

**CITY OF MIAMI GARDENS
REGULAR CITY COUNCIL MINUTES
JULY 26, 2006**

(A) CALL TO ORDER/ROLL CALL.

The City Council of the City of Miami Gardens, met in regular session on Wednesday, July 26, 2006, beginning at 7: 28 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 Aaron Campbell Jr., Barbara Watson, Melvin L. Bratton, Ulysses Harvard and 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 Dr. Lester Brown.

(C) PLEDGE OF ALLEGIANCE. Recited in unison.

(D) APPROVAL OF MINUTES - Regular City Council Meeting – June 28, 2006
Motion offered by Vice Mayor Braynon, seconded 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 (Items shall be pulled from the Consent Agenda at this time):
Items K-1 through K-3 was pulled from the Consent Agenda by Councilwoman Pritchett.

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Watson to approve the official Agenda with the changes. This motion passed and carried by a 7-0 vote.

(F) SPECIAL PRESENTATIONS (5 minutes each)

F-1) The Honorable Frederica S. Wilson, Florida Senate – FRDAP Grant Award
Senator Wilson appeared before the City Council to present a FRDAP Grant Award in the amount of \$200,000.00 for the renovation of the Brentwood Pool. She further acknowledged State Representative Holloway and the City's lobbyist Yolanda Cash Jackson for their contributions toward the City's efforts in Tallahassee, Florida.

Mayor Gibson announced including this \$200,000, the City has now been the recipient of \$600,000 in grants from the State of Florida.

Please note Vice Mayor Braynon left the City Council meeting at 7:32 p.m.

F-2) Sexual Crimes Bureau

Chief Willie Marshall with the Miami-Dade Police Department appeared before the City Council to provide a brief overview of the Sexual Crimes Bureau.

Captain Mann with the Sexual Crimes Bureau appeared before the City Council and shared there are 34 detectives currently assigned to the bureau.

Detective John De Bois of the Sexual Crimes Bureau appeared before the City Council and stated the bureau has four different sections. The Administrative Section is responsible for obtaining funds to ensure the bureau has the equipment and manpower to do the job. An analytical research unit is also included under the Administrative Section. This unit collects data from other agencies for trends and case likeness. The Sexual Assault Investigation Section currently consists of five squads, with four detectives each for the sole purpose of investigating sexual battery crimes. The Specialized Sexual Investigation Section is set up into three different squads: 1) the DOFF Squad research and investigates all cases of sexual abuse reported to the Department of Children and Families within Miami-Dade County. This is mandated by State Law regardless of what the Department of Children and Family Services has in place. 2) The Convicted Offenders Non-Compliance Clearing House. (CONCCH). This unit investigates unsolved sexual battery cases. In addition this unit obtains and submits with FDLE standards DNA from convicted offenders who have not complied with the DNA collection laws. DNA has been proven to be the most effective tool in solving not only sexual crimes, but all crimes in recent history. DNA has also been effective in clearing and releasing innocent people from jail; 3) the third unit investigates Internet crimes against child pornography and solicitation of children over the internet for sexual acts. The Sexual Predators Unit is responsible for registering all sexual predators. In Miami-Dade County sexual predators are required to register twice a year (the month of their birthday and six months after that). The other half of the Sexual Predators' unit is the Sexual Predators' Enforcement Team, which goes after the individuals who are in non-compliance.

Councilman Bratton inquired about the penalty for those sexual predators who do not comply.

Detective De Bois said this is a third degree felony, punishable by 5 years in prison.

Detective Muhammad with the Sexual Crimes Bureau appeared before the City Council to share that he is in charge of the sexual battery cases against children that occur in this community. He provided a brief overview of the cases, which have occurred in the City of Miami Gardens, with the first incident occurring January 2006 and the last incident occurred July 2006. The description of the subject has varied between 5'4" to 6'4". The bureau is working off any kind of leads it can get. A door to door campaign by the Miami Gardens District Police and the Sexual Crimes Bureau is underway to get the information out to the residents.

Chief Marshall reappeared before the City Council to expound on this investigation. He said the descriptions of the suspect are given by children therefore the descriptions are going to vary. The community is being asked to lock their windows. He conveyed the Miami-Dade Police Department's commitment to catching this individual. This information is also being provided to

Crime Stoppers.

Councilman Harvard asked whether residents were aware of the door to door campaign being launched by the Miami Gardens District Police and the Sexual Battery Bureau.

Chief Marshall in response to Councilman Harvard's question stated Public Service Announcements are put out through the Media Relations Bureau.

