

**CITY OF MIAMI GARDENS  
REGULAR CITY COUNCIL MINUTES  
JANUARY 26, 2005**

**(A) CALL TO ORDER/ROLL CALL.**

The City Council of the City of Miami Gardens, Florida, met in regular session on Wednesday, January 26, 2005, beginning at 7:13 p.m., in the City Council Chambers, 1515 N.W.167<sup>th</sup> 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. Councilwoman Audrey J. King was not present due to illness.

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

**(B) INVOCATION.**

Dr. Lester Brown delivered the Invocation

**(C) PLEDGE OF ALLEGIANCE.**

The Pledge of Allegiance was lead by Master D'Eric Harris.

**(D) APPROVAL OF MINUTES.**

**Regular City Council Minutes January 12, 2005**

Moved by Councilwoman Watson, seconded by Councilman Braynon to approve the minutes with the necessary corrections as provided by the City Clerk. There being no further discussion, the motion **passed and carried by a 6-0 vote.**

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

Manager Crew asked that the following item be added to the Consent Agenda. "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MIAMI-DADE FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING, ALONG WITH ANY AND ALL ATTENDANT DOCUMENTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE."

Moved by Councilman Braynon, seconded by Councilwoman Watson to approve the official agenda with the addition of the above referenced item. Motion **passed and carried by a 6-0 vote.**

**(F) SPECIAL PRESENTATIONS.**

1. **Christine Jordan, Barry University.** This item was rescheduled to a later date.

## **2. Ron Silver, Calder Race Tracks**

Mr. Ron Silver, a lobbyist representing Calder Race Tracks appeared before the City Council to provide an update on what has transpired since the November 2004 State-wide Election as it related to the issue of slot machines. Miami-Dade and Broward County Commissions have set a date of March 8, 2005, to hold Special Elections to afford voters an opportunity to vote on the establishment of a Parimutuel Facility. Agreements are currently being worked out with the City of Miami Gardens as well as with Miami-Dade County. Each municipality that has a Parimutuel Facility in their jurisdiction will receive 1.7 percent of the gross receipts of any revenues.

Councilwoman Watson questioned the time frame involved with getting the Parimutuel Facility established if the matter is approved by the voters on March 8, 2005.

Mr. Silver stated that he could not answer that question, but would provide the answer at a later date.

Councilman Bratton asked if the 1.7 percent was at a flat rate.

Mr. Silver affirmed that it was at a flat rate.

Manager Crew shared that the amount would eventually go to 2.0 percent.

Mr. Silver indicated that a percentage increase provision can be addressed as part of the contract.

Councilwoman Pritchett opined that the establishment of the Pari-Mutual would create additional jobs, and asked how would the creation of those additional jobs impact the City of Miami Gardens, and the possibility of its residents being gainfully employed.

Mr. Silver conveyed that the parent company is very much concerned and wants to participate in making sure that the residents of this City participate in all aspects of economic growth. He conveyed assurance that this would be a primary objective to make sure that the citizens of this City have a good opportunity to take part in receiving jobs.

Manager Crew indicated that this issue can also be addressed in the contract. He shared that it is anticipated that a major hotel (destination resort) will also be included on this site.

Mayor Gibson shared that the area in question is in a Satellite Enterprise Zone; there are certain state requirements that come with that designation.

Mayor Gibson and Council members thanked Mr. Silver for providing this update.

## **(G) ZONING MATTERS.**

**RESOLUTION NO. 2005-09-186**

- (1) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A TENTATIVE PLAT FOR LAURA AND LILLIAN HOMES; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew related that this item as well as the two subsequent items are housekeeping items. This applicant has met all of the requirements mandated by Miami-Dade County.

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

There being no 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:	Yes
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

**RESOLUTION NO. 2005-10-187**

- (2) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE FINAL PLAT FOR SOL VILA; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew indicated that this item is similar to the previous item adopted by the City Council.

Moved by Vice Mayor Campbell, seconded by Councilman Braynon to approve this item.

Councilwoman Pritchett asked for clarification purposes if the eight units being proposed were going to be single family homes.

Manager Crew replied that they were.

