

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

(A) CALL TO ORDER/ROLL CALL.

The City Council of the City of Miami Gardens, Florida, met in regular session on Wednesday, November 9, 2005, beginning at 7:02 p.m., in the City Council Chambers, 1515 NW 167th Street, Building 5, Suite 200, Miami Gardens, Florida.

The following members of the City Council were present: Mayor Shirley Gibson, Vice Mayor Oscar Braynon II, and Council members Barbara Watson, Aaron Campbell Jr., Councilman Melvin L. Bratton, Councilman Ulysses Harvard and Councilwoman Sharon Pritchett.

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

(B) INVOCATION.

Dr. Lester Brown delivered the Invocation.

(C) PLEDGE OF ALLEGIANCE.

Recited in unison.

(D) APPROVAL OF MINUTES

Regular City Council - October 26, 2005.

Moved by Vice Mayor Braynon, seconded by Councilman Bratton to approve the minutes with the necessary corrections if there be any. There being no discussion, this motion passed and carried by a 7-0 vote.

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

Moved by Vice Mayor Braynon, seconded by Councilwoman Watson to amend the official agenda by moving Item M-1 to be heard as Item F-3. There being no further discussion, the motion to amend the official agenda passed and carried by a 7-0 vote.

(F) SPECIAL PRESENTATIONS (5 minutes each)

F-1) Peter Lombardi, Dist. Representative of Florida City/County City Manager Association International City/County Management Association Presentation.

Mr. Lombardi, City Manager for the City of Pinecrest appeared before the City Council to present this prestigious recognition to the City of Miami Gardens.

F-2) Major Donald Rifkin, Commander Miami Gardens District Police Division

Major Rifkin reported overall targeted crimes were up this month from last month by eleven percent. Overall targeted crimes are up seven percent year-to-date. Serious crimes are up by seven percent; last month serious crimes were up by eight percent. For the month August, serious crimes were up by nine percent. Although serious crimes are up, they are in a downward trend. There were

decreases this month in aggregated battery, auto thefts, residential burglary and sexual battery. Hurricane Wilma contributed dramatically to the increase in commercial burglaries.

Major Rifkin provided a brief overview of some of the things that occurred during Hurricane Wilma. The police department began its emergency mobilization along with the rest of the Miami-Dade Police Department at 12:00 p.m., on Saturday, October 23, 2005 and completed this mobilization on Saturday, November 5, 2005, at 12:00 p.m. All sworn personnel in the district worked 12 hour shifts for 12 days straight. There was 100 percent attendance. City Hall was temporarily moved to the Miami Gardens District Police Station. There was a dramatic increase in commercial burglaries from the onset of Hurricane Wilma through the first week. There were a total of 47 commercial burglaries during that one week. The burglaries began as early as tropical storm force winds were felt. There were five commercial burglaries the week prior to the storm. Other police districts experienced the same dramatic increases in commercial burglaries during this time period. A total of 50 arrests were made during that week. Twelve of those arrests were for commercial burglaries. Twenty-one curfew arrests were also made. The officers also worked security at the ice, water and food distribution sites. The biggest challenge was handling an overwhelming number of intersections, as well as balancing calls for service and attempting to suppress crime at the same time. There were several times during the week where routine calls for service were suspended. There were also as many as 70 calls holding, however all calls were handled within a 24 hour period. Some support was received from Specialized Police Services.

Major Rifkin report on the progress being made with Police Explorers Post 183, which is chartered to the City of Miami Gardens.

Major Rifkin announced that Major Matthew Boyd would be the new District Commander of the Miami Gardens District Police Department, effective November 21, 2005.

Major Boyd appeared before the City Council to convey confidence that an outstanding working relationship between the City of Miami Gardens and the Miami Gardens District Police Department will continue to exist as it has with Major Rifkin.

Major Rifkin conveyed that it has been a pleasure working with and for the City of Miami Gardens.

Councilman Campbell made personal comments about Major Rifkin as it relates to his total commitment to the City of Miami Gardens. It was very obvious by Major Rifkin's commitment level that he had adopted the City of Miami Gardens. He opined Major Rifkin was able to do some positive things in spite of the cards he was dealt. He conveyed his personal appreciation and heartfelt thank you to Major Rifkin for what he has done for the City of Miami Gardens. He wished Major Rifkin well with his new assignment.

