

**CITY OF MIAMI GARDENS
REGULAR CITY COUNCIL MINUTES
FEBRUARY 22, 2006**

(A) CALL TO ORDER/ROLL CALL:

The City Council of the City of Miami Gardens, Florida, met in a public meeting format at 6:12 p.m. The following members of the City Council were present: Mayor Shirley Gibson, Vice Mayor Oscar Braynon II, and Council members Aaron Campbell Jr., and Ulysses Harvard.

Attorney Dickens announced she had called this Attorney-Client Session at the February 8, 2006, City Council Meeting to be held tonight at 6:00 p.m. The services of a Court Reporter have been acquired to record this Attorney-Client Session. The meeting will be held pursuant to Section 286.011(8), Florida Statutes. Anticipated attendance for this Attorney Client Session will include: Mayor Shirley Gibson, Vice Mayor Oscar Braynon II, Council members Barbara Watson, Aaron Campbell Jr., Melvin L. Bratton, Ulysses Harvard and Sharon Pritchett, City Manager Danny O. Crew and City Attorney Sonja K Dickens. The purpose of this Attorney-Client Session is to discuss the case of City National Bank of Florida as Trustee under Land Trust No. 2400-5110-00 v. City of Miami Gardens.

Moved by Vice Mayor Braynon, second by Councilman Campbell to adjourn this public meeting at 6:14 p.m., in order to convene in private session, this motion passed and carried by a 4-0 vote.

Moved by Vice Mayor Braynon, second by Councilman Harvard to reconvene the public meeting at 6:35 p.m., the motion passed and carried by a 4-0 vote.

Attorney Dickens announced this will confirm that the Attorney-Client Session was in fact held and concluded. After there was no further business to come before this Body, it was moved by Vice Mayor Braynon second by Councilman Harvard to adjourn this public meeting at 6:37 p.m., the motion passed and carried by a 4-0 vote.

The City Council of the City of Miami Gardens, Florida, met in regular session on Wednesday, February 22, 2006, beginning at 7:13 p.m., in the City Council Chambers, 1515 NW 167th Street, Building 5, Suite 200, Miami Gardens, Florida.

The following members of the City Council were present: Mayor Shirley Gibson, Vice Mayor 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: Delivered by Jay Marder, Development Services Director.

(C) PLEDGE OF ALLEGIANCE: Recited in unison.

(D) APPROVAL OF MINUTES - Regular City Council Meeting – February 8, 2006
Moved by Councilwoman Watson, second by Councilman Harvard to approve the minutes, with necessary corrections, if any. This motion passed and carried by a 7-0 vote.

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

Manager Crew asked that the official agenda be amended to add the following item: “**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING EXTRAORDINARY EXPENSES FOR COUNCILWOMAN BARBARA WATSON FOR ATTENDANCE AT THE NLC LEGISLATIVE CONGRESSIONAL CITY CONFERENCE IN WASHINGTON D.C., AND THE PINELLAS COUNTY 4-H YOUTH CIVIC ENGAGEMENT SERIES; PROVIDING FOR AUTHORIZATION TO THE CITY MANAGER; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**”

Moved by Vice Mayor Braynon, second by Councilman Harvard to amend the official agenda. There being no further discussion, the motion to amend the official agenda passed and carried by a 7-0 vote to add this item to the official agenda as Item No. K-3.

(F) SPECIAL PRESENTATIONS (5 minutes each)

1. Major Matthew Boyd, Miami Gardens District Police Division
Burglary Crime Prevention Presentation

Major Boyd appeared before the City Council to introduce Sergeant J. Michael Ankney of the Miami Gardens District General Investigations Unit. He further conveyed his appreciation of the City Council and members of the community for their support. He announced presently at 191st Street and NW 37th Avenue the first tactical Narcotics Unit Buy Bust Operation was underway. The operation started this morning at 11:00 a.m., and thus far 45 individuals have been arrested. Within the first five minutes of operations two handguns were confiscated.

Sergeant Ankney the Burglar Sergeant for the City of Miami Gardens appeared before the City Council to announce the police department is currently working on an identification program. This program provides for the marking of all personal property items with the owner's Florida Driver License number. This provides a mechanism to ensure properties stolen and subsequently confiscated are returned to the rightful owners. In addition Major Boyd will be writing a series of articles to be published in the newspaper. The first article to be published is entitled “Don't be a Victim”, and provide residents with information on how to better secure their property and what to look out for in their neighborhoods. Furthermore, Mayor Boyd has partnered with the Miami-Dade County Public School Board to address Truancy within the City of Miami Gardens.

(G) ZONING MATTERS

There were none.