F-3) 2005 Distinguished Budget Award

Manager Crew stated this is the second year in a row the City of Miami Gardens has won this award. This is an indication of the kind of quality being put out that people can understand what their government is about and how that government is spending their tax dollars.

F-4) Janee Boyd, FEPA (Florida Emergency Public Addresses)

Zina Lemar, 6067 Hollywood Boulevard, Hollywood, Florida, appeared before the City Council to provide a brief overview of the services provided by Florida Emergency Public Addresses. This organization assist the homeowner with obtain maximum results from their homeowner insurance carriers to cover the repair of damages to their home from a hurricane.

Councilman Harvard asked how would residents know about the services being provided by Florida Emergency Public Addresses.

Ms. Lemar said anyone can invited Florida Emergency Public Addresses representatives to make a presentation before a group in their community. She provided a telephone number for this purpose, 954-894-7557.

Councilwoman Watson asked whether Florida Emergency Public Addresses was a state agency, a for profit agency or a not-for-profit agency.

Ms. Lemar said Florida Emergency Public Addresses is a for-pro-fit agency.

Councilwoman Watson asked whether Florida Emergency Public Addresses has the ability to intervene and not have an insurance carrier cancel a homeowner's policy if that homeowner made a claim against that insurance carrier for hurricane damages.

Ms. Lemar in response to Councilwoman Watson's question said no one has that ability. Unfortunately, the insurance carriers are able to cancel a homeowner at their discretion.

Mayor Gibson asked if there was a fee involved with this service.

Ms. Lemar in response to Mayor Gibson's question said Florida Emergency Public Addresses works on a contingency basis. The standard fee in the State of Florida is 33.3 percent. Florida Emergency Public Addresses charges no more than 20 percent for hurricane losses.

Councilman Pritchett shared she had heard Ms. Lemar's presentation while attending a

meeting of the Pentab Neighborhood Crime Watch Association. She said she thought that it might be interesting for other residents to have this information therefore she invited Ms. Lemar to give a brief presentation before this Council. She thanked Ms. Speicher for inviting her to that particular crime watch meeting, and further stated her inviting Ms. Lemar to make a presentation before this Council is not an endorsement for this for-profit agency.

Mayor Gibson suggested Ms. Lemar contact the North Dade Regional Library to secure space to hold a presentation for the general public.

F-5) CERT Certificates

Councilman Campbell along with Mayor Gibson presented Certificates and Identification Cards to the CERT Trainees.

(G) PUBLIC COMMENTS

Marjorie Speicher, 18125 NW 6th Avenue, Miami Gardens, Florida, appeared before the City Council representing the Pentab Neighborhood Crime Watch to expound on the services provided by Florida Emergency Public Addresses.

Randolph McMullen, 19030 NW 11th Court, Miami Gardens, Florida, appeared before the City Council to express concern with the street located at his second property 2201 NW 179th Street. He said the street narrows into a one lane street between NW 22nd Court and NW 22nd Avenue, which causes a problem for the traffic traveling West on NW 179th Street.

Mayor Gibson asked whether Mr. McMullen had contacted staff previously about this concern.

Mr. McMullen said this was not an issue for him until his fence was hit by an inexperienced driver.

Manager Crew said the City is in the process of address those streets that narrow into one lane streets.

Councilman Campbell shared in situations like this those right-of-ways are usually private property therefore, the City has to purchase that property in order to widen the street to two lanes.

Dr. Lester Brown, 18801 NW 29th Court, Miami Gardens, Florida, appeared before the City Council to address his concerns toward crime. He asked whether the Miami-Dade Police Department routinely do DNA testing on persons who are arrested, no matter the crime.

Detective De Bois from the Sexual Crimes Bureau re-appeared before the City Council to address the question raised by Dr. Brown and stated unfortunately the State of Florida has a provision, which allows for DNA to be obtained from certain convicted offenders.

Dr. Brown asked whether the Miami-Dade Police Department was getting corporation from the citizens as it related to solving crimes.

Detective De Bois said for the last five years citizens' corporation and participation has been excellent.

