

**CITY OF MIAMI GARDENS  
REGULAR CITY COUNCIL MINUTES  
SEPTEMBER 27, 2006**

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

The City Council of the City of Miami Gardens, Florida, met in regular session on Wednesday, September 27, 2006, beginning at 8:21 p.m., in the City Council Chambers, 1515 NW 167<sup>th</sup> Street, Building 5, Suite 200, Miami Gardens, Florida.

The following members of the City Council were present: Mayor Shirley Gibson, Vice Mayor 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**

Invocation was delivered during the Budget Hearing, which preceded this meeting.

**(C) PLEDGE OF ALLEGIANCE**

Pledge of Allegiance was recited during the Budget Hearing, which preceded this meeting.

**(D) APPROVAL OF MINUTES**

**Regular City Council Meeting – July 26, 2006**

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Pritchett to approve the July 26, 2006 City Council Minutes. This motion passed and carried by a 7-0 vote.

**Special City Council Meeting – September 11, 2006**

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Watson to approve the September 11, 2006, Special City Council Minutes. 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):**

The following items were pulled from the Consent Agenda:

Item J-8 was pulled by Vice Mayor Braynon

Item J-3 was pulled by Councilwoman Watson

Items J-5, 6, 7 and 9 were pulled by Councilman Harvard

Item J-4 was pulled by Councilwoman Pritchett

Manager Crew requested an item be added under Special Presentation as Item F-1.

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

**(F) SPECIAL PRESENTATIONS (5 minutes each)**

F-1) Introduction of Senior Command Staff of the Miami Gardens Municipal Police Department:

1. Matthew Boyd, Chief of Police  
Chief Boyd has been with the Miami Dade Police Department since 1982, rising to the rank of Major. He is in charge of the Miami Gardens District Police Station.
2. John Feltgen, Deputy Chief of Police  
Deputy Chief Feltgen has over 30 years of special law enforcement experience with the Broward County Sheriff's Office.
3. Chester Butler, Operations Commander, a 35 year retiree from the Miami-Dade Police Department.
4. Alfred Lewers, Support Services Commander, currently a Lieutenant with the Ft. Lauderdale Police Department, a department he has served since 1986.

**(G) PUBLIC COMMENTS**

Jorge Almirall, 16650 NW 27<sup>th</sup> Avenue, Miami Gardens, Florida, appeared before the City Council to introduce his company, the Plaza on NW 27<sup>th</sup> Avenue and 167<sup>th</sup> Street. Today, the plaza has over 25 tenants including County Commissioner Barbara Jordan. He expressed concern that the last two tenants in the plaza were having difficulty getting their permits approved by the City.

Mayor Gibson asked whether Silkies, a business soon to open the Plaza a night club.

Mr. Almirall said Silkies is a Seafood, Steak Bar and Grill Restaurant.

Carlos Tejera, owner of Silkies, with a residential address at 168 Griffin Drive, Miami Lakes, Florida, appeared before the City Council to further expound on his business. He said the business is a restaurant and Jazz and R&B Lounge; strictly an over 30's establishment serving dinner, with live entertainment on stage.

Mayor Gibson encouraged Mr. Tejera to speak with Mr. Steers, Assistant City Manager for Business Services about his plans for this facility to ensure that everything is in order for his business in this location.

Harold Lawton, 1860 NW 170<sup>th</sup> Street, Miami Gardens, Florida, appeared before the City Council to convey his appreciation to the Council for the outstanding job they are doing. He further congratulated to the Council for the establishment of a municipal police department.

Janice Coakley, 19681 NW 33<sup>rd</sup> Avenue, Miami Gardens, Florida, to recommend that for future budgets, employee salaries and other expenditures be itemized, rather than lumped together. She stated as a resident she would like to know what each employee is paid.

Ossie Mae Conley, 300 NE 191<sup>st</sup> Street, Condo #215, Miami, Florida, appeared before the City Council to share her vast experience as a former employee with Miami-Dade County as well as her volunteer services. She advised the Council that she would be willing to share some suggestions that would facilitate the Building Department in operating more efficiently as it relates to issuing permits.