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

Councilman Braynon:	Yes
Vice Mayor Campbell:	Yes

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

**RESOLUTION NO. 2005-11-188**

- (3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A WAIVER OF PLAT REQUIREMENT FOR PROPERTY GENERALLY LOCATED AT NORTHWEST 167TH STREET AND NORTHWEST 20TH AVENUE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Moved by Councilman Braynon, seconded by Vice Mayor Campbell to approve this item.

Councilwoman Watson referenced documentation provided by DERM, which indicated that there were covenants pertaining to this property on file, and asked whether the covenants were applicable to this particular request. She further questioned why staff was recommending a waiver of plat, when the applicant has indicated its compliance with plat requirements. She referenced the Surface Water Management provision and asked what is it pertaining to, and whether there is an impact on this community.

Mr. Robert Coleman, Zoning Administrator appeared before the City Council and shared that Surface Water Management provision indicated that the surface water is maintained on the site of the property. He explained that this wavier of plat is really subdividing the building for two different ownerships. This request has been signed off on, by Miami-Dade County. The next step is for this matter to come before the City Council. He further explained that the covenant, which is on file with Miami-Dade County, is a covenant between the two owners.

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

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

**(H) ORDINANCE(S) FOR FIRST READING.**

- (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 purchasing ordinance would replace the two ordinances previously adopted by the City Council. This ordinance provides for clarity of definitions; added definition of what a local business is; it provides that all purchases must be made with a contracted vendor; purchases over \$50,000.00, must have a purchase order and a written contract; any purchases in excess of \$50,000.00, must come to the Council to be awarded. All bids of \$50,000.00 and over must go through a formal bidding process. Currently anything in excess of \$25,000.00 has to come before the Council.

Manager Crew further explained that the provision that provides that purchases of \$25,000 or less that have to go through a formal process has not changed. The change is that in a case where the bid is between \$25,000.00 and \$50,000.00, the City Manager would be able to award the bid without having that bid go to Council for approval. The current ordinance provides that any bids of \$2,500 or less, the City Manager can approve without a formal bidding procedure; this ordinance would raise that limit to \$10,000.00. This ordinance would provide the City Manager with the flexibility to award more bids to local businesses, which is consistent with the City's Charter. This ordinance establishes a fair and impartial bid protest procedure, which utilizes the City's Special Master Process. This ordinance has a provision that provides for local preference for local businesses, for those bids over the \$10,000.00 limit, which means the business has to be located within the corporate boundaries of the City of Miami Gardens.

Moved by Councilwoman Watson, seconded by Councilman Bratton to approve this ordinance on first reading, with second reading and public hearing scheduled for February 9, 2005.

Councilman Braynon requested that information be provided prior to the adoption of this

ordinance, as to those items above the current threshold of \$25,000.00 - \$50,000.00 that has come before the City Council for approval.

Manager Crew said that he would provide a list of those items, as well as the background information.

Councilman Braynon referenced the local preference for local businesses provision and indicated that the City has waived the competitive bidding process before, why could that not have been done before to provide a preference for the local businesses.

Manager Crew explained that theoretically it could be done, however it would be a violation of state law. In addition, if the bid process was waived and contracts were awarded to only local bidders, the City would end up paying much too much for those goods and/or services, which is not in the City's financial interest.

Councilwoman Pritchett referenced the second sentence in the first paragraph on page 2 of the memorandum and indicated that the word "The" should be changed to "This". She then referenced page 9, line 43 of the ordinance and indicated that the language "entered into by the City Manager competitive without bids or quotes", should read "entered into by the City Manager without competitive bids or quotes".

Councilwoman Pritchett asked if it was possible to include a preference to local businesses clause in this ordinance.

Manager Crew indicated that the Local Preference in Bidding is addressed under Section 16 of this ordinance. He explained that if there is a local bidder that is within five percent of the low bid, the local bidder will have the opportunity to match the low bid, thus winning the award.

Councilman Braynon asked if there was a provision in the ordinance that provides for those items of significance, (e.g. lobbying and auditing services), which fall under the \$50,000 threshold, to be brought to the Council for information purposes, or for the Council's consideration.

Manager Crew indicated that it would be the City Manager's job to be politically correct by knowing those items the City Council is interested in, and keep them informed either by providing a report or bringing the time for the Council's approval, even though the dollar amount may fall below the threshold.