Councilman Bratton said on behalf of CAC, Major Rifkin is commended for a job well done. He shared that whenever he placed a call to Major Rifkin he always got results.

Mayor Gibson informed Major Rifkin that the City Council would be acknowledging him at a

future date for his outstanding service to the City of Miami Gardens. She thanked Major Rifkin for the services he has rendered to the City and the personal attention given to the Council.

F-3) Transportation Master Plan – Transmittal of Draft

Rafael De Arazoza, a representative from the Corradino Group appeared before the City Council to provide a report on the progress being made with the Transportation Master Plan. He said during the initial phase, staff met with other governmental agencies, city council members and residents from the community. The first public workshop was held on September 22, 2005. Although that workshop was not heavily attended it was an extremely productive and enjoyable meeting. An official public hearing on this matter will be held before the City Council at the December 13, 2005, Zoning Board meeting. All of the recommendations being made for improvements thus far are not in any order of priority. He encouraged the Council members to review the information provided.

(G) ZONING MATTERS

There were none.

(H) ORDINANCE(S) FOR FIRST READING

H-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, IMPOSING AN ANNUAL MONITORING FEE FOR COMMUNITY DEVELOPMENT DISTRICTS LOCATED WHOLLY WITHIN THE CITY'S BOUNDARIES; PROVIDING FOR DISCLOSURE REQUIREMENTS FOR COMMUNITY DEVELOPMENT DISTRICTS; PROVIDING FOR PENALTIES; PROVIDING AUTHORIZATION TO THE CITY ATTORNEY; PROVIDING ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Manager Crew said the City currently has three Community Development Districts. He said although there are some positive aspects to a CDD, there is also some concerns which he opined are legitimate. Discussions were held with the City Attorney about the City's ability to monitor these districts. This question was posed to the Attorney General who rendered an initial opinion that the City could not monitor these districts. Enough concern was generated from other municipalities, which caused the Attorney General to render another opinion that cities now have the ability to monitor these districts. He recommended a charge to the CDD of \$1,000 per year of \$10.00 per unit which ever is greater. This would allow the City to make sure the CDD is doing what it is suppose to do.

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

Vice Mayor Braynon questioned whether the CDD would continue to exist once it has transferred the infrastructure to the City.

Manager Crew said the infrastructure could be transferred upfront or keeps the infrastructure for twenty years then transfers it. He said his preference is that the infrastructure is given upfront. He said the City did not want anymore private streets because of the problems involved with them. The City will ask that the streets be donated right a way. The drainage system may be left with the CDD because of the maintenance involved. The City has asked that the CDD hire the City as a contractor to do the maintenance on the drains.

Manager Crew shared when this item went before the Miami-Dade County Commission, Commissioner Jordan was instrumental in having a provision which provides for two of the City's employees to sit on the CDD Board until it is turned over to the property owners. This usually takes about three to four years.

Vice Mayor Braynon questioned whether the CDD had a definitive life span.

Manager Crew opined the CDD would cease to exist once the bonds have been paid off.

Vice Mayor Braynon questioned whether the CDD could charge additional fees to the property owner for other improvements.

Manager Crew said this is a possibility. He further shared that a lot of municipalities start out as a CDD, for instance the City of Wellington was a CDD, before it petitioned the state to become incorporated.

Vice Mayor Braynon asked whether a CDD formed in an existing municipality can incorporate and become its own municipality.

Manager Crew said no, a CDD can not incorporate to become its own city within an existing municipality.

Councilwoman Watson questioned whether the CDD obtains the bond to pay for the infrastructure.

Manager Crew said this is correct.

Councilwoman Watson asked how would this affect a municipality when it is looking to acquire bonds.

Manager Crew said the CDD is a separate governmental entity unto itself, and any bonds issued would not be in the name of the City of Miami Gardens. The CDD would be fully liable as well as the residents within that CDD. The City's ability to obtain bonds has nothing to do with whether there are CDD's existing in that municipality.

Councilwoman Pritchett moved to amend the page 2 and 3 of the ordinance as follows: page 2, line 7, add subsection h) to read "to take any and all action necessary to ensure proper and thorough

monitoring of the Community Development Districts located within the City's boundaries to ensure they are fulfilling their stated purpose." ; Page 3, line 19, add subsection h) to read "taking all actions necessary to ensure proper and thorough monitoring of the Community Development Districts located within the City's boundaries to ensure they are fulfilling their stated purpose". This motion was seconded by Vice Mayor Braynon.

