



CITY OF MIAMI GARDENS CITY COUNCIL MEETING AGENDA

Meeting Date: January 14, 2009
1515 NW 167th St., Bldg. 5, Suite 200
Miami Gardens, Florida 33169
Next Regular Meeting Date: January 28, 2009
Phone: (305) 622-8000 Fax: (305) 622-8001
Website: www.miamigardens-fl.gov
Time: 7:00 p.m.

Mayor Shirley Gibson
Vice Mayor Barbara Watson
Councilman Aaron Campbell Jr.
Councilman André Williams
Councilman Melvin L. Bratton
Councilwoman Sharon Pritchett
Councilman Oliver G. Gilbert III
City Manager Danny O. Crew
City Attorney Sonja K. Dickens, Esq.
City Clerk Ronetta Taylor, MMC

City of Miami Gardens Ordinance No. 2007-09-115 requires all lobbyists before engaging in any lobbying activities to register with the City Clerk and pay an annual fee of \$250.00. This applies to all persons who are retained (whether paid or not) to represent a business entity or organization to influence “City” action. “City” action is broadly described to include the ranking and selection of professional consultants, and virtually all-legislative, quasi-judicial and administrative action. All not-for-profit organizations, local chamber and merchant groups, homeowner associations, or trade associations and unions must also register however an annual fee is not required.

CALL TO ORDER/ROLL CALL - The City Council for the City of Miami Gardens, Florida, met in regular session on Wednesday, January 14, 2009, beginning at 7:12 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 Barbara Watson and Council members Aaron Campbell Jr., Melvin L. Bratton, Sharon Pritchett and Oliver G. Gilbert III. Councilman André Williams arrived at 7:20 p.m.

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

(A) INVOCATION – Dr. Lester Brown

(B) PLEDGE OF ALLEGIANCE - Recited in unison.

(C) APPROVAL OF MINUTES

D-1) Regular City Council Minutes – December 10, 2008
Motion to approve passed and carried by 6-0 voice vote.

(D) ORDER OF BUSINESS (Items to be pulled from Consent Agenda at this time)

Councilwoman Pritchett motion to pull Item J-7 second by Councilman Gilbert; motion to pull the Item passed and carried by a 7-0.

Dr. Crew withdrew Presentation F-7 from the official agenda.

Motion to approve the agenda passed and carried by a 7-0 voice vote.

(E) SPECIAL PRESENTATIONS (5 minutes each)

- F-1) Optimist Club Super Bowl Winners
- F-2) City Manager's Annual Review
 - A. Special Presentation
- F-3) Budget Status Report
 - A. October 2008 Budget Status Report
 - B. November 2008 Budget Status Report
- F-4) City of Miami Gardens' Police Department Monthly Report
- F-5) Shakespeare in the Gardens – Collen Stovall, Shakespeare Miami
- F-6) Presentation – Parks and Recreation Advisory Committee
- F-7) Keep Miami Gardens Beautiful – Tsahai Codner, Director

(F) PUBLIC COMMENTS

(G) ORDINANCE(S) FOR FIRST READING

H-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CREATING AN ORDINANCE ENTITLED “CERTIFICATE OF RE-OCCUPANCY”; PROVIDING FOR AN APPLICATION PROCESS; PROVIDING FOR REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR AN AMNESTY PERIOD; 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 COUNCILMAN ANDRÉ WILLIAMS) (Deferred from December 10, 2008)

Action: Motion to approve on first reading passed and carried by a 4-2 vote with approved amendments. Mayor Gibson and Councilman Gilbert cast the dissenting vote. Councilman Bratton was not present during voting.

H-2) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AUTHORIZING THE BORROWING OF TWO MILLION DOLLARS (\$2,000,000); AUTHORIZING THE ISSUANCE OF CITY OF MIAMI GARDENS, FLORIDA EQUIPMENT ACQUISITION REVENUE BONDS NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000); PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Action: Motion to approve on first reading passed and carried by a 6-0 vote. Councilman Bratton was not present during voting.