(H) ORDINANCE(S) FOR FIRST READING

H-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 10 OF ORDINANCE NO. 2003-07, AS AMENDED BY ORDINANCE NO. 2005-03-41 TO AMEND THE ORDER OF BUSINESS AT REGULAR CITY COUNCIL MEETINGS; 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 VICE MAYOR BRAYNON).

Vice Mayor Braynon explained at the last City Council meeting there was some discussion about the agenda format. During that discussion it was noted the agenda format currently being followed was not depicted in the original ordinance. For example the first comment section listed on the agenda after Ordinances for second reading was not in the original ordinance. This ordinance provides for the inclusion of the first public comments section. In addition the ordinance also provides that items to be pulled from the Consent Agenda should be done under Order of Business.

Attorney Dickens further expounded on this item and indicated the "Request, petition & other communication from the public" section, which was being used as a second public comments section is deleted from the proposed ordinance. In addition the public comments section is being placed after Special Presentations and Zoning Matters is deleted.

Councilwoman Pritchett said at the last City Council meeting when this matter was discussed there was no discussion about the deletion of "Request, petition & other communication from the public." She said the residents would not have an opportunity to comment or question the reports given by the City Manager or the Mayor and City Council.

Attorney Dickens shared that she has had conversations with Vice Mayor Braynon since the last City Council meeting about the drafting of this ordinance. She further explained any Council member can sponsor an item and often times when this is done, she would enter into discussions with that Council member as to the relevant issues they want addressed in the document. She said after having a side-bar discussion with Vice Mayor Braynon additional issues were addressed.

Attorney Dickens opined if residents have questions on something that was stated under the Manager's or Mayor and Council's Reports, they can ask those questions or express their concerns at the next City Council meeting under Public Comments, which is placed at the beginning of the meeting. She stated the Council can opt to have public comments heard at the end of the agenda. It is up to the Council to decide how many times and where it wants the public comments section to be located on the agenda.

Attorney Dickens opined the Reports of the City Manager and City Attorney are reports to the Council and certainly any body wanting to make comments have a right to do that.

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

Councilwoman Pritchett commented, when the residents were seeking to incorporate this geographical area as a City, it was stated business would not be conducted as usual. She opined to afford as many opportunities as possible for the public to come and be engaged in the process of the government is for the betterment of all. She expressed her concern with taking out an opportunity for the public to speak a second time when this is what has historically been done. She stated the City must engage the public and afford them the feeling they will have more than one opportunity to speak.

Vice Mayor Braynon asked Councilwoman Pritchett if she would like to offer a motion to amend the ordinance to include “Request, petition & other communication from the public.”

Attorney Dickens clarified that she had spoken with Vice Mayor Braynon about the drafting of this particular as she has done with other Council members who have sponsored items for the agenda. She said that Council certainly has a right to amend the ordinance. She pointed out that the first public comments section was never included in the original ordinance, therefore that is an addition to the ordinance.

Councilwoman Pritchett opined it would be good public relations to afford as many opportunities as possible for public participation, given there is a time limit for speaking.

Mayor Gibson said the item is listed as “Request, petition & other communication from the public” but the public has been using this as an opportunity for public comments. She stated if this item is to remain on the agenda, she wanted it to be used for the intended purpose, which is different than public comments. She reiterated if this item is to remain on the agenda, it must be utilized for the intended purpose, which is to hear request, petitions and other communication from the public. She emphasized this is not the same as public comments.

Councilwoman Pritchett concurred with Mayor Gibson’s statement. She then moved to amend the ordinance to leave the section providing for “Request, petition and other communication from the public as part of the official agenda. This motion was seconded by Vice Mayor Braynon.

Councilman Bratton asked for clarification on “other communication”.

Mayor Gibson said “other communication” could mean anything other than public comments and could include a letter or something of that nature.

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

Councilman Bratton:	Yes
Vice Mayor Braynon:	Yes
Councilman Campbell:	Yes

Councilman Harvard:	Yes
Councilwoman Pritchett:	Yes
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

There being no further discussion on the item as a whole, the motion to adopt 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."

There were none

(J) PUBLIC COMMENTS (10 - MINUTES)

Leonard Coles, 2010 NW 191st Terrace, Miami Gardens, Florida, appeared before the City Council to read into a record an open letter of concerns. This letter is made a part of the record and is attached hereto as Exhibit "A".

Mayor Gibson opined that Mr. Coles' letter was a powerful one and asked those individuals in the audience if they felt as Mr. Coles did about the Council members not communicating with them, providing them with an opportunity to speak, not respectful of their wishes or failed to provide adequate leadership to raise their hands. Please note, out of the approximately 18 residents sitting in the audience, the only individual with to raise hands was Mr. Coles.

Mr. Wendell James, 18820 NW 29th Place, Miami Gardens, Florida, appeared before the City Council to place emphasis on the importance of addressing the on-going problem of roof repairs. He opined this continuing problem will result in health concerns and affect the quality of life for residents. He opined at this point this situation is considered an emergency. He opined the rules can be bent to accommodate the residents.