Councilwoman Watson referenced page 2 of the ordinance and indicated that the section numbering was off; there is a section 2 but no section 1, and asked whether a section was missing.

Attorney Knighton Dickens said that this was a scrivener's error and would be corrected to reflect the correct Section numbering, which in this case should have started with one.

There being no further discussion, the motion to approve this item on first reading, 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

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

**ORDINANCE NO. 2005-07-45**

- (1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPROVE THE ERECTION OF BANNERS ON POLES LOCATED WITHIN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHTS-OF-WAY; ESTABLISHING ADMINISTRATIVE FEES; PROVIDING FOR ADDITIONAL REGULATIONS; 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) (1<sup>ST</sup> Reading January 12, 2005)**

Manager Crew explained that now that Miami Gardens is a municipality, it has the ability to regulate the erection of banners throughout the City. The revenues from the administrative fee imposed will provide the City with funds to cover the cost of establishing a City owned banner program.

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

Mayor Gibson opened the floor for the public hearing.

Mr. Jeff Healy, 18800 NW 32<sup>nd</sup> Avenue, Miami Gardens, appeared before the City Council to question whether the City would be purchasing hardware for the erection of the City owned banner program.

Manager Crew indicated that the hardware is provided by the company that erects the banners.

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

Councilwoman Watson asked for clarification purposes, what rate would those organizations be

charged for noncompliance with the time frame requirement (30 days) for removal of the banners.

Attorney Knighton Dickens opined that collecting a fee for not taking the banner down within the thirty day time period might be difficult. However, the city can restrict those companies and organizations from erecting future banners because of non compliance with the thirty day time period. She recommended that Councilwoman Watson amend Section 4, by adding a new subsection B to the ordinance to include the language “if the banners are not removed by the applicant, the applicant shall be charged a fine of \$10.00, per day, per sign, for each day that the sign remains erected, and the applicant may forfeit the right to erect signs within the City in the future”.

It was moved by Councilwoman Watson, seconded by Vice Mayor Campbell to amend the ordinance as prescribed by Attorney Knighton Dickens.

There being no further discussion on the amendment, the motion **passed by a 5-0 vote**. Councilwoman King was not present. Councilman Braynon was out of room.

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

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

**ORDINANCE NO. 2005-08-46**

- (2) **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, REPEALING SECTIONS 8A-76 & 8A-76.1 OF THE CODE OF MIAMI-DADE COUNTY AS ADOPTED BY SECTION 8.3 OF THE CHARTER OF THE CITY OF MIAMI GARDENS, ENTITLED “NOTICE OF PENALTIES FOR REMOVAL OF SHOPPING CARTS” & “SHOPPING CARTS” RESPECTIVELY; CREATING A NEW SHOPPING CART ORDINANCE; CREATING A DEFINITION; PROVIDING FOR POSTING OF NOTICE OF PENALTIES FOR REMOVAL OF SHOPPING CARTS; PROVIDING FOR THE REQUIRED IDENTIFICATION OF SHOPPING CARTS; PROVIDING FOR A PROCEDURE FOR HANDLING IDENTIFIABLE SHOPPING CARTS FOUND ON PUBLIC PROPERTY; PROVIDING FOR A PROCEDURE FOR HANDLING UNIDENTIFIABLE SHOPPING CARTS FOUND ON PUBLIC PROPERTY; 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 COUNCILWOMAN BARBARA WATSON) (1<sup>st</sup> Reading – January 12, 2005)**

Manager Crew indicated that the regulation of shopping carts is governed by state law; therefore, the City is only able to do certain things in this regard. Businesses that utilize shopping carts as part of their business would be required to implement a system to make sure those carts remain on their property. Publix Supermarket, located at 199<sup>th</sup> Street NW 2<sup>nd</sup> Avenue, has already implemented a system that locks the wheels once the shopping carts reach the outer perimeter of the parking lot. Businesses will have between sixty to ninety days to come into compliance.

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

Mayor Gibson opened the floor for the public hearing.

Mr. Jeff Healy, 18800 NW 32<sup>nd</sup> Avenue, Miami Gardens, appeared before the City Council to express concern with the new Wal-Mart Super Store slated to be built on NW 27<sup>th</sup> Avenue and 199<sup>th</sup> Street, and the possibility of having an unlimited number of shopping carts discarded throughout the community, west of 27<sup>th</sup> Avenue.