H-3) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA AUTHORIZING THE BORROWING OF SEVEN MILLION THREE HUNDRED THOUSAND DOLLARS (\$7,300,000); AUTHORIZING THE ISSUANCE OF CITY OF MIAMI GARDENS, FLORIDA TAXABLE LAND ACQUISITION REVENUE BONDS (WARREN HENRY PROPERTY) NOT TO EXCEED SEVEN MILLION THREE HUNDRED THOUSAND DOLLARS (\$7,300,000); PROVIDING FOR A SUPPLEMENTAL RESOLUTION SETTING FORTH THE DETAILS OF SAID BONDS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Action: Motion to approve on first reading with approved amendments passed and carried by a 5-1 vote. Councilwoman Pritchett cast the dissenting vote. Councilman Bratton was not present during voting

H-4) AN ORDINANCE ADOPTING A MORATORIUM ON THE PROCESSING OF DEVELOPMENT ORDERS FOR MULTIFAMILY USES IN ALL ZONING DISTRICTS, INCLUDING BUT NOT LIMITED TO SITE PLANS, DEVELOPMENT APPLICATIONS, ZONING PERMITS AND ANY RELATED ACTIONS AND/OR APPROVALS FOR SUCH USES; PROVIDING FOR A TERM; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A STUDY(S); PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

*Action: Motion to approve on first reading passed and carried by a 6-0 voice vote.
Councilman Bratton was not present during voting.*

(H) ORDINANCE(S) FOR SECOND READING/PUBLIC HEARING(S)

ORDINANCE NO. 2009-03-175

- I-1) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 5 OF ORDINANCE NO. 2005-10-48, THE CITY'S PURCHASING ORDINANCE, IN ORDER TO PROVIDE AUTHORITY FOR THE CITY MANAGER TO EXECUTE PURCHASING SALES AGREEMENTS AND ANY AND ALL OTHER DOCUMENTS NECESSARY IN ORDER TO PURCHASE AND/OR TRANSFER PROPERTY IN ACCORDANCE WITH THE NEIGHBORHOOD STABILIZATION PROGRAM; PROVIDING FOR A SUNSET PROVISION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER) (1st Reading – December 10, 2008)**

*Action: Motion to approve on first reading passed and carried by a 6-0 voice vote.
Councilman Bratton was not present during voting.*

(I) CONSENT AGENDA

RESOLUTION NO. 2009-04-949

- J-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, CONFIRMING COUNCILMAN AARON CAMPBELL, JR.'S APPOINTMENT OF NATALIE E. OCE TO THE CHARTER REVIEW COMMISSION IN ACCORDANCE WITH SECTION 6.2 OF THE CITY OF MIAMI GARDENS' CHARTER; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN CAMPBELL)**

RESOLUTION NO. 2009-05-950

- J-2) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, RATIFYING THE CITY MANAGER'S PURCHASE OF A POLICE DOG FROM METRO-DADE K-9 SERVICES IN THE AMOUNT OF \$12,500.00; WAIVING COMPETITIVE BIDDING AND NEGOTIATING; AUTHORIZING EXECUTION OF A CONTRACT AFTER THE FACT; PROVIDING FOR A NUNC PRO TUNC EFFECT; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS;**

PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

RESOLUTION NO. 2009-06-951

- J-3) 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 FOR CONSULTING SERVICES WITH THE INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE (IACP) TO PROVIDE TESTING AND ASSESSMENTS FOR THE CITY'S POLICE DEPARTMENT, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

RESOLUTION NO. 2009-07-952

- J-4) 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 CONTRACT RENEWAL AP 798 WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; EXTENDING THAT CERTAIN MAINTENANCE AGREEMENT ENTERED INTO ON DECEMBER 11, 2006 FOR AN ADDITIONAL PERIOD OF ONE (1) YEAR; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE (SPONSORED BY THE CITY MANAGER)**