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

There were none.

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

**ORDINANCE NO. 2006-18-99**

**I-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE NO, 2005-22-60 RELATING TO PUBLIC SOLICITATION; PROHIBITING THE COLLECTING, DISPLAYING OR SELLING MERCHANDISE OR SERVICES FROM WITHIN THE PUBLIC RIGHTS-OF-WAY WITHIN THE CITY; REPEALING SECTION 21-36 OF THE MIAMI-DADE COUNTY CODE, AS MADE APPLICABLE TO THE CITY OF MIAMI GARDENS; PROVIDING FOR PENALTIES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (1<sup>st</sup> Reading – September 13, 2006) (SPONSORED BY THE CITY MANAGER)**

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

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

Councilwoman Watson referenced page 2 of the ordinance more particularly Section 3 (2): "Public solicitation; enforcement; penalties for section violation, "without proper authorization or a lawful issued by the City, to willfully obstruct the free, convenient, and normal use of any public street, highway, or road by any of the means specified in subsection (1) above in order to solicit". She said this language gives the impression there is a way people can actually get authorization.

Attorney Dickens said that language could be taken out and replaced with without a lawful permit issued by the City, to willfully obstruct the free, convenient, and normal use of any public street, highway, or road by any of the means specified in subsection (1) above in order to solicit."

Motion offered by Councilwoman Watson, seconded by Councilman Harvard to amend the ordinance as prescribed by Attorney Dickens. This amendment passed and carried by a 7-0 voice vote.

There being no further discussion on the ordinance as a whole, the motion to adopt 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

**ORDINANCE NO. 2006-19-100**

- I-2) AN ORDINANCE OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING THE CITY’S BUDGET FOR 2005-2006 FISCAL YEAR; ADOPTING REVISED BUDGET ESTIMATES; AUTHORIZING THE CITY MANAGER TO MAKE CERTAIN ADJUSTMENTS; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE. (1<sup>st</sup> Reading – September 13, 2006) (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 Vice Mayor Braynon, seconded by Councilman Harvard to adopt this ordinance.

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

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

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

**RESOLUTION NO. 2006-102-448**

- J-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, ESTABLISHING FEES FOR TEMPORARY SIGN PERMITS FOR NATIONAL EVENTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**RESOLUTION NO. 2006-103-449**

- J-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST RESPECTIVELY, THAT CERTAIN AGREEMENT WITH SEATING CONSTRUCTORS USA, INC., FOR BLEACHERS FOR THE PARKS AND RECREATION DEPARTMENT, BY RELYING UPON THAT CERTAIN**

**AGREEMENT BETWEEN THE CITRUS COUNTY SCHOOL BOARD, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$124,824.57; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**RESOLUTION NO. 2006-104-450**

**J-10 3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXERCISE THE "FIRST RIGHT OF REFUSAL" TO LEASE ADDITIONAL CITY HALL SPACE FROM GOLDEN GLADES ASSOCIATES; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FIFTH ADDENDUM TO THE CURRENT LEASE AGREEMENT FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**RESOLUTION NO. 2006-105-451**

**J-11 4) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPOINTING A MEMBER TO THE ELDERLY AFFAIRS ADVISORY COMMITTEE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY MAYOR GIBSON)**

**RESOLUTION NO. 2006-106-452**

**J-12 5) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RELATING TO LOBBYING THE STATE LEGISLATURE TO CHANGE STATE LAW SO AS TO PRECLUDE CELLULAR TELEPHONE USAGE BY MOTOR VEHICLE DRIVERS WHILE LOCATED IN A SCHOOL ZONE; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE (SPONSORED BY MAYOR GIBSON)**

**RESOLUTION NO. 2006-107-453**

**J-13 6) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TRIANGLE ASSOCIATES, INC. IN ACCORDANCE WITH THE CITY OF MIAMI'S CONTRACT FOR PROFESSIONAL SERVICES FOR PLANS REVIEW AND INSPECTION SERVICES IN AN AMOUNT NOT TO EXCEED THE BUDGETED AMOUNT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