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

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

Mayor Gibson asked for clarification and stated when the CDD was approved by Miami-Dade County with the requested stipulation by Commissioner Jordan about the CDD Board, and the City was able to get the two board positions it was her understanding that those two positions were to remain on the board for the life of the CDD. She further conveyed her understanding that the Homeowners Association would administer the other duties and responsibilities and whatever assessments to be voted on to maintain the complex.

Manager Crew said he was not sure what Miami-Dade County had voted on, however it does not matter because state law would supersede, because state law provides that the Homeowner Association would take it over at a certain point in time.

Attorney Dickens said the CDD can not do all the things that a Homeowners Association does, therefore there can be two different entities.

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

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

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

RESOLUTION NO. 2005-39-77

I-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO. 2005-14-52 “LANDLORD PERMITS” TO PROVIDE AN EXEMPTION FOR DWELLING UNITS OWNED BY GOVERNMENTAL ENTITIES THAT ARE SUBJECT TO MANDATORY ANNUAL INSPECTIONS PURSUANT TO STATE OR FEDERAL LAW AND 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)

Manager Crew explained when the original ordinance was adopted it was assumed the public housing units were exempted, when in essence they were not. This ordinance would exempt those public housing units, owned by Miami-Dade County, in the City of Miami Gardens.

Attorney Dickens recounted when this item was brought forth on first reading, Councilwoman Pritchett had proposed an amendment, which was seconded by Vice Mayor Braynon. The amendment provided that a copy of the annual inspection report be provided to the City within 30 days of such inspection”. That language is not a part of the ordinance in the packet however, the final version will have that language.

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

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

Councilwoman Bratton for clarification purposes asked where the location of these units was.

Manager Crew said there are several different complexes. One is located at 183rd Street and N.W. 22nd Avenue; another is located at 183rd Street and NW 37th Avenue.

Councilman Bratton asked staff to identify the locations of these units and provide that information to the City Council.

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

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

(J) PUBLIC COMMENTS (10 - MINUTES)

Stanley McKnight, 3852 NW 210th Street, Miami Gardens, Florida, appeared before the City Council to express concern with a police department during the aftermath of Hurricane Wilma. He further expressed concern with a police incident which occurred in his back yard, while apprehending a suspect.

Sharon Frazier Stephens, 1095 NW 195th Street, Miami Gardens, Florida, appeared before the City Council to provide a status report on the Miami Norland PTSA Feeder Pattern.

Vice Mayor Braynon conveyed his appreciation of Ms. Stephens and her outstanding volunteer efforts with the Miami-Dade County School Board, on behalf of the City of Miami Gardens and its youth.

Hugh Dodd, 17125 NW 19th Avenue, Miami Gardens, Florida, appeared before the City Council to express his views about the Landlord Permit Ordinance and the Landlord Tenant workshop held on last evening.

(K) CONSENT AGENDA/RESOLUTION(S)

Please note: Items K-1 and K-5 were removed from the Consent Agenda by Councilwoman Pritchett. Both items are reflected under "L-RESOLUTIONS" as Items L-1 and L-2 respectively; with the Agenda being adjusted accordingly.

RESOLUTION NO. 2005-147-324

K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO BEA INTERNATIONAL IN THE AMOUNT OF FOUR HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED ELEVEN (\$423,111.00) DOLLARS FOR ARCHITECTURAL SERVICES RELATING TO THE PARKS AND RECREATION MASTER PLAN, IN ACCORDANCE WITH THE PROPOSAL ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2005-148-325

K-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO BERMELLO AJAMIL & PARTNERS, INC. IN THE AMOUNT OF FOUR HUNDRED NINETY-NINE THOUSAND FIVE HUNDRED (\$499,500.00) DOLLARS FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATING TO THE PARKS AND RECREATION MASTER PLAN, IN ACCORDANCE WITH THE PROPOSAL ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2005-149-326

- K-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO KEITH AND SCHNARS, P.A. IN THE AMOUNT OF ONE MILLION ONE HUNDRED FIFTY THOUSAND ONE HUNDRED (\$1,150,100.00) DOLLARS FOR ARCHITECTURAL SERVICES RELATING TO THE PARKS AND RECREATION MASTER PLAN, IN ACCORDANCE WITH THE PROPOSAL ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2005-150-327