(H) ORDINANCE(S) FOR FIRST READING

H-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 33-99 OF THE ZONING CODE ENTITLED: "CLASS A TEMPORARY SIGNS," TO ADD A PROVISION DEALING WITH TEMPORARY SIGNS FOR NATIONAL EVENTS, AND TO ADD SECTION 33-99.1 TO PROVIDE AN EXEMPTION FOR TEMPORARY SIGNS FOR NATIONAL SPECIAL EVENTS; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PERMITTING PROCESS; PROVIDING FOR GUIDELINES; PROVIDING FOR MAINTENANCE REQUIREMENTS; PROVIDING FOR DESIGN REVIEW; PROVIDING FOR PENALTIES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Manager Crew explained the City was approached by the Super Bowl Host Committee as well as some of the major sponsors of that event as to whether the City might permit temporary signage for the Super Bowl. Not being a City with hotels and restaurants, the City of Miami Gardens does not stand to benefit greatly monetarily from the Super Bowl. This ordinance establishes a process to approve the temporary signage. When this item is present for second reading there will be a companion resolution setting the fees.

Motion offered by Councilwoman Watson, seconded by Councilman Bratton to approve this item on first reading.

Councilman Bratton questioned whether the mobile signs would be included in this ordinance.

Manager Crew in response to Councilman Bratton's question said the mobile billboards are illegal signage.

Christopher Steers, Assistant City Manager for Business Services appeared before the City Council and stated the signage being displayed on vehicles technically violates the zoning code. The only vehicles allowed to have signage on them are Miami-Dade and Broward Counties Transit Buses.

Councilman Harvard asked whether businesses such as Wal-Mart, Denny's and the Hess Service Station would be allowed to hang banners on their properties.

Mr. Steers said that would be allowed under this ordinance. However, the time period for the signage is restricted to a certain time frame.

Councilwoman Watson for clarification purposes asked whether staff was recommending the amending this ordinance to allow for mobile signage during this event.

Attorney Dickens said she would research this item. She said if the Council wants to consider allowing mobile signage that a separate ordinance be drafted for that purpose.

Councilman Harvard asked if this ordinance provided for anyone who wanted to advertise during this event or only for national companies.

Manager Crew said this ordinance would apply to everybody.

Mayor Gibson referenced the provision that applied to special events signs including carnivals, concerts, public meetings, sports events, political campaigns, and other usages of a similar nature and asked if those items were a part of this temporary signage exemption provision.

Attorney Dickens stated those items mentioned by Mayor Gibson are already in the existing ordinance. This ordinance on for the Council's consideration encompasses only the exemptions,

Mayor Gibson asked Mr. Steers if the Code Enforcement Department would be enforcing the existing code as it relates to campaign and political signage.

Mr. Steers said that provision of the code is currently being enforced.

A voice vote was taken to direct Attorney Dickens to do the research as to whether it is legal to include mobile signage as an exemption, and if this is legal to bring back an ordinance on for first reading addressing that issue. This motion passed and carried by a 6-0 vote.

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

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

(I) ORDINANCE(S) FOR FIRST READING AND PUBLIC HEARING

I-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING THE CITY OF MIAMI GARDENS' COMPREHENSIVE DEVELOPMENT MASTER PLAN, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A," ATTACHED HERETO; ADOPTING A COMMUNITY VISION;

ADOPTING GOALS, OBJECTIVES AND POLICIES FOR FUTURE LAND USE, TRANSPORTATION, INFRASTRUCTURE, CONSERVATION, RECREATION AND OPEN SPACE, HOUSING, INTERGOVERNMENTAL COORDINATION, PUBLIC SCHOOL FACILITIES AND CAPITAL IMPROVEMENT ELEMENTS; PROVIDING FOR DIRECTIONS TO THE DIRECTOR OF DEVELOPMENTAL SERVICES; PROVIDING FOR THE ADOPTION OF THE REPRESENTATIONS, REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

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

Motion offered by Councilman Harvard, seconded by Councilman Bratton to approve this item on first reading. There being no discussion, this motion passed and carried by a 6-0 vote.

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

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

There were none

(K) CONSENT AGENDA/RESOLUTION(S)

RESOLUTION NO. 2006-83-429

K-4 1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING THE CITY OF MIAMI GARDENS 2006-2011 HUD CONSOLIDATED PLAN AND 2006-2007 ACTION PLAN, ATTACHED HERETO AS EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2006-84-430

K-5 2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL SERVICES FOR

A FRDAP GRANT IN THE AMOUNT OF \$200,000 FOR THE RENOVATION OF BRENTWOOD POOL, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO SIGN ALL ATTENDANT DOCUMENTS; AUTHORIZING A 50:50 MATCH OF FUNDS; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2006-85-432

K-6 3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR COMMUNITY EMERGENCY RESPONSE TEAM (CERT) SUB-GRANT FUNDING IN THE AMOUNT OF \$15,309.00, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Motion offered by Councilman Harvard, seconded by Councilman Bratton to adopt the Consent Agenda. There being no discussion, this motion passed and carried by a 6-0 vote.

