

1.

CONSENT AGENDA

March 4, 2009

CITY OF MIRAMAR

PROPOSED CITY COMMISSION AGENDA ITEM

Minutes of the Regular City Commission Meeting of February 18, 2009



**MINUTES OF THE CITY OF MIRAMAR
REGULAR COMMISSION MEETING**

February 18, 2009

7:18 P.M.

The regular meeting of the Miramar City Commission was called to order by Mayor Moseley at 7:18 p.m. in the Commission Chambers, Miramar City Hall, 2300 Civic Center Place, Miramar, Florida.

Upon call of the roll, the following members of the City Commission were present:

Mayor Lori C. Moseley
Vice Mayor Yvonne Garth
Commissioner Winston F. Barnes
Commissioner Carl J. Lanke
Commissioner Troy R. Samuels

The following members of staff were also present:

City Manager Robert A. Payton
City Attorney Jamie A. Cole
City Attorney Douglas Gonzales
Deputy City Clerk Denise Gibbs

PLEDGE OF ALLEGIANCE

Mayor Moseley led in the Pledge of Allegiance.

PRESENTATIONS

“Bike Month” Proclamation. *(Mayor Lori C. Moseley)*

Presentation of South Florida Water Management District – Alternative Water Supply and Water Savings Incentive Project Checks. *(Broward Service Center Director Elbert L. Waters and Lead Intergovernmental Representative Carole S. Morris)*

CONSENT AGENDA

City Manager Payton wished to withdraw items three and four, stating staff preferred to position themselves better before presenting item four.

Item three I'm going to withdraw and do that for a three-month period under my authority and just move on that. I'll let you know individually how everything is working and I'll give you full reports.

On a motion by Commissioner Barnes, seconded by Commissioner Samuels, to approve Consent Agenda Items 1 and 2, the Commission voted:

Commissioner Barnes	Yes
Vice Mayor Garth	Yes
Commissioner Lanke	Yes
Commissioner Samuels	Yes
Mayor Moseley	Yes

1. Minutes of the Regular City Commission Meetings of February 4, 2009.

Approved

2. Temp. Reso. #R4451 accepting a grant from the "**Urban Area Security Initiative ("UASI") Grant Program Fiscal Year 2008**", through the State of Florida, Division of Emergency Management, for the benefit of the Fort Lauderdale UASI, comprised of the City of Miramar and various other county and municipal entities, in the amount of \$6,191,025.00; authorizing the execution of a grant agreement entitled "Federally-Funded Subgrant Agreement" with the State of Florida; authorizing the execution of Memorandums of Agreement between the City of Miramar, as "Sponsoring Agency", and the various other governmental entities comprising the Fort Lauderdale UASI, as "Participating Agencies" and other Memorandums of Agreement as appropriate. (*Research and Planning Manager Randy Cross*)

Resolution No. 09-97

3. Temp. Reso. #R4450 awarding Public Bid No. IFB 09-004 entitled "**Fairway Park**", and authorizing the City Manager to execute a **construction contract** with Bradanna, Inc. in the lump sum amount of \$400,683.00, and allocating a construction contingency of 10% in the amount of \$40,068.30, for a total contract price of \$440,751.30 for the Fairway Park construction project. (*Engineering Services Director Luis A. Lopez*)

This does not need Commission approval, and it can be approved by the City Manager.

Withdrawn

End of Consent Agenda

RESOLUTIONS

4. Temp. Reso. #R4445 **amending** the existing **Local Housing Assistance Plan (“LHAP”)** for the City’s State Housing Initiatives Partnership Program to include the Affordable Housing Advisory Committee’s (AHAC) Incentive Strategies and the City’s use of the Neighborhood Stabilization Program (NSP) Funds. *(Economic Development & Revitalization Director Gus Zambrano)*

Withdrawn

ORDINANCES

5. **FIRST READING** of Temp. Ord. #O1484 **amending** City of Miramar **Code** Chapter 2, “Administration”, Article VI, “Finance & Miscellaneous Fees”, **Section 2-202**, “Annual Budget” to conform with State policies and procedures; and providing for an effective date. *(Budget Manager David Goldman)*

Budget Manager David Goldman reviewed the proposed ordinance, as set forth in the backup. Staff recommended approval.

On a motion by Commissioner Samuels, seconded by Vice Mayor Garth, to approve Temporary Ordinance #O1484, the Commission voted:

Commissioner Barnes	Yes
Vice Mayor Garth	Yes
Commissioner Lanke	Yes
Commissioner Samuels	Yes
Mayor Moseley	Yes

Passed 1st Reading

SECOND READING SCHEDULED for March 4, 2009

PUBLIC PARTICIPATION (7:30 – 8:00 P.M.)