Mayor Gibson stated that this Council is not the reason there is a proliferation of Blue Tops in this City. People are having problems trying to find roofers. They are having problems with their homeowners insurance. There are also people who don't have money to get their roof repaired. She said there are all kinds of reasons why people's roofs are not being repaired, and not because this City is holding up their permit.

Willie Dykes, 3460 NW 205th Street, Miami Gardens, Florida, appeared before the City Council to express concern about the Town Center Concept and the fact that the Metro Rail is slated to travel

along 27th Avenue. He opined this Town Center is not going to work. This area is never going to be a Miracle Miles (in Coral Gables) because this area will not get the clientele or the merchants like those on Miracle Miles. He opined, even if a Town Center was realized, it would take approximately 15 years before it is operational. In the meantime the City would be losing revenue from those existing merchants.

Councilman Campbell reminded the opened minded citizens present about those who had stated there would never be a City of Miami Gardens. He opined there are some people who just don't have a vision. There are some people who just don't want to take any risk. They want status quo. He said it is unfortunate that we have people like that among us however, we will always have those types of people among us.

(K) CONSENT AGENDA/RESOLUTION(S)

Please note Councilwoman Pritchett pulled Item K-2 from the Consent Agenda. This item now reflected as Item L-1. The agenda has been renumbered accordingly.

RESOLUTION NO. 2006-19-365

K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, REPEALING RESOLUTION NO. 2004-10-61 WHICH APPOINTED MEMBERS TO THE REVENUE ENHANCEMENT ADVISORY COMMITTEE; DISBANDING THE REVENUE ENHANCEMENT COMMITTEE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN CAMPBELL)

RESOLUTION NO 2006-20-366

K-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING EXTRAORDINARY EXPENSES FOR COUNCILWOMAN BARBARA WATSON FOR ATTENDANCE AT THE NLC LEGISLATIVE CONGRESSIONAL CITY CONFERENCE IN WASHINGTON D.C., AND THE PINELLAS COUNTY 4-H YOUTH CIVIC ENGAGEMENT SERIES; PROVIDING FOR AUTHORIZATION TO THE CITY MANAGER; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (COUNCILWOMAN WATSON)

Moved by Vice Mayor Braynon, second by Councilwoman Watson to approve the Consent Agenda. There being no discussion this motion 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

(L) RESOLUTION(S)

RESOLUTION NO. 2006-21-367

- L-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING AN ANNUAL CITY HOSTED MEMORIAL DAY BREAKFAST TO BE HELD AT THE CITY OF MIAMI GARDENS COMMENCING IN 2006; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY FOR THE CITY TO HOST THE BREAKFAST; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN BRATTON)**

Councilwoman Pritchett said she wanted to know Councilman Bratton's expectations for having this breakfast every year.

Councilman Bratton stated that over 300 people participated in last year's breakfast. It was well received. This year's theme would recognize the VFW's in the area as well as all military personnel.

Councilwoman Pritchett said if someone requested to know the purpose, the goal, the mission of what was being accomplished that information is not provided in the resolution.

Councilman Bratton said once the concept is in place and the logistics worked out that information would be provided.

Councilwoman Pritchett said this is an excellent concept however, that information is not included in the resolution. She suggested including the VFW concept in the resolution.

Mayor Gibson stated she has heard Councilwoman Pritchett's concern however, when the event is organized and completed that within itself speaks to what it is going to be done. She opined the purpose is quite clear, this is a Memorial Day event. In addition the advertisement would further expound on the event.

Councilman Bratton said last year's event was well received and from the comments received from the veterans and parents of fallen soldiers honored during the event he was encouraged to continue this process.

Councilwoman Watson conveyed her appreciation of Councilwoman Pritchett's efforts to get the purpose, scope and directive of this particular resolution however, if that information is provided in the resolution it may limit the ability to expand the event. She opined the ability to continuously involve the citizens is needed. She opined this might in the future evolve into an annual parade however, if the scope and focus is narrowed the event might not development into its full potential as a community event.

Moved by Councilman Harvard, seconded by Councilman Campbell and Councilwoman Watson to approve this item.

Councilwoman Pritchett expressed concern because the City is formalizing the hosting of an annual Memorial Day Breakfast commencing with the first event to be held on Monday, May 29, 2006, as stipulated in the resolution. She suggested amending the resolution to include a whereas clause and incorporate the language provided by Councilman Bratton. Language could also be added stating “these items will be include and not be limited to the following.” By providing that language the resolution would not be limited to the listed items, but would provide room to expand on the items. This would give more fiber to an excellent concept.