- K-4) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO BEA INTERNATIONAL IN THE AMOUNT OF FIFTY-TWO THOUSAND FIVE HUNDRED (\$52,500.00) DOLLARS FOR ARCHITECTURAL SERVICES RELATING TO THE LANDSCAPING ON MIAMI GARDENS DRIVE FROM NORTHWEST 47TH PLACE TO NORTHWEST 2ND AVENUE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2005-151-328

- K-5) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CANCELING THE NOVEMBER 23, 2005, CITY COUNCIL MEETING; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2005-152-329

- K-6) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ACCEPTING A GRANT FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ("FDEP") IN THE AMOUNT OF \$230,000.00; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN STATE FINANCIAL ASSISTANCE AGREEMENT WITH THE FDEP, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2005-153-330

- K-7) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN

SPONSORSHIP AGREEMENT WITH THE ORANGE BOWL COMMITTEE, IN SUBSTANTIAL FORM AS THAT AGREEMENT ATTACHED HERETO AS EXHIBIT "A;" PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

K-10) ORANGE BOWL CONCERT PROPOSAL – MARKING/PROMOTIONAL SERVICES (This item was removed from the Official Agenda)

Moved by Vice Mayor Braynon, seconded by Councilwoman Watson to approve the Consent Agenda.

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

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

(L) RESOLUTION(S)

RESOLUTION NO. 2005-154-331

L-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT WITH MIAMI-DADE COUNTY, THROUGH ITS DEPARTMENT OF HUMAN SERVICES FOR FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT FORMULA GRANT PROGRAM FUNDING, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; AUTHORIZING A MATCH; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Councilwoman Pritchett questioned for clarification purposes whether the \$21,456.00, the City would be receiving was for FY 05-06.

Manager Crew confirmed that the funds were for FY 05-06.

Councilwoman Pritchett referenced page 1, line 7 of the resolution which indicates the \$21,456.00 would be used for the implementation of a drug prevention and awareness program at six elementary schools within the city limits however, the Program Narrative talks about an additional

seven schools.

Major Rifkin clarified there is a total of ten schools. The reason for the discrepancy, is that the grant application had to be submitted early. Then the police department had to work with the School Board to get the schools as partners. There were six schools last year; now that total is being expanded for a total of ten schools.

Councilwoman Pritchett requested a copy of the list of those schools be provided to the City Council. She said it would be most beneficial to also have information on the quarterly project report readily available for the Council members to share when they attend the various civic and community meetings. She questioned whether it is necessary to amend the resolution to reflect that the City Council would be provided with the quarterly project report.

Attorney Dickens said she would prefer not amending the resolution to add that language. She suggested directing the City Manager to provide the information.

Councilwoman Pritchett directed the City Manager to provide the City Council members with a copy of the quarterly project report. She said sharing this information provides an opportunity to inform the residents on what the police department and the City of Miami Gardens is doing to assist the youth in terms of preventive measures and positive programs. She further asked when the programs are implemented that the City Council members be extended an invitation.

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

Councilman Campbell shared this is another one of those items that Major Rifkin initiated.

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

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

RESOLUTION NO. 2005-155-332

- L-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN ADDENDUM TO THE AGREEMENT WITH THE FLORIDA DEPARTMENT OF CORRECTIONS, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Councilwoman Pritchett said she had pulled this item because she saw in the City Manger's Cover Memorandum that the South Florida Corrections Work Squad had done an excellent job in reducing the amount of litter throughout the City. She questioned whether the City had a written monthly evaluation or report describing the excellent job being done. This would allow the Council to see documented proof that the contractor had fulfilled its obligations.

Manager Crew said the City has a report on how many bags of trash was collected. This information could be provided. The banks of the Palmetto Expressway are looking much better.

Councilwoman Pritchett thanked Manager Crew for this explanation. She opined it is important to have written, measurable reports, performance standards, and evaluations. She opined it is important to have this information because it shows the residents the Council has done its due diligence in spending their money prudently.

Manager Crew said the improvement in the way the City is looking is proof of the job being done. This contract provides that the City will get six workers, forty hours a week for \$50,000.00 annually. If the City had to duplicate that it would cost approximately \$250,000.00 annually. He opined this is a tremendous bargain for the City to get in its efforts to clean the community up. He reiterated staff would get Councilwoman Pritchett the information requested.