Manager Crew shared that the majority of Wal-Mart stores have a mechanism in place to ensure that the carts remain on their property. He further said that the City was not in the business of telling the business owners how to keep the carts on their property. Each establishment has to decide how they are going to meet the code and come up with their own program.

Ms. Marva Frazier, 20200 NW 11<sup>th</sup> Court, Miami Gardens, appeared before the City Council and shared that there is an abundance of shopping carts in her neighborhood. She further expressed concern with the number of stolen cars abandoned in this area as well.

Mayor Gibson asked that Ms. Frazier call to police department when she sees abandoned vehicles, or any other criminal activity occurring in her neighborhood.

Ms. Frazier indicated that the police department has been quick to respond when she has called to report incidents.

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

Councilwoman Pritchett asked if there was a grace period before the City started assessing a fine on those businesses that have not complied with the ordinance.

Mr. Christopher Steers, Assistant to the City Manager for Business Services appeared before the City Council to share that the Code Enforcement Department has adopted the method of issuing warning citations before issuing fines. Therefore, after the grace period, a warning will be issued, with

a reasonable time frame to comply.

Councilwoman Watson shared that there were other ways a business owner could ensure that the shopping cart remained on premises. One such initiative is attaching a rod to the cart that extends above the door entrance and exit. This would ensure that the cart would not leave the store. She opined that creativity on the part of the retailer could assist with their compliance, without costing a tremendous amount of money.

Councilman Bratton indicated that when considering attaching a rod to the shopping cart, one must take into account those handicapped patrons and their needs.

Mayor Gibson opined that the Council has put in place an ordinance; it is entirely up to those business owners as to what program they want to put in place in order to be in compliance.

Councilwoman Pritchett commented that the City Manager and staff are going to do an excellent job of empowering the community to understand that this ordinance is being implemented and enforced. She asked how many shopping carts the City is anticipating giving away.

Manager Crew said that number will be determined by how many shopping carts the City is able to acquire.

Councilwoman Pritchett stated that the City should definitely share with the residents so that they will know that this is being done for safety reasons, and the aesthetics of the city.

There being no further discussion, the motion to adopt this ordinance **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

**(J) PUBLIC COMMENTS (10 - MINUTES)**

Ms. Roxanne Parboosingh, a Humana representative appeared before the City Council to thank the City of Miami Gardens for allowing Humana’s participating in the First Annual Martin Luther King, Jr., Celebration event.

Ms. Tsahai Codner, Keep Miami Gardens Beautiful Director, appeared before the City Council and reported on the success of the City’s first Adopt-A-Tree program, held on Saturday, January 22, 2005.

**(K) CONSENT AGENDA/RESOLUTION(S)**

Item K-2 was pulled from the Consent Agenda by Councilwoman Pritchett, and placed for consideration as Item L-1, the subsequent items under the regular agenda were renumbered.

**RESOLUTION NO. 2005-12-189**

- (1) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT APPLICATION WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY; AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL ACTIONS IN FURTHERANCE OF APPLYING FOR THE GRANT AND ACCEPTING THE SAME; PROVIDING FOR A MATCH FROM THE CITY FOR ALL GRANT FUNDS RECEIVED; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**RESOLUTION NO. 2005-13-190**

- (2) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH KEITH AND SCHNARS, P.A., TO PROVIDE PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES FOR THE 441 AND 7<sup>TH</sup> AVENUE EXTENSION PROJECT; PROVIDING FOR REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**RESOLUTION NO. 2005-14-191**

- (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 FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING, ALONG WITH ANY AND ALL ATTENDANT DOCUMENTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE**

Moved by Councilman Braynon, seconded by Councilwoman Watson to approve the Consent Agenda as read.

There being no discussion, the motion to approve the Consent Agenda passed and carried by a 6-0 vote.