**RESOLUTION NO. 2006-108-454**

- J-14) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO EXTEND THE AGREEMENT APPROVED UNDER RESOLUTION NUMBER 2005-20-197 WITH MIAMI-DADE COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR A FACADE RESTORATION PROGRAM IN THE MAXIMUM AMOUNT OF THREE HUNDRED THOUSAND (\$300,000.00) DOLLARS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Motion offered by Councilwoman Watson, seconded by Councilman Bratton to approve the Consent Agenda. 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

**(K) RESOLUTION(S)**

**RESOLUTION NO. 206-109-455**

- J-3 K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN EASEMENT AGREEMENT FROM WALDEN POND, LTD C/O AUBURN MANAGEMENT, INC., FOR THE CONSTRUCTION AND MAINTENANCE OF A BUS PASSENGER SHELTER; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Councilwoman Watson referenced page 2 of the resolution, more particularly Section 3. Instructions to the City Clerk, and stated even though this document is to be recorded in the Miami-Dade County Public Records, those instructions are not provided to the City Clerk.

Attorney Dickens said this is something that is done automatically, an Easement must be recorded to be enforced and in effect.

Councilwoman Watson expressed concern that the language needed to be more specific because there are other items this Council has adopted that are required to be recorded but have not been due to

other department directors not following through and providing the City Clerk with that documentation.

Attorney Dickens said she is aware of Councilwoman Watson's concern as it related to Declarations of Restrictions that have been approved by this Council but not recorded.

Mayor Gibson said the City Manager has been duly noted this and will ensure the applicable departments comply so that the Clerk can record the documents.

Motion offered by Councilwoman Watson, seconded by Vice Mayor Braynon to approve this item. This motion passed and carried by a 7-0 voice vote.

**RESOLUTION NO. 2006-110-456**

**J-4-K-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN SECOND ADDENDUM TO THAT CERTAIN AGREEMENT WITH NEW COMMUNITY STRATEGIES, INC., FOR FINANCE DIRECTOR SERVICES, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A"; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY COUNCIL CITY MANAGER)**

Councilwoman Pritchett asked whether the City has received applications from interested parties applying for the Finance Director's position.

Manager Crew shared that some applications were received earlier today, which he has not review. However, the individuals that have been applying do not have the appropriate background necessary for the job.

Councilwoman Pritchett conveyed her understanding that the City is in the position of being between a rock and a hard place because of the need for financial services/finance director and in this case it is New Community Strategies. However, there have been some concerns raised by members of this Council as well as the constituents as it relates to New Community Strategies. One of those concerns, as per New Community Strategies Contract, a financial report is to be provided on a monthly basis, which has not always been the case.

Manager Crew said things will be a lot easier now that the City is on line with the Eden Computer System.

Councilwoman Pritchett conveyed the importance of moving expeditiously to find a finance director.

Manager Crew said the monthly financial report will be available starting October 2006.

Motion offered by Councilwoman Watson, seconded by Councilman Harvard to approve this item. This motion passed and carried by a 7-0 voice vote.

**RESOLUTION. NO. 2006-111-457**

**J-5 K-3) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO 20/20 EYE CARE PLAN INC., FOR GROUP VISION INSURANCE COVERAGE; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Councilman Harvard asked to have discussion on all the items that he pulled because they were interrelated. He first addressed his question to the Flexible Spending item and asked if the \$6.00 fixed rate would be paid by each employee.

Manager Crew said each employee is charged \$6.00 by the company to administer the plan.

Councilman Harvard questioned why this fee was being paid by the employees.

Manager Crew said the City can pick this fee up if it is the desire of the Council.

Councilman Harvard said he would like to see the employees offered additional benefits such as short term disability. That type of benefit would be paid for by the employee as opposed to the employer. He placed emphasis on the importance of making such a benefit available for employees and to have this benefit take effect the same time as all the other benefits, which is January 2007.

Manager Crew said he did not have a problem with developing an RFP for supplemental coverage. However, the HR Director has been basically operating a one man shop and her priority has been hiring employees.

Vice Mayor Braynon asked what is the difference between a company like McKinley Financial Services and Blue Cross Blue Shield.

Manager Crew explained McKinley Financial Services is a broker whereas Blue Cross Blue Shield is a provider. The bid was open to both brokers and service providers.

Vice Mayor Braynon asked whether the price would be the same for both.

Councilman Harvard shared whether a broker is used or a service provider is used someone is going to get paid. For instance if a company is awarded the bid without a broker's services, the in-house agent who works for the company will get his/her salary plus a commission. The broker can represent a company and get the same price however, the broker would be paid instead of the in-house agent.

Manager Crew shared staff had contacted Av-Med and asked if a broker was not used would they reduce the price of their bid by the amount that would have been paid to a broker.

Councilman Harvard shared a broker can negotiate his/her commission with a company.

Manager Crew shared the City now has a full time person that does risk manager therefore most of the task performed by a broker, the City can now do.

Vice Mayor Braynon explained he had asked this question because Manager Crew had said earlier that he had insufficient staff to address employee insurance needs. In that instance a broker would be most beneficial to the City.

Manager Crew explained the City has hired a Risk Manager and that individual will be starting next week.

Vice Mayor Braynon asked who were the qualified bidders for the City's Health Plan Coverage.

Manager Crew stated Vista, Av-Med, United Health Care, Florida Municipal Insurance Trust. The City hired an outside independent Risk Management Company to draft the bid specs, analyze and review the bids received. A committee made up of staff members reviewed the information submitted by the City's consultant and came up with the same recommendations. For example Av-Med MP3410, the recommended bidder, offered the lowest co-payment for employees, no charge for in hospitalization or out-patient (no deductible), lowest prescription co-payment, with the total fee per employee of \$330.10. That amount is paid by the City. Even though Vista was slightly cheaper, it had much higher co-payments. The one plan that had similar co-payment plans as Av-Med had a much higher fee for each employee. Currently, 80 percent of the City's employees have Av-Med as a service provider.

Manager Crew shared the good news is the Av-Med Plan will cost the City half of what is currently being paid to Miami-Dade County for piggybacking on their insurance plans. This enables the City to not only pick up the employee's cost, but also fifty percent of employee dependent's cost.

Vice Mayor Braynon clarified, if the City selected Av-Med as the City's Health Care Provider, the broker would get a percentage.

Manager Crew said the broker would not get anything because Av-Med is the provider and the bidder, nor would an in-house staff member be paid a commission. He said Av-Med's bid did not include a broker's fee.

Vice Mayor asked whether Av-Med undercut the broker after the bid was opened. He further asked whether that in-house staff person would not bet a commission as well.

Councilwoman Watson further expounded on this matter and asked whether the other companies were offered an opportunity to reduce their prices by eliminating the three percent brokerage fee.

Manager Crew said that took place after the bids were opened and the selection process done. This was also stated in the bid document.

Pamela Thompson, the City's Procurement Manager appeared before the City Council and state that the bidders did put that provision in their bid documents. In addition, it was up to the City to have an outside broker.

Councilwoman Watson asked whether McKinley Financial Services was contacted and asked to reduce their fee.

Manager Crew said McKinley Financial Services was not a qualified bidder because they did not sign their bid documents. He shared during a meeting with Av-Med, staff had asked if they would reduce their fee if a broker was not involved and Av-Med agreed to do that. This all took place once the bids were received and a recommendation made. The City had no need for a broker because the City is capable of providing this service. He further explained if there is an outside agent the City would have to pay that additional three percent. If the company uses an in-house staff person that company that staff person therefore the City would not be charged for that service.

Councilman Harvard said the three percent would have been regardless by Av-Med and not the City of Miami Gardens.

John Alfonas, 16310 Malibu Drive, Weston, Florida, a Senior Sales Representative for Av-Med, appeared before the City Council to expound on this matter. He explained Av-Med builds in at least three percent for every agent in every group. If the City communicates in writing with Av-Med asking to take out the broker that can be done. That means the three percent built in to all groups would have to be taken out. He reiterated Av-Med did not want to waive that three percent.

Attorney Dickens stated Florida Statutes says one can not discriminate against brokers and that they must be allowed to participate in the process. The Statutes does not say the City is not allowed to negotiate the cost. She shared that she had been discussions with the Procurement Manager as well as the City Manager about whether brokers were excluded in the City's bid documents and were assured by both that the City did not. Therefore, this is not a legal issue but rather a negotiations issue as to whether the City wanted to contract with Ad-Med or McKinley, etc.

Vice Mayor Braynon for clarification purposes stated that Av-Med, in their bid undercut the broker.

Manager Crew stated Av-Med had placed in their bid that if the City did not select to use a broker, they would reduce their bid by three percent.

Mayor Gibson asked Mr. Alfonas to elaborate on the broker and the built in three percent service fee.

Mr. Alfonas shared this is the distribution and the system. A few years ago Av-Med worked directly with the various groups and had no concern as to whether a broker was involved. At present strategically, Av-Med's distribution and whole marketing system, even service really communicates with the broker. The broker basically negotiates with the groups. The broker's commission is to negotiate with the groups so there will be further reductions in the premiums in years to come.

Mayor Gibson commented therefore the benefit of the broker is accrued in the negotiations with the anniversary of this policy and the discussion for the upcoming policy. That is where the expertise of the broker comes into play. That broker would be the negotiating entity with Av-Med and the City of Miami Gardens. The broker would have the professional skills to negotiate better and more

professional with Av-Med than the City probably could, even though the City hired a Consultant to prepare the bid specs. Where the significance of the broker comes in is how Av-Med will negotiate with the broker and in essence the broker's client would be the City of Miami Gardens. Thus, the issue is for the broker to bring back the best deal for its client.

Vice Mayor Braynon asked whether it was legal to negotiate the price once the bidding process has been concluded.

Attorney Dickens indicated that it was legal to negotiate the price.

Councilwoman Pritchett asked whether McKinley had the same language in their bid as Av-Med, more specifically to remove the three percent from their bid.

Manager Crew said he did not know if McKinley had the same language in its bid because that bid did not qualify due to lack of signature.

Councilwoman Pritchett said if McKinley's bid did not qualify, this is a mute issue and did not understand why there is a discussion.

Manager Crew explained Av-Med also mentions McKinley in its bid, as the broker.

Councilman Harvard asked what percentage is the in-house staff person paid.

Mr. Alfonas said Av-Med did not have in-house agents, but worked with salaried employees. Av-Med built in a minimum of three percent into the bid because it works with brokers. The in-house agents do however get a bonus.

Councilman Harvard shared his experience as a in-house agent and stated that either way a percentage would be paid whether it is to the broker or the in-house agent. He said even if the three percent is taken out of the price there really is not big savings when one looks at the big picture because the money is going to go to someone.

Mr. Alfonas stated that ultimately it is the employer that is paying the premium. Av-Med's intention was that three percent was built in whether it was McKinley or another broker.

Councilman Harvard asked whether the three percent was taken out completely or was it taken out so that McKinley would not be receiving it.

Mr. Alfonas said the three percent is built in. He said Av-Med understanding is that if the City in its RFP stated it did not want a broker at all, that three percent could be taken out. Av-Med would prefer that not happen strategically.

Carlton Moore, Vice President of McKinley Financial Services appeared before the City Council to clarify some of the issues. First and foremost, McKinley Financial Services wants to please the individuals they work with and did not want to start off with an adversarial relationship. He shared that when his company had heard earlier this evening that the City's consultant had made a request of Av-Med as to whether they would remove the three percent that would go to the services McKinley

would render to the City as their client, it became a concern. He stated there is nothing Av-Med can do to remove the three percent commission. When this provision was approved by the State of Florida, a broker commission was built in it. Av-Med may reduce their cost by negotiating with the City, however there is no way they can remove the commission from an insurance policy in the State of Florida.

Mr. Moore stated that Section 64.1275 of the Florida Statutes states that a commission must be paid on any insurance product in the State of Florida. He said he did not want the Council to believe that McKinley is making them pay an additional three percent. He shared brokers go out and find business for the insurance providers. The State Statutes, adopted 2005, ensures that public entities like Miami Gardens can not even offer and RFP stating the removal of the broker. He reiterated the insurance document requires a commission and a broker by state statutes.

Mr. Moore shared that McKinley is here tonight to say it would like to be that broker. As the City's broker McKinley Financial Services would be able in future years when it come to the renewal of the Av-Med contract, be able to address costs and negotiations. At present, McKinley Financial does business with nine municipalities in the State of Florida, some as an Agent of Record and some as a broker.

Mr. Moore explained Av-Med is an insurance company McKinley Financial is a broker that Av-Med put into their plan, stating McKinley would be the broker of their product. Once McKinley made that deal with Av-Med they did not forgo their particular product, recommending Av-Med. He said when the statement was made that McKinley did not sign its bid documentation, this company has been in business for 16 years and did not get to be the 12 largest insurance agency in the State of Florida by making a mistake such as that when bidding for a product. McKinley Financial did not do that because Av-Med stated McKinley would be its broker. He placed importance that the City of Miami Gardens gets services for having a broker and it is not just negotiating on the end of the deal, but services that will be provided throughout the year.

Councilwoman Pritchett asked Manager Crew to expound on this matter because it was not presented the way Mr. Moore explained it.

Manager Crew explained the direct bid (Comp Benefits) made by McKinley Financial was not signed. That is why Comp Benefits was not considered as one of the providers. However, that bid is not being discussed. The discussion tonight is about Av-Med. The bid submitted by Av-Med stated the selection of an agent would be at the sole discretion of the City of Miami Gardens. The City contacted Av-Med and asked if the company had brokers on staff and was told by Av-Med that they did. Staff asked Av-Med that if the City used their staff broker would Av-med reduce their bid. Av-Med said it would reduce the bid by three percent if the City used their staff broker.

Mayor Gibson stated from what she has heard from Mr. Moore and the fact of how McKinley became a part of Av-med she wanted to know if the City of Miami Gardens HR Director would be able to sit with approximately 70-80 employees who have selected Av-Med, to explain to their about their insurance benefit package.

Taren Kinglee, the City's HR Director said she would not be able to do that however, Av-Med

provides the City with a Customer Service Representative, their inside agent who would be on hand during open enrollment to explain to the employees what the benefits entail. The question is whether the City wants to have an outside person versus an inside person.

Councilwoman Watson restated her earlier question and asked whether it was legal to exclude this commission. The City is saying the commission has been eliminated however, the documents presented to the Council includes a commission.

Attorney Dickens said this is an interesting question, one in which she will have to research. She said for Av-Med to have included McKinley in their original bid and to exclude them tonight is a question she would have to review because she was not aware that McKinley was a part of the original bid.

Please be advised that Councilman Campbell left the meeting at 10:12 p.m.

Vice Mayor Braynon stated he would be willing to offer a motion to defer Item J-8, to provide the City Attorney with an opportunity to research this item.

At the conclusion of this discussion, each item was voted in individually as follows:

Motion offered by Councilwoman Watson, seconded by Councilman Harvard to approve Item J-5, this motion passed and carried by a 6-0 vote.

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

**RESOLUTION NO. 2006-112-458**

**J-6) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO THE HARTFORD THROUGH MCKINLEY FINANCIAL SERVICES, INC., FOR GROUP LIFE INSURANCE AND ACCIDENTAL DEATH AND DISMEMBERMENT COVERAGE; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Motion offered by Councilwoman Watson, seconded by Vice Mayor Braynon to approve this item. This motion passed and carried by a 6-0 vote.

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

**RESOLUTION NO. 2006-113-459**

**J-7) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO BLUE CROSS BLUE SHIELD, FOR GROUP DENTAL INSURANCE COVERAGE; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Motion offered by Councilwoman Watson, seconded by Vice Mayor Braynon to adopt this item. This motion passed and carried by a 6-0 vote.

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

**J-8) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO AV-MED, FOR GROUP MEDICAL INSURANCE BENEFITS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Pritchett to defer this item to the October 11, 2006, City Council meeting. This motion passed and carried by a 6-0 vote.

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

**RESOLUTION NO. 2006-114-460**

- J-9) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDED A BID TO BLUE CROSS BLUE SHIELD, FOR FLEXIBLE SPENDING ACCOUNTS BENEFITS; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

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

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

Please note, Councilman Bratton left the meeting at 10:35 p.m.

**(K) RESOLUTION(S)**

- K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT WITH MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT FOR WATER AND SEWER SERVICES TO BE RENDERED TO THE CAROL CITY COMMUNITY CENTER, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Manager Crew explained this agreement is to provide water and sewer service to the community center being built on NW 199<sup>th</sup> Street.

Attorney Dickens proposed an amendment to the resolution to change the title to say the agreement is being approved in substantial form:

**RESOLUTION NO. 2006-115-461**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST, RESPECTIVELY, THAT CERTAIN AGREEMENT WITH MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT FOR WATER AND SEWER**

**SERVICES TO BE RENDERED TO THE CAROL CITY COMMUNITY CENTER, IN SUBSTANTIAL FORM AS THAT CERTAIN AGREEMENT ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.**

Motion offered by Councilwoman Pritchett, seconded by Councilman Harvard to amend the title of the resolution as prescribed by the City Attorney. There being no discussion on the amendment, the motion passed and carried by a 5-0 voice vote.

Motion offered by Vice Mayor Braynon, seconded by Councilwoman Watson to approve this item as amended. There being no discussion, this item passed and carried by a 5-0 voice vote.

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

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

The City Manager had no report.

Attorney Dickens reported the City was recently served with a lawsuit for damages relating to a temporary auto sales establishment.

**(M) REPORTS OF MAYOR AND COUNCIL MEMBERS.**

Councilwoman Pritchett invited everyone out to the Brentwood, Norland and Pentab Crime Watch event "Citizens Against Crime Neighborhood Walk, scheduled Saturday, September 30, 2006 from 3:00 p.m. to 7:00 p.m., at 651 NW 183<sup>rd</sup> Street, Miami Gardens, Florida.

Councilman Harvard announced that on October 5, 2006, beginning at 6:30 p.m., at First Baptist Church of Bunche Park (15700 NW 22<sup>nd</sup> Avenue), a workshop will be held to inform residents and senior citizens of the various exemptions they might be eligible to apply for. A representative from Miami-Dade County Property Appraiser's office will be on hand.

Mayor Gibson shared she was invited to speak during the Crime Watch event scheduled for Saturday, September however, due to a scheduling conflict she will be unable to attend. She asked for a volunteer from the Council to speak in her stead. Vice Mayor Braynon volunteered to be on hand for the morning portion of the Crime Watch event. Councilman Harvard volunteered to speak in Mayor Gibson's absence during the afternoon event.

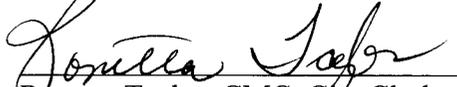
**(N) WRITTEN REQUESTS, PETITIONS & OTHER WRITTEN COMMUNICATIONS FROM THE PUBLIC.**

There was none.

**(o) ADJOURNMENT.**

There being no further business to come before this Body and upon a motion being duly offered by Vice Mayor Braynon and seconded by Councilman Harvard, the meeting adjourned at 10:44 p.m.

Attest

  
\_\_\_\_\_  
Ronetta Taylor, CMC, City Clerk

  
\_\_\_\_\_  
Shirley Gibson, Mayor