Councilman Campbell shared when this agreement came before the Council originally he was opposed to it mainly because he thought the state should be responsible for maintaining state roads. However, as the City Manager has mentioned on several occasions, the state maintains the roads when they get ready with the City suffering the consequences. He said based on his personal observation, the Palmetto Expressway is looking a lot better. He opined it is worth the amount of money the City is spending on this contract. He further shared that he has received positive comments from residents about how much better the main roadways are looking.

Councilwoman Pritchett said she did not disagree with Councilman Campbell. She opined we are a wise prudent Council when there is written document, showing accountability for everything it does.

Vice Mayor Braynon said when this item was first presented, he was also opposed to it. He said he did not agree with having people work for next to nothing. He said for that reason he would not be supporting this item. He said the contractor is doing a great job but he could not support using the inmates in this matter.

Manager Crew shared the Florida Department of Corrections has a work release program. This particular program is the first step in getting the inmates familiar to working outside in the community. In addition it is a mandatory requirement prior to acceptance in the work release program.

Mayor Gibson shared when this item came up last year there was a lot of negative talk about the fact that the City were using prisoners like slave labor. A speaker came forth and shared a letter her son, who was incarnated had written about the benefits of this program because it was the only way he

could prepare himself to transition back into society. She reiterated if a inmate does not participate in this type of program, they will not be able to get in a work release program.

Councilwoman Pritchett stated she is of the opinion that the Council must have a justification for the actions it is taking. She opined the Council must have those checks and balances and imperative for the Council to have written document.

Mayor Gibson said she was not disagreeing with Councilman Pritchett about the documentation and the accountability. She said the reason she would be moving this is because was not willing to let this item not be moved and not have the services we have to keep that continuity. She said the City Manager can provide the relevant information about how much garbage has been collected, graffiti that has been removed, and square footage of walls that have been painted.

Vice Mayor Braynon conveyed the importance of having dialogue on the dais. He said he has heard a point tonight that has swayed him a different way. He said he agreed with Mayor Gibson about giving the inmates an opportunity to get back into society and the workforce.

Councilman Campbell questioned why would one vote against something that benefits the City simply because there has not been an evaluation. The resolution can always be amended to include that provision.

Councilman Harvard concurred with comments made by Manager Crew. This is part of a process the inmate goes through in order to get back into society. These are the same people that refurbish/recondition the computers utilized by many non-profit organizations. He said these same individuals are somebody's child and to deny them the right to keep our City looking as good as it does is shortsighted. He said he has not been sitting on the Council very long, but he does live in the City and has seen the difference in the way the City is looking as a direct result of this contractor.

Manager Crew shared funds for an additional crew has been allocated in FY 05-06 budget. That crew would be utilized to maintain some of the medians when they are taken over from FDOT. He further shared the petitions being utilized for office space in City Hall are made by Pride Industry, which is a prison industry.

Councilwoman Watson opined the contractor has done an excellent job. She said she was glad the Council had the foresight to bring this contractor on board, which gives the inmates an opportunity to return to society. She recounted when this item was first brought forth, she had asked for two crews. She said the inmates volunteer for this program. The participants are individuals who are eager to come back into society. She conveyed her support of this item and any future items.

Mayor Gibson passed the gavel to Vice Mayor Braynon, then moved to approve this item. This motion was seconded by Councilmen Harvard and Bratton.

There being no further discussion, this motion passed and carried by a 6-1 vote.

Councilwoman Pritchett: No

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

Vice Mayor Braynon relinquished the gavel to Mayor Gibson after the vote concluded.

(M) REPORTS OF CITY MANAGER AND CITY ATTORNEY.

Manager Crew reported the City is working with FEMA and has submitted an estimated 1.6 Million Dollars for reimbursement. As it stands FEMA will reimburse most expenses at seventy-five percent, the state will reimburse at twelve and a half percent. The City would be responsible for the other seven and a half percent. He reiterated the importance of having a cash reserve, for just such emergencies.

(N) REPORTS OF MAYOR AND COUNCIL MEMBERS.

Councilwoman Pritchett referenced Item K-10, which was pulled from the official agenda and asked about the law as it related to businesses for and not for profit maintaining active status with the State of Florida Division of Incorporation.

Attorney Dickens said all businesses are not necessarily incorporated.