Councilman Bratton: Yes

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

**(L) RESOLUTION(S)**

**RESOLUTION NO. 2005-15-192**

- (1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO KLEEN MASTER, INC. FOR JANITORIAL SERVICES IN AN AMOUNT NOT TO EXCEED SEVENTEEN THOUSAND SIX HUNDRED SIXTY-FOUR (\$17,664.00) DOLLARS; AUTHORIZING THE CITY MANAGER TO ISSUE PURCHASE ORDERS ON AN "AS-NEEDED" BASIS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Councilwoman Pritchett explained that she'd pulled this item from the Consent Agenda because of concern for the words "as needed", and questioned if the services were being provided on an as needed basis or more often than that.

Mr. Horace McHugh, Assistant City Manager appeared before the City Council to offer an explanation and asked for an amendment to the resolution to delete the words "as needed". He said this is an annual two year contract for janitorial services in the amount of \$17,664.00 per year. There is also an option to renew at the same rate for three additional one-year periods.

Attorney Knighton Dickens suggested amending the resolution to delete the language "as needed", as well as additional language clarifying that the contract is in an amount not to exceed \$17,664.00 per year, for a two year period, with the option to renew at the same rate for three additional one-year periods.

Moved by Councilwoman Pritchett, seconded by Councilman Braynon to amend the resolution as prescribed by Attorney Knighton.

There being no further discussion on the amendment, the motion **passed and carried by a 6-0 vote**. Councilwoman King was not present for this vote.

Moved by Councilwoman Pritchett, seconded by Councilman Braynon to approve this resolution as amended.

There being no further discussion on the resolution as a whole, the motion to approve **passed**

**and carried by a 6-0 vote.**

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

**RESOLUTION NO. 2005-16-193**

- (2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE CONCEPT OF AN ANNUAL FEDEX ORANGE BOWL FESTIVAL IN THE CITY OF MIAMI GARDENS; PROVIDING FOR DIRECTIONS TO THE CITY MANAGER; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY COUNCILWOMAN WATSON)**

Moved by Councilwoman Watson to delete the word FEDEX from the document. She said that she did not want to limit the scope to just FedEx, because there may be other sponsors. This motion was seconded by Councilman Braynon. This motion **passed and carried by a 6-0 vote**. Councilwoman King was not present for this vote.

Councilwoman Watson explained that there is an annual Orange Bowl football game held each year in the City of Miami Gardens, which is already an established national event. In the past the activities of the festival committee has encompassed a number of events spread out over an extended period of time preceding the game. In recent years, there has been a contrast of the committee's activities that has created an opportunity for the development of a product for the City of Miami Gardens. The City of Miami Gardens, in the long term, will be able to find ways to develop products that grow into major events. These events must be capable of generating significant revenue over time in order to supply the other revenue streams so that the citizens of this City can be provided with quality services the City is capable of delivering.

Councilwoman Watson said that the Orange Bowl Multicultural Festival can be one of those tourist products. This resolution is being requested so that the necessary elements for this exploration development in this concept can be entertained. She asked for her colleagues' support in exploring the feasibility of this initiative

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

Moved by Councilwoman Pritchett, seconded by Councilman Braynon to amend the resolution to reflect the name change of Pro Player Stadium to Dolphin Stadium. This motion **passed and carried by a 6-0 vote**. Councilwoman King was not present for this vote.

Councilwoman Pritchett referenced page 1, line 14 of the resolution, and opined that the sequence of the words “*and any all*”, should be changed to read “*any and all*.” She asked for clarification as to whether this resolution was an exploratory initiative and not an implementation initiative.

Councilwoman Watson explained that she wanted an opportunity to explore the feasibility of this festival being a reality for this City.

Councilwoman Pritchett questioned whether consideration has been given as to how such an event would be funded, if the Council moved forward with this resolution. She shared that if no consideration has been given to funding, she’d like to offer a further amendment.

Councilwoman Watson welcomed Councilwoman Pritchett’s input and suggestions. She reiterated that this is just the exploratory phase.

Councilwoman Pritchett offered a further motion “directing the City Manager to fund this event out of revenues generated from the private sector.

Councilwoman Watson thanked Councilwoman Pritchett for her proposed motion but indicated that she did not want to be limited to the private section because there may be some services the City would have to provide. She said that various funding sources to fund this project will be explored.

Councilwoman Pritchett conveyed her support of such an event, but cautioned using taxpayers’ dollars to have a party. She opined that if the planning is started in enough time, the businesses in this community would probably be the better source for financing this kind of venture because they too stand to gain from this effort. She said that she was hesitant in supporting this resolution, based upon perhaps having to use City funds.