Alex Casas of 19536 Southwest 49 Court, Miramar, commented though many residents were aware of the upcoming City elections, they knew very little about amendments on the ballot pertaining to the City’s Charter. He saw no evidence the City made any efforts to educate the voting public on such matters, and when he spoke to citizens they expressed confusion on the amendments. The City had to do a better job of communicating and educating Miramar citizens about what they were being asked to vote on, recognizing, historically, Miramar had a very low voter turnout. He thought this could be changed if the City improved the educating of its voters.

City Manager Payton recalled the Commission expressed similar sentiments at the last City Strategic Planning Session, and there was one piece going out just prior to the elections. The intent was to send out several of pieces of public communication, but that

was prior to recent property tax reforms. He stated the one piece would be distributed to every home in Miramar prior to the elections.

Mayor Moseley, with the consensus of the dais, directed staff to give a small presentation at the next Commission meeting on the piece to be sent out, and the information should be posted on the City's website.

Maggie Macaulay of 3450 Southwest 126 Avenue, Miramar, spoke about HR 808, introduced on February 5, 2009, in the United States House of Representatives with a purpose of creating a Federal Department of Peace. It was to be a Cabinet level of peace headed by a Secretary of Peace who would report directly to the President. She intimated peace was something everyone desired for our children and nation, and it took more than the proper positioning of the planets to guide this cause. It needed everyone's involvement and, as the Dalai Lama said, every individual had a responsibility to help guide our global family in the right direction; good wishes were not sufficient. We must become actively engaged. She remarked it was the perfect opportunity to take action for peace through the City's support of HR 808, which contained a piece that was a very heartfelt, compassionate desire for peace and the understanding that it connected everyone. There was a practical aspect of the bill; the Legislature provided funding for programs that reduced violence at the local level. She indicated children were taught to handle conflict peacefully, and this could work towards drastically reducing all kinds of abuse, as the World Health Organization estimated \$300 billion was spent annually on the cost of interpersonal violence. This did not include the cost of war. Ms. Macaulay pointed out the bill would help raise a generation of children that knew peaceful resolutions to problems. She invited the Commission to stand up for peace by approving a resolution in support of HR 808.

Ana Campos added HR 808 was a federal bill sitting in Congress with 65 congressmen that had come on as co-sponsors. The bill was first introduced in 1935 and has seen many sessions of Congress with the support for the bill growing in each session. She believed it was clear there was a need and desire to stand up for peace and prevent violence at all levels of life. Not only was it important to reduce violence and hold it as a national priority, it was cost effective in the economy.

Nancy Holloway of 9301 Belaire Drive, Miramar, stated she called Jim Notter's office about the bus stop, remarking there was a very unpleasant lady working there. With the help of Captain Williams, she understood the bus stop would be moved, so motorists would no longer park in the road, causing problems in the subject area. They were very lucky not to have had any accidents or children hurt. She commented a woman waiting for the bus told her neighbor she did not like what was going on and considered moving out after living there for 23 years. The people parking were fairly rude, considering they were parking in her neighborhood and causing problems; it appeared this problem was now solved. She went on to indicate there was still a problem with regard to young people in their neighborhood, particularly those owning pit bulls that were allowed to run loose. On a number of occasions, her dogs and she were attacked by those dogs and she had to carry a baseball bat to defend herself. She was unsure what codes the City

had on its books that dealt with such vicious dogs on the loose. They could be found near the neighborhood school and caused a panic when they were there. There were children with paintball guns shooting at passing cars and houses, and the police needed to patrol the area more to keep track of what was going on; this seemed the only way to control the situation. Many of the children had grown up in the neighborhood, and were now going about unsupervised while their parents sat at home doing nothing to control their behaviors. She said she was not complaining about the job the police did, it was just a case of needing more police presence.

Fitzroy Salesman of 3501 Nassau Drive, Miramar, wished to address a situation whereby residents were complaining of not knowing what was happening in their City. There was a lack of information being circulated, and if anyone had taken the advice he gave over the years, the City would be better off financially and socially today. He suggested a free and simple way to get the information disseminated in the community, to which he would volunteer his services, namely through the church. Information could be supplied to the secretary of all the churches in the City the Friday after Commission meetings taking place on Wednesdays, and they could be read to congregations on Saturdays and Sundays. He turned his attention to the Charter amendments on the ballot, commending the City Commission and staff for their work but feeling the way the amendments were enacted and placed on the ballot was beyond comprehension. There was a need for Charter amendments and a need to revise some of the City's ordinances due to their being antiquated. Specifically, he wished to discuss Temporary Ordinance 1481, approved as Ordinance 09-03. On page 16, it appeared to be giving ultimate authority to the City Manager, taking away the only power of veto the Commission had over the City Manager to make certain staff decisions. He advised the dais to rethink the Ordinance, as it would come back to haunt them in the future.