Councilwoman Pritchett shared while she was reviewing the Florida Division of Incorporation's website she had notice that One Love Enterprises was listed as inactive as of September 22, 2000. She said she had wanted to ask the Purchasing Manager the process for businesses doing business with the City and if a business was inactive what kind of position would that put the City in if doing business with them.

Attorney Dickens said each purchase item is required to come through the Purchasing Manager. An email was sent to the Purchasing Manager asking for her review and is not sure whether the Purchasing Manager received that email because there has been no response. Whether a business has the applicable license would be check out during the review process. As it relates to certain types of contracts, the City would want to make sure the required licenses have been obtained and are current. There are certain types of contracts that do not require a special license to operate and do business, such as for marketing. As it relates to corporate status, she would request that if the City is contracting with an entity that their corporate status be in tack.

Manager Crew said the City may do business with individuals or businesses that are not incorporated. The city does however do individuals and businesses with the current occupational licenses, certificates of insurance and applicable certifications.

Councilwoman Pritchett conveyed her thanks and commended County Commissioner Barbara Jordan for her assistance in providing water, ice and food during the aftermath of Hurricane Wilma in

an expeditious manner. Particular attention was given to elderly residents, some of which had medications that required refrigeration.

Councilman Bratton thanked the City of Miami Gardens staff for doing an excellent job with the distribution of water, ice and food. He further commended staff for their expediency in getting the blue tarps out to those residents that requested one.

Councilman Bratton announced the sponsorship of a Miss Miami Gardens Pageant. Details on this event will be forthcoming at a later date.

Councilman Harvard conveyed his appreciation to the City of Miami Gardens staff for their efforts during the aftermath of Hurricane Wilma. He further commended Mayor Gibson and Councilwoman Watson for their due diligence during this disaster. He also acknowledged the Miami Gardens District Police Department and UPS for their contributions.

Councilman Campbell shared his observation and shared there is a publication distributed by FEMA, entitled "Are We Ready". The publication basically states that people not only in the Country, but the state, county and municipalities, need to start preparing themselves for this type of disaster and stop depending on the government. He opined people are always waiting on somebody else to do something for them and when the crisis hits they start pointing their finger and blaming. He opined there is a small minority that is anti-this City, this council and this staff therefore, no matter what efforts are made, they are no satisfied. However, there is a large silent majority that is very pleased with the efforts being made by this City.

Mayor Gibson announced Congressman Meek is working with the Congressional Delegation trying to get President Bush to approve one hundred percent from FEMA.

Mayor Gibson shared that she along with Miami-Dade County Mayor Alvarez, and mayors from the City of Miami Beach, City of Miami and City of Hialeah will be meeting to discuss what happened during this process and ways to work more collaborative in the future.

Mayor Gibson further commended the efforts of County Commissioner Barbara Jordan. She said those efforts would not have been possible without Commissioner Jordan's assistance because those were issues the City of Miami Gardens had no control over. She further placed emphases on the importance of residents understanding that there is a process involved with disaster planning, which involves the federal government, the state government and the local government, in this case it is Miami-Dade County; Miami-Dade County in turn provides assistance to the various municipalities.

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

Kimberly Lawrence, 17135 NW 9th Court, Miami Gardens, Florida appeared before the City Council to convey her dissatisfaction with the contractor hired to clean up the City after Hurricane Wilma. She further conveyed dissatisfaction with the holding area for debris at 199th and NW 37th

Avenue.

Billy Isley, 1740 NW 191st Street, Miami Gardens, Florida, appeared before the City Council to share with the Council the clean up efforts his neighbors took after Hurricane Wilma. He further encouraged the City to take a look at the contract the State has for maintaining the right-of-way owned by the State of Florida. He questioned whether the City had a Disaster Preparedness Plan and a Homeland Security Plan in place.

Claudette Brinson, 3908 NW 213th Street, Miami Gardens, Florida, appeared before the City Council to commend the City Council and the City of Miami Gardens for their clean-up and food distribution efforts during the aftermath of Hurricane Wilma.

Sharon Frazier Stephens, 145 NE 193rd Street, Miami, Florida, appeared before the City Council to encourage residents to get involved with their community. She conveyed her willingness to serve as a Block Ambassador. She further asked that Councilwoman Watson to not forget the area of 183rd Street to NW 199th Street and North Miami Avenue.