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

(L) RESOLUTION(S)

RESOLUTION NO. 2006-86-432

K-L-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ADOPTING PUBLIC PARTICIPATION PROCEDURES FOR THE COMPREHENSIVE PLANNING PROCESS, A COPY OF WHICH ARE ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Councilwoman Pritchett inquired as to how these procedures would be amended in the future.

Attorney Dickens said if an amendment is required it would be brought back to the Council as an amendment to the procedures.

Motion offered by Councilwoman Pritchett, seconded by Councilman Bratton to approve this item. There being no further discussion, the motion passed and carried by a 6-0 vote.

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

RESOLUTION NO. 2006-87-433

K-L-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, EXERCISING A RIGHT OF FIRST OFFER WITH GOLDEN GLADES ASSOCIATES, LLP, FOR ADDITIONAL SPACE FOR CITY HALL; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FOURTH ADDENDUM TO THAT CERTAIN LEASE AGREEMENT BETWEEN THE CITY OF MIAMI GARDENS AND GOLDEN GLADES ASSOCIATION, LLP; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Councilwoman Pritchett asked staff to explain the difference between the Right of First Offer and the Right of First Refusal.

Attorney Dickens said there is really no difference just a play on words. Semantics.

Motion offered by Councilwoman Pritchett, seconded by Councilman Bratton to approve this item. There being no further discussion, this item passed and carried by a 6-0 vote.

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

RESOLUTION NO. 2006-88-434

K-L-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT NW 27TH COURT AND NW 177TH STREET FROM MR. ALI YASIN; IN AN AMOUNT NOT TO EXCEED \$25,000.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT, SUBJECT TO

THE REVIEW AND APPROVAL OF THE CITY ATTORNEY, AND TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THE PURCHASE OF SAID REAL PROPERTY; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Councilwoman Pritchett asked whether the \$26.00 per square foot was considered the full market value.

Manager Crew in response to Councilwoman Pritchett's question replied that is correct.

Motion offered by Councilwoman Pritchett, seconded by Councilman Bratton to approve this item. Motion passed and carried by a 6-0 vote.

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

RESOLUTION NO. 2006-89-435

L-1-4) A RESOLUTION OF THE CITY OF MIAMI GARDENS, FLORIDA, ESTABLISHING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2006-2007; STATING THE ROLLBACK RATE; SETTING THE DATE, TIME AND PLACE OF PUBLIC HEARINGS TO CONSIDER THE PROPOSED MILLAGE RATE AND TENTATIVE BUDGET; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Manager Crew explained the process used for setting a proposed maximum millage rate. This rate can be reduced but it can not be increased after being established. The proposed millage rate includes two items the Council shall consider. One is an enhanced Media Outreach Division, which would generate an addition .82724 mills over the current millage rate of 3.6384 mills. The second item is the creation of a City of Miami Gardens Localized Police force, which would generate an additional 1.238. The final millage rate can be a variation of what the Council approves.

Attorney Dickens expounded on this subject and stated the Council can set the millage high and can always reduce it. Legally it is easier for the Council to set the millage rate high and then reduce rather than set it too low and have to increase it. To increase the millage would create added cost, which would included a separate mailing, separate and a part from what is done by Miami-Dade County. Tonight the Council will set the preliminary rate and would have two budget hearings in September to set the final millage rate.

Manager Crew stated the FY 06-07 Budget provided to the Council is a balanced budget

based on the current millage rate of 3.6384. The Hurricane Season cost the City approximately 1.5 Million dollars after all the reimbursements have been received from the federal government. Unfortunately, this fiscal year was started with 2.1 Million in reserve. This coming year the new budget proposed to bring the finance department in-house. This service has been contracted out for the last three years. The City is still negotiating with Miami-Dade County to take over the Storm Water Utility. It is anticipated that service will come on line October 2006. Additional staff would be added to the Parks and Recreation Department. The budget also provides for the addition of two new Code Enforcement Officers.

Manager Crew said Miami-Dade County has notified the City that Specialize Services will increase for the current fiscal year to over \$300,000.00 more that what the City was told to put in the budget. This is unbudgeted money the City does not have in this current budget, which means the City has to come up with an additional 800,000.00 to cover Special Police Services for FY 05-06.

Councilman Campbell asked whether arrangements could be made to pay the \$800,000.00 in increments over a period of time.

Manager Crew shared he did not like owing the County money and would rather pay the fee. He stated the City's Transportation Fund also took a big hit due to the Hurricane Season.

Mayor Gibson asked whether NW 7th Avenue was scheduled for Road Improvements during FY 06-07.