RESOLUTION NO. 2009-08-953

- J-5) 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, SERVICE AGREEMENTS WITH LISA E. MEYERS-ARCHER, P.A., CLAUDIENNE HIBBERT, P.A., AND PHILLIP & DONNA BARRETT FOR ACQUISITION AND DISPOSITION SERVICES RELATING TO THE NEIGHBORHOOD STABILIZATION PROGRAM AND THE CITY'S APPROVED ACTION PLAN AMENDMENT, COPIES OF WHICH ARE ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

RESOLUTION NO. 2009-09-954

- J-6) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE ISSUANCE OF A CHANGE ORDER IN THE AMOUNT OF SEVENTY-SEVEN THOUSAND ONE HUNDRED TWELVE DOLLARS (\$77,112.00) TO R.E. CHISHOLM ARCHITECTS, INC., FOR CONSTRUCTION AND ADMINISTRATION SERVICES FOR THE MIAMI CAROL CITY PARK RECREATIONAL BUILDING; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)**

Action: The Consent Agenda passed and carried by a 6-0 voice vote.

(J) RESOLUTION(S)

- J-7) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO TAKE ANY AND ALL STEPS NECESSARY FOR THE CITY TO SUPPORT SHAKESPEARE MIAMI'S PRODUCTION OF MACBETH; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN ANDRÉ WILLIAMS)**

Action: Motion to approve passed and carried with approved amendments by a 6-0 voice vote. Councilman Bratton was not present during voting. Scrivener's errors were corrected on the item.

- ~~K-1) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY ATTORNEY AND CITY MANAGER TO PURSUE LITIGATION AGAINST MIAMI-DADE COUNTY RELATING TO THE HALF-CENT TRANSPORTATION SALES SURTAX; DIRECTING THE CITY ATTORNEY AND CITY MANAGER TO ENGAGE OTHER MUNICIPALITIES WHO HAVE AN INTEREST IN PURSUING LITIGATION AGAINST MIAMI-DADE COUNTY; PROVIDING FOR REPORTING REQUIREMENTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY COUNCILMAN ANDRÉ WILLIAMS)~~**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY ATTORNEY AND CITY MANAGER TO GATHER

INFORMATION AND RESEARCH REGARDING PURSUING LITIGATION AGAINST MIAMI-DADE COUNTY RELATING TO THE HALF-CENT TRANSPORTATION SALES SURTAX; PROVIDING FOR A REPORTING PERIOD; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (CO-SPONSORED BY VICE MAYOR BARBARA WATSON AND COUNCILMAN ANDRÉ WILLIAMS)

Action: Motion to approve passed and carried by a 6-0 voice vote. Councilman Bratton was not present during voting.

K-2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY ATTORNEY TO INITIATE LITIGATION AGAINST TLMC, INC., FOR FAILURE TO PAY ITS SUB-CONTRACTOR; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Action: Motion to approve passed and carried by a 6-0 voice vote. Councilman Bratton was not present during voting.

(K) REPORTS OF CITY MANAGER/CITY ATTORNEY/CITY CLERK

- L-1) City Attorney Report – Charter Review Commission
- L-2) City Manager’s Report

(L) REPORTS OF MAYOR AND COUNCIL MEMBERS

(M) WRITTEN REQUESTS, PETITIONS & OTHER WRITTEN

(N) COMMUNICATIONS FROM THE PUBLIC

(O) ADJOURNMENT

Action: There being no other business to come before this Body, and upon a motion being duly made by Councilman Gilbert, the meeting adjourned at 11:15 p.m.

IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT RONETTA TAYLOR, MMC, CITY CLERK (305) 622-8000 EXT./ 2228, NO LATER THAN 48 HOURS PRIOR TO SUCH PROCEEDINGS. TDD NUMBER 1-800-955-8771.

ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM MAY CONTACT RONETTA TAYLOR, MMC, CITY CLERK (305) 622-8000 EXT. 2228. THE ENTIRE AGENDA PACKET CAN ALSO BE FOUND ON THE CITY’S WEBSITE AT www.miamigardens-fl.gov.

ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF MIAMI GARDENS WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.