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

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

(M) REPORTS OF CITY MANAGER AND CITY ATTORNEY

1. Information Item – Transmittal of Comprehensive Development Master Plan

Manager Crew said this information provides for the various concepts and statistical information, land use, housing element, in the Comprehensive Development Master Plan. He asked Council to review the document and provide input.

2. School Impact Fees – Information Item

Manager Crew shared the School Board provided a letter, which included in this package of information, which adopts the Impact Fee levels for any new developments in Miami-Dade County.

3. City Manager’s Monthly Report

Councilwoman Pritchett asked whether a monthly financial report was available.

Manager Crew shared the City receives a monthly report, however due to the current financial system, the report does not make much sense and is not a true reflection of what is happening within the City. This information could be provided to the Council.

Councilman Harvard asked for an update on the Emergency Hurricane Plan.

Manager Crew stated a draft of this plan would be provided at the next City Council meeting. Information on the CERT Program was also included in the Plan.

Manager Crew stated that a Salary Survey of all City job classifications would also be provided

to Council at the next meeting.

(N) REPORTS OF MAYOR AND COUNCIL MEMBERS.

Councilwoman Watson provided a report that she had visited Pinellas County to observe their Youth Program and its recruiting process. She conveyed her hopes that at some point the City of Miami Gardens would be able to implement a similar program.

Councilwoman Watson explained relevant issues involved with Item K-3 as it related to her travel expense and stated this Pinellas County's youth program recruiting process is a three part session. She shared she would be traveling back to Pinellas County on Saturday, February 25th and then again on Tuesday, February 28th to observe the remaining recruitment sessions.

Vice Mayor Braynon announced that on Saturday, February 25, 2005, at Rolling Oaks Park, 18701 NW 17th Avenue, from 9:00 a.m. to 2:00 p.m., a Health and Fitness Fair would be held.

Councilman Campbell announced that 14 citizens completed the first CERT training. It is anticipated that certificates would be given out during one of the City Council meetings in March. In addition advertisement and announcements will be provided for those citizens interested in participating in future classes.

Councilman Harvard thanked Major Boyd and his staff for the fine job they are doing within the community. He further shared that trash had been taken from the old dump area, only to have someone reopen the gate and add new trash there. He said perhaps the police department can pay special attention to this area to discourage this type of illegal activity.

Councilman Harvard shared that he has visited the City's Building Department and witnessed firsthand the great job the City's employees are doing.

Councilwoman Pritchett announced there is going to be the creation of a Norwood Neighborhood Crime Watch. The first meeting will be held on Friday, February 24, 2006, beginning at 7:00 p.m., at the Miami Gardens District police station. She encouraged everyone to attend.

Mayor Gibson shared she along with other individuals has been in meetings with JPL about their service and restoration efforts. There are five areas being looked at: 1) facility upgrades; 2) pole inspections and replacement; 3) electrical infrastructure; 4) under-grounding and 5) enhanced vegetation management initiative.

Mayor Gibson said FP&L has made a commitment that they are going to be doing as many upgrades as possible. This will affect a lot of the facilities that will need to up and on line as quickly as possible. These would include schools, hospitals and feeder lines for grocery stores and service stations.

Mayor Gibson reiterated that Miami-Dade County has jurisdiction over Emergency Management. Miami-Dade County is the entity that makes the decisions. If the information received

by Miami-Dade County is not shared with municipalities, then those cities do not have information to provide to its residents. She said she was informed that Miami-Dade County decides what facilities should be placed on a list of priority repair. She reiterated FP&L takes its priority about the restoration of electrical service from Miami-Dade County. She said the City would be contacting Miami-Dade County to ensure their inventory includes those facilities within the City of Miami Gardens, such as nursing homes and senior citizen homes so that they can get service.

Mayor Gibson said the other issue is everybody wants to go underground with their infrastructure. FP&L has agreed that it would pay 25% of the cost however, the cost to the average customer could be between five and ten thousand dollars, which would include the connection from the property to the underground.

Mayor Gibson said FP&L has also made a commitment that it would do more tree trimming. If there is a nuisance tree, FP&L will take it down as well as provide a replacement tree. She emphasized there is a lot of work to do and not all of it will be done in three months. Some of this is a five, ten or fifteen year process. Eventually FP&L will do a blueprint of all municipalities within Miami-Dade County. In addition, FP&L has committed to working more closely with municipalities in its restoration efforts.

Mayor Gibson further stated that forty percent of the poles in Miami-Dade County are the property of BellSouth.

Mayor Gibson emphasized the importance of everyone preparing for the hurricane season.

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

There was none.

(P) ADJOURNMENT.

There being no other business to come before this Body and upon a motion being duly made by Councilman Bratton and second by Councilman Harvard, the meeting adjourned at 8:32 p.m.

Attest:



Ronetta Taylor, CMC, City Clerk



Shirley Gibson, Mayor