Councilwoman Watson explained that there is a revenue stream that would come back to the City. She reiterated that this resolution is not committing the City, at this point, to any dollars. She emphasized that this is a multi-faceted event of activities, which would allow and create another avenue source for this City to have a revenue stream. She placed emphasis on the fact that she was not asking the City to commit to anything; on the contrary, she was only asking for the opportunity to explore the opportunities. A finding will be brought back to the City Council at a later date.

Councilwoman Pritchett pointed out that the resolution did not mention a feasibility study.

Attorney Knighton Dickens explained that the resolution does approve the concept, but it also asked that the City Manage take certain steps to implement this festival.

Vice Mayor Campbell said that he had the same concerns as expressed by Councilwoman Pritchett. He opined that this is an excellent idea, but the resolution reflects that the City Manager is

directed to implement this action. He suggested forming a public-private partnership, which does not involve City staff.

Moved by Councilwoman Watson, seconded by Vice Mayor Campbell to delete Section 2, which directed the City Manger to take appropriate steps to implement and establish the festival. This motion was **passed and carried by a 6-0 vote**.

At the conclusion of this discussion, the motion to approve the resolution, which provided for the approval for the **concept, 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

**RESOLUTION NO. 2005-17-194**

- (3) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE CITY TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF EQUIPMENT ACQUISITIONS, LAND PURCHASES, FACILITY CONSTRUCTION, ACQUISITION OR RENOVATION, OR FOR OTHER CITY PURPOSES AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE (SPONSORED BY THE CITY MANAGER)**

Manager Crew explained that each time a government borrowed money it is considered to be a bond. One of the items in FY 04-05 Budget was an item to borrow money to purchase vehicles. This resolution provides that if and when the City does issue bonds, any expenditure made prior to that can be reimbursed out of that bond issue. He further shared that all bonds must be approved by the City Council.

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

Councilwoman Pritchett asked, when does staff anticipate the city would be borrowing money.

Manager Crew explained that FY 04-05 Budget anticipated that the City would be borrowing money to purchase vehicles. Staff is in the process of developing the RFP to go to the various Bond Institutions. He said this process is anticipated to take approximately sixty days or more.

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

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

**(M) REPORTS OF CITY MANAGER AND CITY ATTORNEY.**

The City Attorney had no report.

Manager Crew reported that the first Comprehensive Development Master Plan Community Meeting has been scheduled for March 16, 2005, at 7:00 p.m. at City Hall.

Manager Crew showcased a sample style of a bus bench staff was recommending to be installed within the City of Miami Gardens. A trash receptacle would also be installed along with the bus bench. The total approximate cost of the bus benches would be approximately between \$250,000.00 and \$260,000.00. The bus benches meet ADA standards, and the manufacturer is state bidded contract.

Councilman Bratton asked if the bus benches currently located throughout the City would remain.

Manager Crew said those benches would be removed. One of the local middle schools has requested that the City donate approximately forty of the old benches.

Councilman Bratton questioned the status of the Bus Shelters.

Manager Crew said the Bus Shelters were approved by Miami-Dade County prior to this area becoming a City. The City was not included as a party to the contract Miami-Dade County had with the contractor. The City is currently in negotiations with that company.

Councilwoman Pritchett asked if there would be any kind of protection from the inclement weather.

Manager Crew indicated that the bus benches would have no protection from the weather. The company that is installing the Bus Shelters plan is to install a significant number of shelters, especially in those locations that have a lot of people.

Mayor Gibson asked Manager Crew to bring back at the next City Council meeting a count as

to how many bus benches it is anticipated will be needed in the City of Miami Gardens. She said that she would like to have some of these bus benches installed by the City's second anniversary (May 13, 2005).

Manager Crew reported on the Comprehensive Development Master Plan process and indicated that approximately sixty names were provided to staff by the Council members. He asked that the Council review the list to see if there are names that can be deleted from the list.

Councilwoman Watson made reference to the Andover Civic Associations (East and West) and indicated that the name should be changed to President of the Andover Civic Association therefore one of the entries could be removed from the list.

