the Brentwood Crime Watch organization. She further thanked Councilwoman Pritchett for being in attendance.

Councilwoman Pritchett related that the Brentwood Crime Watch Organization has invited several Council members to attend their meetings; asked Attorney Knighton Dickens her opinion as to whether two or more Council members can attend the various community meetings, and not violate the Sunshine Law.

Attorney Knighton Dickens opined that two or more Council members can attend a meeting as long as the meeting is noticed. All one has to do is to inform the City Clerk so that she can post the notice.

Vice Mayor Campbell asked for an update as to whether the name of the Miami Gardens/Carol City District Police Station been officially changed to the Miami Gardens District Police Department.

Major Rifkin indicated that the Miami-Dade County subcommittee had approved the name change to Miami Gardens District Police Department, however this item has not, as yet been approved by the County Commission.

Ms. Arleace Carrion, representing Pastor Gregory Williams and the Holy Faith Missionary Baptist Church, located at 17001 NW 20th Avenue, Miami Gardens, Florida, appeared before the City Council to announce and invite the City Council to several events being sponsored by the church.

Council to announce and invite the City Council to several events being sponsored by the church.

Ms. Sylvia Daughtrey, with a residential address of 2759 NW 196th Street, Miami Gardens, Florida, appeared before the City Council to expound on the Crime Watch Organizations and the various activities sponsored.

(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 10:33 p.m.



Shirley Gibson, Mayor

Attest:



Ronetta Taylor, CMC, City Clerk