Manager Crew said in order to do the necessary road improvements for NW 7th Avenue, it had to be placed on the MPO Transportation Improvement Fund. This has been done and Miami-Dade County has agreed to add it to the CIP. Miami-Dade County has also agreed to help fund the improvements through the Impact Fee. The cost to improve NW 7th Avenue is estimated at 5 Million dollars. It is anticipated the design for this road improvement would be initiated in 2007, with the road improvement completion anticipated 2009.

Manager Crew shared this budget provides for the conversion of part-time inspector positions in the Building Department to four full time positions. He briefly touched on the Capital Improvement Fund and stated there is over 30 Million Dollars for park improvement. The City has become an entitlement city and is eligible to receive Community Development Block Grant funding, October 1, 2006.

Motion offered by Councilman Harvard, seconded by Councilwoman Watson to approve this item.

Councilwoman Pritchett asked if the current millage rate of 3.6384, is increased as proposed based on the different scenarios presented by the City Manager, would this represent a property taxes increase for residents.

Manager Crew replied yes.

Mayor Gibson conveyed the importance of addressing the millage rate issue tonight. She said

during the public hearings in September budget items can be addressed.

Manager Crew expounded on the Community Outreach Division, established for this coming year, a division under the City Manager's Office. This division currently has one employee (Ula Zucker). In next year's budget a second position has been recommended. This division would continue to handle media events. The other component of this division would be a Community Outreach Specialist. He said currently the City can not handle the events being put on. If the City decided to create this division it would cost approximately .27 mills.

Attorney Dickens stated the Council would be setting a proposed millage rate at a higher level, which can be decreased prior to final adoption. However, setting a higher millage rate does not tell the City Manager to move forward with the establishment of a municipal police department. The Council's decision to direct the City Manager to move forward with the establishment of a police department needs to be clear, separate and a part from the discussion on the proposed millage rate.

Manager Crew addressed the issue of establishing a municipal police department. He said the City Council held five Town Hall meetings with residents with regards to this issue. This is one of the most critical decisions the Council will ever make. As discussed, there will be a period where there will be an overlapping of police departments. The only way to pay for that overlapping is through a tax increase. Once the city is beyond the initial two years after the establishment of the police department the millage rate can be lowered. There is also a need to take that millage and invest it back into the police department. There is a definite need to have 40 to 60 additional police officers in this City. He placed emphasis on the lead time involved in establishing a municipal police department. He said if the Council intends to move forward with this initiative, it is important to get started as soon as possible.

Mayor Gibson stated Item L-1 sets a proposed millage rate. The issue for discussion is whether to give the City Manager the permission to negotiate with Miami-Dade County to continue or not the contract for police services. She placed emphasis on the importance of setting a proposed millage rate at 5.1488. That millage rate can always be reduced prior to final adoption. As per the City Manager's recommendation a higher millage rate needs to be set in order to provide room to negotiate the final millage rate to be adopted September 2006.

Motion offered by Councilman Campbell to amend the resolution by setting a proposed millage rate of 5.1488, which would include a municipal police department as well as a Community Outreach Division, with the understanding this proposed millage rate can be reduced at a later date. This motion was seconded by Councilman Harvard.

There being no further discussion on the amendment, the motion passed and carried by a 5-1 vote.

Councilman Bratton:	Yes
Vice Mayor Braynon:	Not present
Councilman Campbell:	Yes
Councilman Harvard:	Yes

Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

Motion offered by Councilwoman Watson, seconded by Councilman Harvard to approve the resolution as a whole, this motion passed and carried by a 5-1 vote.

Councilman Bratton:	Yes
Vice Mayor Braynon:	Not present
Councilman Campbell:	Yes
Councilman Harvard:	Yes
Councilwoman Pritchett:	No
Councilwoman Watson:	Yes
Mayor Gibson:	Yes

Please note Vice Mayor Braynon returned to meeting at 9:45 p.m.

(M) REPORTS OF CITY MANAGER AND CITY ATTORNEY.

M-1) City Manager Monthly Report.

Mayor Gibson said the discussion on the dais as per the Charter, is to give directions to the City Manager as to whether he will go to Miami-Dade County, negotiate with them for continued police services, or negotiate with them the transition period in order for the City to establish its own municipal police department.

Manager Crew explained the City has had two sessions of negotiations with Miami-Dade County. Those discussions have centered on whether the city decided to renew the contract for services or whether the city decided to create its own police department. Unfortunately, the director of the Miami-Dade Police Department has taken the position that he will not negotiate with the City. The director's position is that as of December 1, 2007, if the City has one police officer or 150 police officers, Miami-Dade County will cease to provide service. He opined this is illegal and violates state law as well as the City's Charter.

Manager Crew shared that he has spoken with the County Manager and County Commissioner Jordan about this issue. He conveyed his belief that the City of Miami Gardens was not being treated right by the Miami-Dade Police Department.

Councilman Bratton questioned whether the Specialized Police Services would cease if the City established its own police department.

Manager Crew in response to Councilman Bratton's question replied, "No". He said the Miami-Dade County Police Department has one of the best Specialized Police Services in the nation, and provides excellent service. That service has never been the issue, the issue has been the cost associated with the service.

Manager Crew said there are tremendous challenges in starting a police department, one of which is hiring 150 police officers within a four month period. During those four months the City would be paying for two police departments (August, September, October and November 2007), at a cost of approximately 4 million dollars.

Councilwoman Watson stated as per the City's Charter, the City must contract with Miami-Dade Police Department for police services for a three year period, with a one year transition period. She asked how can the City satisfy its Charter provision of a one year transition period, if Miami-Dade County cuts police services off after December 2007.

Attorney Dickens said Miami-Dade County would be in breach of contract. The City has already put Miami-Dade County on notice. The director of the Miami-Dade Police Department does not sign contracts on behalf of Miami-Dade County. He is not the City Manager, nor is he a Commissioner for Miami-Dade County.

Mayor Gibson stated it would be a violation of state law if the Miami-Dade Police Department did not provide police services.

Councilman Campbell stated that he knew Director Parker personally, and if the director made that decision he is getting bad advice from his staff. He asked whether the City's staff had met with Director Parker directly.

J.D. Patterson, Assistant Director of Support Services for the Miami-Dade Police Department appeared before the City Council to further expound on this issue. He acknowledged that the Interlocal Agreement between the City and Miami-Dade County for Localized Police Services did have a provision, which addressed a transition period. Although he was not present at the two initial meetings he stated any disagreement been about the time frame of the transition and not that it will not take place, or that the Miami-Dade Police Department will not be involve. The method that has been presented is not acceptable to the Director.

Manager Crew said the method that Miami-Dade County has stated is an all or nothing method. The City had proposed a geographical method. For example if on December 2007, the City had 75 officers on staff (one half of the staff needed), the City would handle one geographical territory and Miami-Dade County would handle the remaining.

Mayor Gibson shared that prior to incorporation this area was split into two districts with the Miami-Dade County Police department patrolling this area. The City is now talking about the same thing, which may be an issue because the City is asking to do it. She stated the City of Miami Gardens Elected Officials serves the same residents as the Miami-Dade Police Department. The elected officials are just as concerned about the residents' safety and the things they need, just as when this area was a part of unincorporated Miami-Dade County. She asked why is it that when Miami Gardens is up for discussion, the residents are just tossed aside as if no one cares. She opined that is inhuman and disrespectful. She commented this was not done when Aventura, Pinecrest or Sunny Isles Beach (predominately white municipalities) transitioned into their municipal police departments. She questioned whether there was a problem because Miami Gardens was a

predominately African American municipality. She shared that she has spoken with the Mayors of those municipalities and was told they did not have a problem with the transition.

Mayor Gibson stated the elected officials of Miami Gardens are doing everything within their power to provide quality services to the residents, and public safety is a critical part of that.

Mr. Patterson reiterated the real disagreement is about the method. The Miami-Dade Police Department disagrees with the geographical existence of two police departments in the same place at the same time.

Councilwoman Pritchett asked if there is a disagreement about the method as Mr. Patterson has stated, what is the method the Miami-Dade Police Department is proposing.

Mr. Patterson said the issue is a transition plan is needed in order to finalize this plan, dialogue must occur. That dialogue is missing. He said the two meetings where some dialogue tried to take place were as heated as this meeting is right now. The City presented its recommendations for the transition of service, and the director basically said he was not going to do it that way.

Attorney Dickens shared she attended those two meeting with the Miami-Dade Police Department regarding the transition phase. The meetings took place in two phases. At the first meeting the discussion centered on if the City decided to negotiate a contract to continue with the Miami-Dade Police Department. The second part of the meeting centered on if the City of Miami Gardens was going to establish its own police department and how the transition would take place. The Interlocal Agreement for Localized Services clearly provides there will be a transition period. The cost for those services would be prorated, and there would be good faith negotiations by both parties. The City Manager proposed geographical districts for the transition phase. The City was told the Director would not work along side another police department and it is not open for discussion.

Attorney Dickens shared at the second meeting the discussion started the same as the first. Staff discussed the contract as if the City was moving forward with hiring the Miami-Dade Police Department. The position of the director as it related to the second part of the discussion on transitioning had not changed. No proposals were presented for any other method of transition. The City was basically told it will not happen.

Mr. Patterson stated if the City would like for the Miami-Dade Police Department to propose a transition time that could be done. He opined the agenda for the two previous meetings were not as clearly set.

Councilman Campbell stated three years ago, the City entered into an Interlocal Agreement for Localized Police Services. That contract has a transition provision. He asked why the director has to think about having a transitional plan. The City came up with a transitional plan the Miami-Dade Police Department came to the meetings without a transitional plan. He opined the Miami-Dade Police Department knew the transition was coming so why is it the director got upset when the City presented its plan.

Renée Farmer Assistant City Manager for Public Services appeared before the City Council to talk about the chain of events, which occurred prior to and during the two meetings. Staff put together the initial agenda and identified point by point the problems the City had with the existing contract, as well as the issues needed to be discuss as it related to a transition agreement. The agenda was sent out to the Miami-Dade Police Department one week in advance.

Ms. Farmer shared after the first meeting she had a conversation with Director Parker and he was very clear there would be no transition, it would be a clean break. She further shared that she had asked Director Parker what his solution would be if the City did not have the desired number of officers hired December 2007, he offered none.

Councilwoman Pritchett asked for a copy of the agenda Ms. Farmer had prepared and provided to the Miami-Dade Police Department.

Ms. Farmer said she would provide this information.

Councilwoman Watson asked Mr. Patterson how did the transitions occur with the other municipalities (Aventura, Pinecrest, and Sunny Isles Beach).

Mr. Patterson voiced his belief that the previous transitions started with those municipalities establishing their own police departments, had their staff in place and had the Miami-Dade Police Department in place as well. The Miami-Dade Police department was not handling calls and was not highly visible, but was there basically as back-up. He stated the real issue Director Parker has is the geographical presence of two departments at the same time. He opined the plan that needs to be implemented needs to be one that creates structure.

Manager Crew opined a geographical plan is about clear as it can get. Miami-Dade Police Department does this every single day all over Miami-Dade County. There is a Miami Gardens District, an Intercoastal District, a Miami Lakes District, etc. He said a time frame for the transition period was also presented during those meetings.

Councilman Harvard opined Miami-Dade County knew at some point the City of Miami Gardens would be establishing its own municipal police department. From what he is hearing from the Miami-Dade Police Department is there should be some dialogue. In addition, the City Manager has indicated Miami-Dade County needs to know the direction the City plans to take by August 1st, which is next week. Staff has already had two meetings with the Miami-Dade County Police Department there is no time for additional dialogue. The Council must make a decision tonight and proceed from here. He opined that he did not see having additional dialogue and what difference it would make at this point.

Manager Crew on another note advised the Council that he had provided a draft copy of the IT Plan. He asked the Council to review the document and provide any comments they might have.

Councilwoman Pritchett stated for the record that the Council has been provided with copies

of the agendas as well as a brief synopsis of the two meetings staff had with the Miami-Dade Police Department.

Motion offered by Councilman Harvard directing the City Manager to notify Miami-Dade County of the City of Miami Gardens intentions to establish its own police department. This motion was seconded by Councilmen Campbell and Bratton.

Councilwoman Pritchett asked why the City Manager or members of the City Council can not get a meeting with Director Parker himself. According to the information provided by Ms. Farmer there were representatives from the Miami-Dade Police Department present at the meetings, but not the director. As the third largest municipality in Miami-Dade County, and for the amount of money this city has paid the Miami-Dade Police Department for the last three years, the citizens have a right to know why we can not get a audience with the director of the department providing this service.

Mr. Patterson said the director is the chief law enforcement officer for the largest law enforcement agency in the Southeastern United States. For that reason he can not attend every meeting but he does delegate. These were meetings between the City Manager and the municipal services staff to talk about the issues.

Mr. Patterson stated if the Council would like to have the director attend a Council meeting to discuss the issues he was sure that could be arranged.

Councilman Campbell opined, the City Council should be informing the County Commission and the County Mayor about this situation and not the administrative staff of the County. This City Council should not be dealing with the subordinates.

Councilwoman Pritchett stated that being the case, why has the City not had this discussion at a higher level.

Attorney Dickens said staff certainly had no idea when they attended those meetings that Miami-Dade Police Department representatives was going to say that.

Councilwoman Pritchett asked whether it would be proper to request that kind of meeting before the Council moves forward with this item.

Vice Mayor Braynon opined if this item is approved the City is going to move forward. The only issue is how the transition is going to happen. He stated if there is a problem the City needs to talk to the people in charge.

Councilwoman Watson recounted a similar situation where the City was having a problem getting the Miami-Dade County Police Department to enforce the City's local ordinances. The City was told flat out that the Miami-Dade Police Department would not enforce those ordinances. The City spoke with others in authority at Miami-Dade County and was able to get that decision reversed. She opined these discussions should be held with the County Mayor and County Manager and not Director Parker.

Councilman Harvard concurred with comments made by Councilwomen Pritchett and Watson. He asked the City Manager whether the County Manager and County Commissioner for this District were aware of what is going on and if they are, has any action been taken.

Manager Crew shared that he had spoken with the County Manager and staff just wanted to keep County Commissioner Jordan informed of what was going on.

Mayor Gibson said this is a critical issue to the level of service the City provides to its residents. Police service is the largest expenditures from the City's budget. Since incorporation, the City has paid Miami-Dade County approximately 75 Million dollars for police services. The City is only asking to do what is in the Interlocal Agreement and that part of the Charter, which was agreed upon by the sitting Board of County Commission when the City incorporated, and was voted on by the residents of the City of Miami Gardens. This was all acceptable and all agreed upon. The City is not trying to change the rules of the game at this time, and is only following through on what the City has a right to do.

Mayor Gibson shared she has personally gone to County Commissioner Jordan and continues to keep her abreast of the City's dealings with Miami-Dade County. Commissioner Jordan has been informed of the preliminary meetings City staff had with the Miami-Dade Police Department. The City Manager has spoken with the Miami-Dade County Manager who is the boss of the Director of the Police Department. She said she did not know the outcome of that meeting but was sure the County Manager is aware of the seriousness of this issue and how appropriate it is for him to deal with a situation when it involves his highest ranking officer in the police department. The City will move forward and negotiate to bring about the change as per the City's Charter, which all agreed upon and voted upon by the electors of this city.

Mayor Gibson conveyed the Council's commitment to deal with this issue. She stated if the Council has to fight then it will fight. She stated this is one of those very serious causes the voters have expressed to the Council that they want dealt with. This Council owes it the residents to deal with this issue.

Mayor Gibson stated she wanted the residents to understand that this is not going to be an easy task and whatever is done will cost, which means the residents will have to foot the bill. She conveyed her belief that at the end of the day the residents will know that their quality of life is much better. In addition, the residents can hold this Council accountable for the services being provided. She asked residents to be aware of some of the misinformation they might hear outside of this Chamber about tonight's meeting. She asked that residents share the correct information with their family and friends.

There being no further discussion, the motion to direct the City Manager to notify Miami-Dade County of the City's intent to establish its own police department 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

Motion offered by Councilwoman Pritchett, seconded by Vice Mayor Braynon to direct staff to schedule a City of Miami Gardens presentation regarding this matter before the Board of County Commissioners once their recess is over. This motion passed and carried by a 7-0 voice vote.

(N) REPORTS OF MAYOR AND COUNCIL MEMBERS.

Councilman Harvard shared the North Dade Regional Library was getting some much needed lawn maintenance service as well as additional landscaping materials planted.

Councilman Bratton shared he recently attended a homeowners association meeting and those residents conveyed their appreciation for the excellent service being provided by the Public Works Department.

Councilman Campbell addressed his comments to the Millage Resolution adopted by this Council at tonight's meeting. He said the raising of the millage rate is not a popular decision to be made especially by those Council members up for re-election. He stated he was encouraged by the fact that even though it is unpopular some of us had the courage to tentatively raise the millage rate. He commended those members of the Council who had the courage to vote on this issue. He conveyed his opinion that the City needed more police officers. He said even if the City was not establishing its own municipal police department he would be in favor of raising the millage to get the additional officers.

Mayor Gibson invited everyone to attend the City's Annual Community Unity Day Celebration Saturday, July 30, 2006 at Carol City Park. She stated she would not be in attendance at this event due to a scheduled family reunion event in Orlando, Florida. She further shared the Council will be in recess for the month of August.

Councilwoman Watson shared she too would not be in attendance for the Annual Community Unity Day Celebration due to a family reunion celebration out of town.

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

There was none.

(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 Councilman Harvard, the meeting adjourned at 10:39 p.m.

Attest:


Shirley Gibson, Mayor


Ronetta Taylor, CMC City Clerk