Lawanda Dorsett, 4421 NW 170th Street, Miami Gardens, Florida, appeared before the City Council to express concern with the lack of response from Florida Power and Light for the damage this company caused to her property after Hurricane Katrina. She said she has contacted Florida Power and Light on several occasions about the damage done to her property but has yet to receive a response from the company. She further said her insurance carrier has refused to pay for the repairs because they were not caused by the storm.

Albert C. Thrower, 18510 NW 23rd Avenue, Miami Gardens, Florida, appeared before the City Council to voice his concern with the contractor hired to do the debris removal. He further emphasized the importance of unity at a time like this.

Naomi Wright, 18330 NW 38th Court, Miami Gardens, Florida, appeared before the City Council to convey her appreciation for the City Council and staff for the efforts made during the aftermath of Hurricane Wilma. She further expressed dissatisfaction with the police department for its lack of adequate traffic control during this time. She said instead of directing traffic, the police department was blocking traffic, causing residents to have to travel several blocks out of the way to get their homes.

Manager Crew addressed the concerns raised by residents: 1) Debris removal - Miami-Dade County has the responsibility to pick up all solid waste in the City of Miami Gardens. However, during an emergency such as this nature, Miami-Dade County is overwhelmed with emergency debris removal. The City of Miami Gardens got a contractor to do emergency debris removal, which encompassed the removal of debris from roads, driveways, sidewalks and tree removal from off people's homes. The contractor's job is however, not to do the real good cleaning; their job is to remove the debris so that people have access to and from their homes. Miami-Dade County has also contracted with a number of debris removal firms for this same purpose. The City of Miami Gardens Public Works staff was also out cleaning up debris. In the initial phase the City's contractor was not responsible for doing the fine clean up, which included the racking of debris. The City's contractor has

not started picking up that small debris. The City can not speak for the contractors hired by Miami-Dade County: 2) Debris staging area at 199th and NW 37th Avenue – debris is not taking to the dump during an emergency clean up operation. It is placed at a staging area then grounded into mulch for easier transporting, then taken and disposed of. This should be cleared within the next 30-45 days.

Mayor Gibson referenced the Disaster Preparedness Plan question and shared the City is working diligently on a plan. It is anticipated this plan will be completed within a couple of months.

Manager Crew further expounded and shared the City has been working on a joint Homeland Security and Emergency Plan for several months. The draft plan is in its final stage of completion. The City's plan has to coordinate with Miami-Dade County's Plan, which takes priority.

Manager Crew referenced the comment about the State contract to clean up the state's right-of-ways and related that the State of Florida's right-of-way maintenance schedule is not consistent and the contractors are not reliable or does substandard work. For example, a state contractor mowed the lawn at the CVS Pharmacy located at NW 199th Street and 441; there was paper all over the right-of-way, so the contractor cut up the paper along with the grass, making a bigger mess than before. The clippings went into the gutters, which is a violation of the law. The state was called and the response was that they would try to get someone to come out and take care of it. However, the City took care of the problem. The City is currently in negotiations with the State of Florida to take over the maintenance of right-of-ways along 441, NW 27th Avenue and 183rd Street. It is anticipated that a contract would be brought before the Council within the next few months for its consideration. The State of Florida would actually pay the City for this maintenance contract.

Mayor Gibson asked Attorney Dickens to comment on the concerns raised by Ms. Dorsett about Florida Power and Light damaging her property.

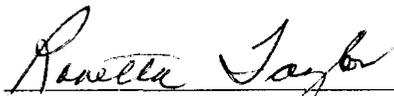
Attorney Dickens said she could not comment on this matter because Ms. Dorsett dispute is with Florida Power and Light. She suggested that Ms. Dorsett acquire an attorney to resolve the issue.

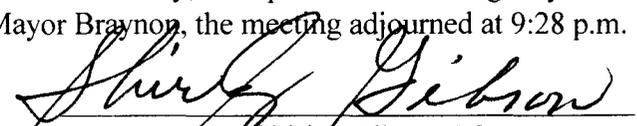
Manager Crew suggested that Ms. Dorsett might write the Public Service Commission, the entity that regulates Florida Power and Light.

(P) ADJOURNMENT

There being no further business to come before this Body, and upon a motion being duly made by Councilman Bratton and seconded by Vice Mayor Braynon, the meeting adjourned at 9:28 p.m.

Attest:


Ronetta Taylor, CMC, City Clerk


Shirley Gibson, Mayor