Mayor Moseley intimated staff would make a presentation to clarify the issue at the next Commission meeting.

PUBLIC HEARINGS

6. **SECOND READING** of Temp. Ord. #O1477 amending Chapter 20 of the City Code, "Traffic and Motor Vehicles", by creating Article V, "Operation of Golf Carts on Certain Roadways" to permit the **use of golf carts** on certain local roadways within the City; and providing for an effective date. **(Passed 1st Reading 11/25/08)** *(Continued from the meeting of 02/04/09) (Assistant Police Chief Keith Dunn)*

Assistant Police Chief Keith Dunn recalled at the last Commission meeting, the dais directed staff to adjust some of the verbiage contained in the subject ordinance. Referring to the backup provided, staff added a number of items to the ordinance, clearing up descriptions of the travel lanes of the City-maintained residential roadways with posted speeds of 35 mph. Staff put back language into the ordinance that allowed the subject vehicles to travel in bicycle lanes and swale areas, which meant they could better access business areas when needed. Language was added pertaining to trails

and greenway systems that would be designed for golf cart usage. He believed this satisfied all the direction given staff and recommended approval.

Mayor Moseley opened the discussion to the public.

Nancy Holloway, Miramar resident, commented her neighborhood association owned a golf cart used specifically by members to ride around their neighborhood and to check for violations, etc. She hoped whatever language the ordinance contained, they would not be prohibited from the current usage of their golf cart.

Mayor Moseley received no further input from the public.

Commissioner Samuels commended Chief Dunn for his work on amending the language in the ordinance as requested by the Commission. It showed the Chief had an understanding of the concept, the thought process and spirit of the law, and an ability to communicate that in the written form of the ordinance. He informed Ms. Holloway the ordinance actually allowed the expanded use of her neighborhood association's use of their golf cart and would not limit it. The ordinance would prove a great benefit to the many neighborhoods in the City that purchased golf carts.

Mayor Moseley remarked being a little uncomfortable with the proposed ordinance. However, in the spirit of the ordinance and the excitement it was creating, she was happy to move forward with it. She was unsure of her confidence in how well it would work, but it was better to give the ordinance a chance to see if it would work.

On a motion by Commissioner Barnes, seconded by Commissioner Samuels, to approve Temporary Ordinance #O1477, the Commission voted:

Commissioner Barnes	Yes
Vice Mayor Garth	Yes
Commissioner Lanke	Yes
Commissioner Samuels	Yes
Mayor Moseley	Yes

Ordinance 09-04

QUASI-JUDICIAL PUBLIC HEARINGS

Mayor Moseley reviewed the quasi-judicial process.

City Attorney Cole explained Miramar's procedures regarding quasi-judicial hearings, stating the rules applied to item 7 on the agenda.

Those providing testimony on the following quasi-judicial item were collectively sworn in by Deputy City Clerk Denise Gibbs.

7. Temp. Reso. #R4455 considering a second **twelve-month extension** to the Conditional Use Approval granted by Resolution 06-257 and extended by Resolution No. 08-136 for Application No. **05-CU-03**, for seventy-five senior housing units on the **Blessed John XXIII Plat**, located south of Miramar Parkway, west of Southwest 164 Avenue and east of Southwest 172 Avenue. *(Senior Planner Michael Alpert)*

Senior Planner Michael Alpert reviewed the details of the proposed resolution as set forth in the backup. Staff recommended approval.

Commissioner Barnes questioned if the reason for the subject extension was due mainly to the current economic crisis or were there other reasons for the request.

Mr. Alpert replied the request was due largely to the current market conditions. However, staff met with the applicant and all their market team over the last few months. They had done successful market research and the applicant anticipated moving forward presently. He noted when the extension was granted in 2008, the site plan needed to be ready for approval in April 2009, and the applicant was unable to get all the information together in order to submit the site plan application by the end of the 2008 to move forward. Thus, more time was needed to submit the site plan and CAB applications for the dais' approval.

Commissioner Barnes inquired if staff was convinced those applications would be ready for submission to the dais sometime after April 2008.

Mr. Alpert answered, yes.

Suzanne Dockerty, the applicant's representative, concurred with staff's presentation.

Mayor Moseley asked when the building currently under construction would be completed.

Ms. Dockerty was unsure but would find out and let City staff know.