## **(N) REPORTS OF MAYOR AND COUNCIL MEMBERS.**

Councilwoman Watson expressed concern that each Council members' budget did not allow for staff other than Ms. Odom. This restricts each Council member from accomplishing many of the activities they would be able to produce from their districts. She made a motion to direct the City Manager to explore the possibility of getting internship participation from the high schools, colleges and other volunteer organizations. This motion was seconded by Councilman Braynon. At the conclusion of this discussion, this motion passed and carried by a 6-0 vote. Councilwoman King was not present.

Councilwoman Watson further moved to direct the City Manger to explore with FDOT the utilization of the concrete barriers under the Palmetto Expressway for artistic endeavors to further promote the City of Miami Gardens. This motion was seconded by Councilman Braynon. At the conclusion of this discussion, the motion passed by a 6-0 vote. Councilwoman King was not present for this discussion.

Councilman Bratton announced that on Tuesday, February 15, 2005, from 7-9 p.m., a Meet and Greet City Staff event will be held. The event will take place in the City Council Chambers, at City Hall.

Councilwoman Pritchett referenced a letter she received from The Citizens of 42<sup>nd</sup> Court. She assumed it was NW 183<sup>rd</sup> Terrace. She shared that she visited this neighborhood and could not find anyone who had knowledge of this letter or the purported concerns. She related that this Council tries to make every effort to be responsive to the residents. The Council can not be responsive if ambiguous information is provided.

Councilwoman Pritchett shared that the City of Miami Gardens is fortunate to have two students who have excelled in their academic accomplishments. The first student, Shekinah Tillman has been selected to participate in the Presidential Classroom, in Washington, D.C. Ms. Tillman is the only student from Miami-Dade County selected to participate in this program. The second student, Nichelle Davis, won the Miami Herald Black History Month essay contest. She asked that the council

honor these two students, at the next City Council meeting for their outstanding achievements.

#### 1. **City Manager's Evaluation**

Mayor Gibson placed emphasis on the importance of each Council member's participation in the City Manager's Evaluation process.

Mr. Horace McHugh, Assistant to the City Manager appeared before the City Council and indicated that he'd received completed Evaluation Forms from the Mayor and five of the Council members.

Please note that Councilman Bratton left the meeting at 9:55 p.m., and Vice Mayor Campbell left the meeting at 9:56 p.m.

Councilwoman Pritchett stated that she did not do an evaluation of the City Manager and read into the record the following statement, "To prepare an adequate, fair, and knowledgeable annual assessment of Mr. Crew it is imperative to review the expectations of the "Employment Agreement" of the City Manager. Section 1.B. of the Employment Agreement dated December 15, 2003 reads in part: The Employee shall perform the duties of City Manager of the City in accordance with the terms, conditions, and provision contained in this Agreement and the Charter in a professional and respectable fashion and with full decorum required of City Managers generally and as required by the standards and Code of Ethics of the International City/County Management Association.

Section 1.B. is the **sole** paragraph contained within the Employment Agreement that details the employment responsibilities of the position of City Manager.

Mr. Crew's Memorandum dated January 5, 2005 to Council Members of the City of Miami Gardens sets forth a list of accomplishments that Mr. Crew indicates he has completed during his one year serving as City Manager. Mr. Crew identified his accomplishments; however, this Council does not have (in place) specific, measurable, performance standards to utilize, as a guide, in determining an annual assessment of Mr. Crew's performance.

Therefore, in the absence of an Employment Agreement that **details, clearly-defined**, performance objectives agreed on by the City Council as it relates to the City Manager position, a process for measuring standards of performance, and the absence of a Code of Ethics of the International City/County Management Association as mentioned in Section 1.B. – I cannot complete an "Annual Assessment" of Danny Crew for the January 4, 2004 – January 5, 2005 time frame.

Discussion of a possible increase in pay was scheduled for the next City Council meeting.

Mr. Christopher Steers, Assistant to the City Manager for Business Services, along with other members of the administrative staff appeared before the City Council in support of the City Manager and to request that the City Council consider nominating Dr. Danny O. Crew, for the Florida League of Cities Manager of the Year Award.

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

There were none.

**(P) ADJOURNMENT.**

There being no further business to come before this Body, and upon being duly moved by Councilman Braynon and seconded by Councilwoman Watson, the meeting adjourned at 10:15 p.m.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK