

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

(A) CALL TO ORDER/ROLL CALL.

The City Council of the City of Miami Gardens, Florida, met in regular session on Wednesday, March 22, 2006, beginning at 7:08 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. The Invocation was delivered by Dr. Lester Brown.

(C) PLEDGE OF ALLEGIANCE. Pledge of Allegiance was recited in unison.

(D) APPROVAL OF MINUTES - Regular City Council Meeting – March 8, 2006

Moved by Vice Mayor Braynon, seconded by Councilman Harvard and Councilwoman Pritchett to approve the minutes. 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 delete Item K-2 from the agenda, as well as add as Item L-1 the following resolution: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING SALMAN MAINTENANCE SERVICES, INC. D/B/A SALMAN LANDSCAPE SERVICES, INC., TO WITHDRAW IT'S BID FOR LANDSCAPE SERVICES FOR THE BEAUTIFICATION OF THE GOLDEN GLADES ENTRY WAY AND ACCEPTING A FORFEITURE OF THE BID BOND; PROVIDING FOR ADOPTION OF REPRESENTATIONS".

Moved by Councilman Bratton, seconded by Vice Mayor Braynon to approve the official agenda with the above referenced deletion and addition. This motion passed and carried by a 7-0 vote.

(F) SPECIAL PRESENTATIONS (5 minutes each)

1. Lester Sola, Miami-Dade County Supervisor of Elections
Request to switch your Run-off election of October 3rd to coincide with
November 7th election

Lester Sola, Miami-Dade County Supervisor of Elections, 2700 NW 87th Avenue, Doral, Florida, appeared before the City Council to request the Council adopt an ordinance changing the October 3, 2006 Run-off election to coincide with Miami-Dade and State of Florida election scheduled for November 7, 2006. He explained, when the City incorporated the Charter, which was adopted by the voters provides for the City's run-off election to occur during the State's second primary election. That second primary election, which would have normally taken place in October, has been eliminated by the State Legislature. The elimination of that second primary puts the City in a situation where there would be a significant cost associated with that stand alone election in October (\$70,000 - \$90,000), in addition there would be a decrease in voter turnout because it is not a State or County wide election.

Mr. Sola indicated that the state statutes provide that municipalities can change their election dates from year to year by ordinance; this can be confirmed by the City Attorney. Ultimately, the Miami-Dade County Supervisor of Elections would encourage the City to permanently change its run-off election date this would require a Charter change, to coincide with Miami-Dade County and the State-wide election. The benefits to the City for changing the run-off election date would be a greater voter turnout and convenience (voters will be voting in conjunction with established and well publicized elections.

Councilman Bratton asked what was Mr. Sola's request of the Council tonight.

Attorney Dickens stated the Council can not violate its Charter. The Charter can be amended, which would require a vote of the citizens via an election. The Charter provides for the first Charter Revision Committee to be appointed 2008. She conveyed her belief that even though the Charter does not specifically state that the Charter could not be revised before 2008, it is in her view that was the intent. She advised the Council that she would research this issue.

Mr. Sola said there are state statutes that would allow municipalities to change the election dates by ordinance. He said his office would work with the City Attorney and City Clerk to provide pertinent information as it relates to this issue.

Councilwoman Watson stated that either way, the City would still spend money to have an election whether it is to amend the Charter or to hold the Run-off election.

Vice Mayor Braynon opined at this point, Council should allow the City Attorney to have dialogue with Mr. Sola about this issue and the legal ramifications.

Councilwoman Pritchett asked what would be the cost to the City if the City was able to hold its run-off election at the same time at the November 5, 2006 election.

Mr. Sola said the cost to the City would be approximately \$1,300.00. If the City piggybacked with the County-wide and State-wide election, Miami-Dade County would pick up all the cost except for the programming of the ballot. There is a significant savings to consolidating the City's municipal election with Miami-Dade County's.

Councilman Bratton asked if there would ever be a time when voters can receive a receipt of their vote.

Mr. Sola said there are issues the Election's Department is dealing with in terms of its current election system. The State of Florida has authorized either touch screen or optical scanners systems to be used in the election process. There are vendors that are developing an along side printer that creates an audit log of a voter's selection while an individual is voting. This type of system is yet to be approved by the State of Florida.

Councilman Campbell asked if the Charter being in conflict with state law something that happened before of after the Charter was developed.

Mr. Sola explained when the City's Charter was developed there were three elections that took place in the State; the first primary, the second primary and ultimately a general election. The City of Miami Gardens' Charter provides for the General Election to take place with the State's first primary, with the run-off election to normally take place with the second primary. The State of Florida eliminated the second primary, and by doing that it left the City of Miami Gardens with a date when there is no countywide election. If the City proceeds with the October 3rd, date it would be having a stand alone election, which means Miami-Dade County would not be having an election therefore, the City would have to pay the entire cost for that election.

Councilman Campbell said his purpose of asking that question was for the benefit of those sitting in the audience.

Mayor Gibson asked how many other municipalities are there that would not be on Miami-Dade County's cycle.

Mr. Sola said Palmetto Bay is the only other city with this same Charter provision.

Attorney Dickens was directed to research this item and come back to the Council with her findings. At that time the Council will determine whether to move forward with this request

2. CERT Certificates. Certificates were presented to the following CERT graduates by Councilman Campbell and Mayor Gibson: 1) Marlene Arribas; 2) Leroy and Marie Conyers; 3) Florence Greer; 4) Ellen Lee; 5) Inez Rowe; 6) Betty Scott; 7) Ronetta Taylor and 8) Mercedia Williams.

3. Donna Ginn -Ginn, Seroginst & Associates – Strategic Vision Plan.

Ms. Ginn appeared before the City Council to present the City's Strategic Vision Plan. She recounted this process started last summer, with interviews and meetings of the Council members, which took place off-site. The off-site meetings involved a team building session and moved on to building the strategic plan. Citizens did have input into the Strategic Vision Plan.

Ms. Ginn outlined the Strategic Vision Plan Goals as: Community Improvement; being able

to enhance the effectiveness of the City; enhance citizen's knowledge about how local government operates; manage the growth of the City of Miami Gardens to ensure economic prosperity; and improve intergovernmental relationships.

Mayor Gibson announced the final document would be made available for the public's review in City Hall lobby and the North Dade Regional Library.

(G) ZONING MATTERS

There were none

(H) ORDINANCE(S) FOR FIRST READING

There were none

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

ORDINANCE NO. 2006-06-87

- I-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) (1st Reading – February 22, 2006)**

Vice Mayor Braynon explained at a previous City Council meeting it was discovered that the ordinance outlining the Agenda Order of Business did not include a Public Comments Section, even though it has been listed on the official agenda. This ordinance would provide for public comments to be included as part of the official agenda format. In addition, this ordinance allows for those items to be pulled from the Consent Agenda to be done earlier in the meeting under "Order of Business". This ordinance also removed the section relating to Zoning Items since all zoning related matters are heard during the Zoning meeting, which takes place the first Wednesday of every month. He emphasized the main purpose of this ordinance was to ensure that a section for public comments was officially in the City's Order of Business.

Mayor Gibson opened the floor for the public hearing.

Dorothy Smith, 18800 NW 30th Court, Miami Gardens, Florida, appeared before the City Council to express her views that the two minute allotment for each individual to speak under public comments is not enough time.

Billy Isley, 1740 NW 193rd Street, Miami Gardens, Florida, appeared before the City Council to question whether the public comments section would still be limited to ten minutes, with each

individual receiving two minutes to speak. He opined if the time allotted remained at ten minutes, only five individuals would be allowed to speak under this section.

Vice Mayor Braynon stated that the ordinance he sponsored has no mention of a time limit for the public comments section. He opined whether there is a ten minute allotment of time or no limit on the speaking time is left to the Chair.

Hugh Dodd, 17135 NW 19th Avenue, Miami Gardens, Florida, appeared before the City Council and shared that he had read in the Florida Statutes that the public is allotted three minutes to speak. He asked if that provision applied to municipalities as well.

Attorney Dickens said she could not answer that particular question because she was not sure what section of the Florida Statutes Mr. Dodd was referring to. She said however, the City is governed by City rules and regulations. She asked Mr. Dodd to provide her with a copy of the State Statutes he was referring to. Once reviewing what he has provided she would be able to answer his question.

Leonard Coles, 2010 NW 191st Terrace, Miami Gardens, Florida, appeared before the City Council and referenced the City's Charter, more particularly the Citizens' Bill of Rights, which provides for citizens' rights to be heard before the Council on all matters to be considered. This provision provides that the citizens have a right to have their questions and concerns addressed.

Mayor Gibson shared at the last Council meeting there were a lot of people that needed to speak, therefore a time limit was imposed. She shared Mr. Coles had a four to five page letter he wanted to read into the record, which she allowed him to read every word of that letter. She opined this Council is flexible and makes every effort to let the residents be heard. If there are only three or four people to speak during public comments, no time limit is imposed. However, if there are a lot of people wanting to speak a time limit will be imposed. She placed emphasis on the fact that there will be some order to what is done at the Council meetings.

Councilman Campbell stated citizens always have access to the City's staff members and Council members at any time to discuss their concerns. He said all concerns do not have to be discussed at a Council meeting.

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

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

There being no discussion on this item the motion 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

Mayor Gibson advised Dorothy Smith that a public meeting is being scheduled as which time her concerns and complaints would be addressed. Notification would be provided once a date and time has been confirmed.

(J) PUBLIC COMMENTS (10 - MINUTES)

Billy Isley, 1741 NW 193rd Street, Miami Gardens, Florida, appeared before the City Council to express his views about the 2005 Audit Report, which should be completed within six months after the close of the fiscal year. He further inquired about the status of the City's Annual Performance Report.

Councilwoman Pritchett asked if Annual Performance Reports have been completed how these documents could be made available for the public's review and preview.

Manager Crew said although many cities do provide such a report, at this time he did not have the time or the staff to do that report. However, there is the Audit Report, which is an annual financial report. That report is due to be completed within the next two weeks. In addition, there is a monthly staff report, which provides information on activities occurring within the various City departments. Furthermore, the final adopted fiscal year budget provides performance data for every department within the City.

Mayor Gibson suggested making this monthly City Manager's Report available to the public by placing copies on the back table.

Councilwoman Pritchett also suggested providing the North Dade Regional Library with copies of the monthly City Manager's Report.

Clerk Taylor said an official agenda for the City Council and Zoning meetings is provided to the North Dade Regional Library prior to each meeting. The City Council Agenda also includes the City Manager's monthly report. In addition, copies of this report are made available to the public and can be found on the table located in the back of the Council Chambers.

Ruben Burke, 2320 NW 182nd Terrace, Miami Gardens, Florida, appeared before the City Council and shared that he has had an opportunity within the last 30 days to make several visits to the City's Building Department to pull a building permit. He opined there is a lot of frustration in the Building Department on the part of the employees and residents. He shared from his research within the last sixty days there have been 1,500 applications for building permits submitted. The majority of these applications are roofing permits. He shared he had submitted his roofing permit package to the building department on October 15, 2005. He received approval this past week for that application. He said others had been waiting approximately 1.5 years to get a permit. He said from his research there are seven employees working on the permits and two general employees handling the counter. Moreover, individuals just dropping off their permit application have to wait two to three hours to get to the front desk. The application form was changed within the last two weeks however, there was no notification advising the forms had been changed; therefore, those individuals who had used the old

form and to start all over again with the new form. He shared that other municipalities had application drop off centers for those individuals who are only dropping off their application.

Mr. Burke shared he use to travel a total of 49 miles one way to Miami-Dade County's Building Department. This was one of the reasons he participated in the campaign to get this City established.

Christopher Steers, Assistant City Manager for Business Services appeared before the City Council to responds to the concerns raised by Mr. Burke. He stated the numbers mentioned by Mr. Burke in terms of the number of permits applied for are accurate. He said the clerical staff has been increased to ten to assist with the pulling of requisitions. In addition, the City is also utilizing temporary clerical support. He said the biggest challenge has been space. Even though the City might hire sufficient staff there was no space to put them. Therefore the expansion project has been stepped up. A drop off station has been established. In addition, the Chief Building Inspector is also inspecting properties. It is not a typical situation for the issuance of building permits to take as long a time as Mr. Burke described, unless there are some unusual circumstances. Such circumstance could involved a contractor's license is not update or there is no insurance, etc. The City has temporarily suspended the RAS 115 Test, which is the homeowner's exam to be taken by the homeowner in applying for a building permit. Miami-Dade County has temporarily relaxed that provision, therefore the City decided to do the same. This has not been advertised because it is only dealing with those that have been affected by the storm. Thus far, 2,100 building permits have been issued for those properties affected by the hurricane.

Mr. Steers said he would have to research Mr. Burke's matter to find out what the issues are. More often than not the main issues involve the contractor.

Vice Mayor Braynon shared he has probably been the most vocal of the Council Members about the Building Department and what it would need to function more efficiently. He said from his observation, the Building Department is now making strives and some of the problems are starting to be addressed head on (e.g. space problems, drop off problems, staffing problems). He said it is important for every one to understand the Council is aware of the problems and is not in denial of their concerns or that the problems and concerns raised by people do not exist.

Councilman Harvard shared that he is one of those Council members that has brought information to the residents. He also visited the Building Department and witnessed first hand the frustration by the residents visiting this department. Some of these residents found out after the visiting the Building Department that it was the contractor who never turned the paperwork, or not communicated with a partner advising that that individual had already picked up the paperwork.

Councilwoman Pritchett asked Mr. Steers how long will the RAS Test for property owners be relaxed.

Mr. Steers said the RAS Test is temporary suspended until June 10, 2006.

Councilman Campbell said he would like to deal with solving the problems and the frustrations felt by residents. He opined that communication needs to be improved between the processor and those

visiting the Building Department. In addition, sometimes staff becomes robotic and follow a certain set of rules. Sometimes common sense can be used. He opined if there are individuals waiting in the lobby area for two to three hours something needs to be done about this. He said a formula should be implemented and either permanent or temporary staff should be made equal to the number of permits being issued.

Councilman Campbell shared that he has called both the Building and Code Enforcement Departments and can't get anybody to answer the telephone. He placed emphasis on the importance of having better communication, which would improve the relationship with citizens.

Councilwoman Watson commended Councilman Campbell on his statements. She further shared the existing conditions being experienced in the Building Department is not unique to the City of Miami Gardens. This situation is happening all over South Florida, where the building departments are overwhelmed. She reiterated this is not a unique situation to the City because of the hurricane building departments throughout Miami-Dade County are overwhelmed with building permits. She asked the residents to be patient as the City continues to grow and set up a system everyone can be proud of.

Councilman Bratton asked whether one of the problems has to do with software and has the City taken steps to resolve this issue.

Manager Crew said this problem will be addressed. However, if a resident came in to request information of an application for a permit and did not have the process number the City's current system could not accommodate that request. The current system can not look up information by address or name. Council has approved the purchase of software, which would accommodate the building department. However, that will not occur until October 2006. In addition, the City can't get building inspectors on a temporary basis, from other counties to assist with inspections. The Miami-Dade County Commission has set rules that will not allow a fully licensed and state certified building inspector that has been in the business for thirty years in Ft. Lauderdale, to come into Miami-Dade County to do inspections. Therefore, the City can not recruit from other counties.

Mr. Steers shared that staff has been very creative and within the last couple of week implemented a backup system which has improved the overall building permitting process. Another situation that is occurring is the contractors being hired to do the roofs are not licensed therefore, they can not pull the permit. Not having a permit can result in a \$500.00 fine, assessed to the homeowner.

Mayor Gibson offered a word of caution to those individuals who might take advantage of the building permit process since the RAS Test has been temporary suspended. She emphasized when the property owner pulls the permit to repair their roof, they must know what they are doing. If the inspector finds that the repairs were done incorrectly it would have to be done correctly, which means starting the entire process over, including the installation.

Wendell James, 18820 NW 29th Place, Miami Gardens, Florida, appeared before the City Council to state he was happy to know the City is addressing some of the concerns raised about the permitting process. He opined the City of Miami Gardens should not wait to see what other cities are

doing to resolve a problem. He opined if there is a problem the City, within itself needs to address it proactively and be on the cutting edge of doing what is right. He said there is a lot of information coming from the City Manager about the Building Department is not correct. This information needs to be corrected. He said in addition to the service being provided by the Building Department, he had also emphasized the importance of expediting the building permitting process due to health issues associated with mold and mildew caused by dampness from a leaky roof.

Leonard Coles, 2010 NW 191st Terrace, Miami Gardens, Florida, appeared before the City Council and shared that he too had done some research on the City's Building Department. One of the employees pointed out to him that the Council has no authority over the Building Department's staff because they report to the Building Official. He related that he had advised this employee that he was not there to Hassel staff but to give them assistance, because even though the Council has no jurisdiction, it can assist with resolving the issues.

Mr. Coles stated the Charter provides for the requirement of a quarterly budget comparison, which the City Manager is to provide and make available to the public. He related that he noticed posted in the Building Department the Governor's Executive Order to relax the requirement for non-written contractor to be able to pull permits. He shared that he had left his business card with the staff member who promised to call when documentation he had requested was ready. He opined since the City has an emergency the Governor can also make it possible by issuing an Executive Order, if the City requested to all inspectors from other counties who are state certified to come into the City to do the necessary inspections.

Councilwoman Pritchett asked Mr. Cole whether he had requested information and was not provided with it.

Mr. Coles clarified that the staff member that assisted him was very helpful. He said there were other people in line therefore he asked the staff person to call him when the information was copied. The information he was requesting was posted on the bulletin board. He had asked whether this information was available on the city's webpage and was told the only place that information is available is on the bulletin board at the Building Department. He emphasized the importance of getting pertinent information such as the suspension of the RAS Test and the Governor's Executive Order out to the residents.

Councilman Harvard said the Governor's Executive Order can be found on Myflorida.gov.

Mr. Coles said the Governor's Executive Order is not the issue, the issue is providing better communication to the public.

Councilwoman Pritchett suggested providing all pertinent information in the lobby area in a three ring binder. This information could also be made available at the North Dade Regional Library. This would provide more than one opportunity for the residents to see the information.

Mr. Steers stated there are certain limitations to the information being put out, in that the City has limited control over the South Florida Building Code and the State Statutes. In terms of contractors

and building code compliance issues, the City is required to comply as set forth by Miami-Dade County.

Mayor Gibson placed emphasis on the importance of everyone understanding that even though the City of Miami Gardens has its own government, Miami-Dade County has a Home Rule Charter and as such the City must comply with many of the rules and regulations established by Miami-Dade County. She encouraged residents to go to the Miami-Dade County Commission to make their concerns known so that the County Commission will know how they feel about a lot of the decisions being made at the County level.

Eldora Cameron, 1735 NW 185th Terrace, Miami Gardens, Florida, appeared before the City Council to express concern that the street and sidewalk repair that was scheduled to be done in her neighborhood has not been done.

Mayor Gibson asked Ms. Cameron if she had spoken with anyone from the City about this concern.

Ms. Cameron said she had spoken with someone from the City and a meeting in the neighborhood was conducted. However, nothing has happened since then.

Mayor Gibson advised Ms. Cameron to speak with Tom Ruiz, the City's Public Works Director about her concerns.

Councilwoman Pritchett clarified that Ms. Cameron did speak with Mr. Ruiz and he in turn did go out to the area however, there may not have been a follow up with the residents.

Manager Crew said one of the problems the City is still having is that drainage is still under the jurisdiction of Miami-Dade County. The City is in the process of taking that system over but that is approximately five months away. Any drainage issues are being forwarded to Miami-Dade County. In addition County Commissioner Barbra Jordan's office is being sent this information.

Brenetta Miles, 1705 NW 185th Terrace, Miami Gardens, Florida, appeared before the City Council to commend Vernita Nelson, the City's Parks and Recreation Director for the excellent job she is doing at Rolling Oaks Park.

Mayor Gibson announced that public comments section was over. She noted public comments lasted for over an hour, no ten minute time limit was imposed.

(K) CONSENT AGENDA/RESOLUTION(S)

Please note, Councilwoman Pritchett removed K-1 from the Consent Agenda. This item is now reflected as Item L-1 and the Agenda has been renumbered to reflect this change.

~~**K-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND**~~

~~EXECUTE AN AGREEMENT WITH SALMAN MAINTENANCE SERVICES, INC. D/B/A SALMAN LANDSCAPE SERVICES, INC., FOR LANDSCAPE SERVICES FOR THE BEAUTIFICATION OF THE GOLDEN GLADES ENTRY WAY, IN THE AMOUNT OF FOUR HUNDRED THREE THOUSAND FIVE HUNDRED (\$403,500.00) DOLLARS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER~~

(L) RESOLUTION(S)

RESOLUTION NO. 2006-25-371

- ~~K-4) L-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE THREE (3) VANS FROM ORVILLE BECKFORD FORD, IN THE TOTAL AMOUNT OF \$60,075.00, BY RELYING UPON FLORIDA SHERIFFS ASSOCIATION BID #05-13-0822; AUTHORIZING THE ISSUANCE OF PURCHASE ORDERS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)~~

Councilwoman Pritchett asked how much did Miami-Dade County pay for this same type of van.

Manager Crew conveyed his belief that Miami-Dade County utilized the same bid. He said that information should have been provided with this item.

Manager Crew further announced the City was able to acquire a handicapped equipment van.

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

There being no further 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

RESOLUTION NO. 2006-26-372

- L-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING SALMAN MAINTENANCE SERVICES, INC. D/B/A SALMAN LANDSCAPE**

SERVICES, INC., TO WITHDRAW IT'S BID FOR LANDSCAPE SERVICES FOR THE BEAUTIFICATION OF THE GOLDEN GLADES ENTRY WAY AND ACCEPTING A FORFEITURE OF THE BID BOND; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Manager Crew said the City received five responses on this particular bid. The apparent low bid was from Salman Landscape Maintenance Services at \$400,003.00. The bid were opened and announced in public. The City received a phone call from Salman the next day indicating they wanted to withdraw their bid because they had made significant errors in the bid and could do the project for that kind of money. The bid package provided for a Bid Bond by the bidder. Mr. Salman was given two choices: 1) the City could award the bid, and the company not comply which would put them into a default, or 2) the Company could withdraw from the bid and pay the City \$20,000.00. The City did receive a check from Salman Maintenance Services in the amount of \$20,000.00 therefore staff is recommending the bid be withdrawn. In the mean tine staff is doing its due diligence in reviewing the second lowest bidder. It is anticipated that staff will bring a recommendation to the Council for its consideration within the next couple of weeks.

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

Councilman Harvard asked for clarification why the City was not going out for a re-bid instead of looking at the other bids received.

Manager Crew said on first observation in looking at the all the bids submitted it is obvious Salman Maintenance Services bid amount was an error. All the other bids were in a more reasonable range.

Councilman Harvard asked where these bids are being advertised so that people will know to submit a bid.

Pam Thompson, Procurement Manager for the City of Miami Gardens, appeared before the City Council in response to Councilman Harvard's question. The bids are advertised in the Daily Business Review and a bid notification service called DemandStar.com by Onvia. Those vendors with City of Miami Gardens Occupational Licenses are also notified. Supplemental vendors, which are vendors that requested to be notified, or vendors listed on the City's database or vendors that had registered with the City and had Occupational Licenses, were also included in this particular notification.

Councilman Harvard asked whether notification was also placed in the Miami Herald Neighbors' Section, which serviced this area.

Ms. Thompson said the City did not advertise bids in the Miami Herald Neighbors' Section, only in the Daily Business Review.

Mayor Gibson asked Attorney Dickens to elaborate on the legality of the way the City is providing notice.

Attorney Dickens said as far as advertising, there really isn't a lot of law on the subject. However, the Daily Business Review is not the kind of paper that is read by residents. It is usually subscribed to by law offices and it is a very expensive paper to obtain. However, Ms. Thompson did say that those vendors with City of Miami Gardens Occupational Licenses were also notified, as well as those on the City's Vendor List.

Mayor Gibson referenced the Vendor List and asked whether any vendor could be included on that list.

Ms. Thompson said any vendor, whether from Miami-Dade, Monroe or Broward Counties can request to be included on the City's Vendor List as long as they have the proper licenses.

Vice Mayor Braynon suggested that those individuals with applicable Occupational Licenses call the Procurement Officer to register as a vendor in order to receive notification.

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

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

Mayor Gibson re-addressed Item No. I-1, and indicated during discussions on this item held at the first reading additional verbiage was to be included under "REQUEST, PETITIONS & OTHER COMMUNICATION FROM THE PUBLIC", with that additional verbiage added that section should now read "WRITTEN REQUESTS, PETITIONS & OTHER WRITTEN COMMUNICATION FROM THE PUBLIC."

Attorney Dickens said a motion to reconsider the item must be offered first.

Moved by Vice Mayor Braynon, seconded by Councilman Harvard to reconsider Item I-1. This motion 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

Moved by Vice Mayor Braynon, seconded by Councilman Harvard to amend Section 10 (N) of Item No. I-1, to provide that this section should relate to written request and other written communication.

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

Moved by Vice Mayor Braynon, seconded by Councilwoman Watson to adopt Item I-1, as amended. This motion passed and carried by a 7-0 vote.

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

(M) REPORTS OF CITY MANAGER AND CITY ATTORNEY.

1. City Manager's Monthly Report

Manager Crew provided the City Council members with a copy of the Police Study. He said the City is entering into that period of time when a decision will need to be made as to whether the City is going to establish a municipal police department. Approximately six months prior the City hired Yocelyn Galiano-Gomez, the ex-city manager of Doral to begin this project. Currently the City is operating at the discretion of leadership that is not representative of the City of Miami Gardens. Even though the City is contracting for police services with Miami-Dade County, that police department has its own priorities, whereas the City of Miami Gardens is a different entity and as such has its own priorities as well. Financially this appears to be a very good move for the tax payers to have its own police department verses having Miami-Dade County's police department. Every indicator points to a very significant savings in running a municipal police department. The first year would garner a savings of approximately 3 million dollars or more a year. The City could utilize that 3 million dollars for community policing, or have sufficient overtime available to be able to address a lot of the issues the City currently has because it has not been able to do due to minimum overtime.

Manager Crew said there are also down sides to establishing a municipal police department. The biggest challenge would be hiring 150 police officers in less than a three month period. There are very

few cities, the size of Miami Gardens that has to start a police department in that short a period of time. During the transition period there would be an overlapping of police departments, which would cost approximately 1.2 million dollars a month because the City would be paying for two police departments. Therefore, timing is essential in getting the police officers on board within that three month window. Since there would be overlapping for the first three months, there would not be any savings the first year of operations.

Manager Crew said that first year would only be comprised of ten months because Miami-Dade County has jurisdiction over police services until December. The City's Fiscal Year starts October, which leaves two months.

Mayor Gibson opined the first thing this Council must do is to make a decision whether to the City would enter into another contract with Miami-Dade County for police services. She said this package of information is very voluminous and Council should take the time to review it. She suggested holding a workshop to go over this information.

Councilman Campbell said the first thing that needs to happen is to have a workshop. No decision can be made until a workshop to discuss this issue has been conducted. That information is outlined in the City Manager's memorandum. After the workshop has been held, the Council has to make a decision whether to notify Miami-Dade County about the City establishing its own municipal police department. Once that is done, other decisions should be made about a transitional period.

Councilwoman Pritchett stated according to the Charter there is a three year contract for police services with Miami-Dade County, and then a one year transition.

Moved by Councilman Bratton, seconded by Councilman Harvard to schedule a workshop to discuss the feasibility of establishing a municipal police department, for April 4, 2006 at 6:00 p.m.

There being no further discussion, the motion 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

(N) REPORTS OF MAYOR AND COUNCIL MEMBERS.

Councilwoman Pritchett inquired as to whether a meeting has been established for the Elderly Affairs Board.

Clerk Taylor advised there were two more appointments to be made, one by Mayor Gibson and one by Vice Mayor Braynon.

Vice Mayor Braynon stated that he would be appointing Mr. Irvin Lyons Jr., at the next City Council meeting.

Mayor Gibson said she would probably have an appointment to make by then as well. She placed emphasis on the importance of having an orientation session with the committee members.

Councilwoman Pritchett stated the City Attorney was very specific in terms of drafting this ordinance and identifying what this Committee's area of responsibility would be.

Mayor Gibson placed emphasis on the importance of the boards and committees being autonomous to the Council, bringing their recommendations to the City Council for its approval.

Councilwoman Pritchett questioned whether a Council person can sit in on any of the board and committee meetings.

Mayor Gibson said if the Council members appoint citizens to handle its business as an advisory board to the Council in her opinion it can become intimidating to have a Council member sitting in on the meeting. She opined the Council members did not need to baby-sit its Advisory Boards.

Councilman Bratton suggested providing each committee member with a copy of the City's ordinance, which established the rules and procedures for committees.

Councilman Campbell suggested having the Council member responsible for the sponsoring the legislation creating the advisory present at the orientation meeting only.

Mayor Gibson opined having staff liaison and the City Attorney present at the orientation meeting was sufficient. If a Council member wants to make a presentation before the advisory board during the course of their deliberation, they certainly have the right to do so.

Councilwoman Pritchett asked the City Manager to have a report of the City's ADA Compliance efforts at the next City Council meeting.

Councilman Bratton announced Home Depot, KABOOM and the LeJuene Gardens Homeowners Association would be joining forces to erect a new play ground on Thursday, March 23, 2006, 4200 NW 183rd Street, Miami Gardens, Florida, from 8:00 – 5:00 p.m. The project is being funded by Home Depot in the amount of \$47,200.00.

Vice Mayor Braynon related that visiting Congressman Meek's office in Washington, D.C., on last week confirmation was made that the City of Miami Gardens did not have any issues with its FEMA reimbursements. He commended the City Manager on those reimbursement efforts. In addition, the City received CDBG funds for its Façade project. Additional CDBG funding will allocated in the next cycle.

Vice Mayor Braynon said that Congressman Meek had requested the City send a letter with regard to funding a project to address the removal of those trees that would not withstand hurricane force winds, prior to the onset of a hurricane. He further expounded on his vacation trip to Jamaica.

Ula Zucker, Events and Media Coordinator appeared before the City Council to provide information and highlights on the first Annual Jazz in the Gardens event scheduled for Saturday, March 25, 2006, at Dolphins Stadium from 2:00 – 10:00 p.m.

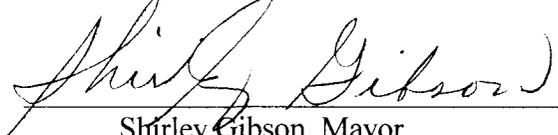
(O) REQUESTS, PETITIONS & OTHER COMMUNICATIONS FROM THE PUBLIC.

There were none

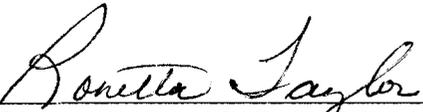
(P) ADJOURNMENT. *Meeting adjourned at 9:47 p.m.*

After there was 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 9:47 p.m.

Attest:



Shirley Gibson, Mayor



Ronetta Taylor, CMC, City Clerk