Mayor Moseley opened the discussion to the public and received no input.

On a motion by Vice Mayor Garth, seconded by Commissioner Barnes, to approve Temporary Resolution #R4455, the Commission voted:

Commissioner Barnes	Yes
Vice Mayor Garth	Yes
Commissioner Lanke	Yes
Commissioner Samuels	Yes
Mayor Moseley	Yes

Resolution 09-98

OTHER BUSINESS

8. Reports and Comments:

Commission Reports:

- (a) Temp. Reso. #R4476 urging the Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, with its fair share of State Funding. *(Mayor Lori C. Moseley)*

Mayor Moseley stated she received the subject resolution from Miami Gardens, requesting City support, along with the support of other Broward municipalities. The resolution pointed to an already known fact, that Palm Beach, Broward and Dade Counties were donor counties and did not receive their fair share from Tallahassee. Briefly, the resolution said: the City of Miramar urges the Florida Legislature to strive as much as possible to provide each region of the state with its fair share of state funding. If the Commission was comfortable with the language of the proposed resolution, she wished them to give their approval so it might be sent on to Tallahassee.

On a motion by Mayor Moseley, seconded by Commissioner Barnes, to approve Temporary Resolution #R4476, the Commission voted:

Commissioner Barnes	Yes
Vice Mayor Garth	Yes
Commissioner Lanke	Yes
Commissioner Samuels	Yes
Mayor Moseley	Yes

Resolution 09-99

- (b) Temp. Reso. #R4477 supporting H.R. 808 the Department of Peace and Nonviolence Act. *(Mayor Lori C. Moseley)*

Mayor Moseley sought dialog from the dais on the proposed resolution.

Commissioner Barnes noted one of the things he found gratifying was the bill had been around for so long, the fact that the idea was not a brand new one. He commented, even symbolically, the subject resolution was significant for at least those in Washington to understand there were those in the nation that still thought on such matters and were prepared to agitate to be heard. He liked the fact of its being brought before the Commission and anticipated full support.

Mayor Moseley mentioned misunderstanding at first the intent of the subject resolution, thinking it was referring to whether or not the country should go to war. She later discovered it pertained to overall peace and the reduction of the many kinds of violence happening in communities around the nation.

Commissioner Barnes understood there were statistics from the USA and other countries indicating over time and as the global economic situation worsened domestic violence was on the rise, dramatically in some areas. Churches sought to lend aid in this regard and it was an incredible job. If the bill were to pass, it would mean people would come to the situation of everyday living with a different mindset.

Vice Mayor Garth thanked Ms. Macaulay and the other ladies for bringing the subject matter to the dais' attention, stating she too was under the misconception it referred only to global war and peace. Today, with the statistics on domestic violence and abuse being what they were, the World's youth grew up witnessing violence in everyday life and the media. She felt it was everyone's responsibility to teach children there was such concepts as peace and respect for one another's life and safety, finding she could give 100 percent support.

Commissioner Samuels expressed appreciation to Ms. Macaulay for bringing the issue of discussion to the Commission's attention and for answering the many questions posed. He thought it was a great idea, and the resolution consolidated a lot of items being done in other departments. His only hesitation was with regard to the creation of a new government department where funding for hundreds of employees would be put in place. In a time of economic crisis, and where the USA had the largest government it ever had in the history of the nation, to make it even larger was an idea in need of further exploration. He observed the benefit of the idea might outweigh the cost of creating the new department, but these were the factors to be kept in mind when supporting the proposed resolution.

Commissioner Lanke mentioned speaking extensively with Ms. Macaulay and the other advocates on the subject issue and thanked them for a comprehensive presentation. He fully supported their cause and ideas, hoping to see the resolution move forward.

Commissioner Barnes opined funding another government department formed to forward the cause of peace might not be problematic. A new department looking to the reality of peace could pull from existing departments for staff. He believed if Washington was prepared to take the step and form the new department, creative funding could be devised/transferred from one government department to another as staff moved to work there.

Commissioner Samuels pointed out the thinking along Miramar Parkway was a lot different than that of the Washington Beltway.

Vice Mayor Garth thought the cost to fund a new department of peace was an investment in the nation's future worth making. The longer the wait, the bigger the

problem would become. She stated, at some point, a line had to be drawn and the proper action taken.

Mayor Moseley requested a motion to approve a letter of support for HR 808 being sent on the City's behalf to Congress.

On a motion by Commissioner Lanke, seconded by Vice Mayor Garth, to approve Temporary Resolution #R4477, the Commission voted:

Commissioner Barnes	Yes
Vice Mayor Garth	Yes
Commissioner Lanke	Yes
Commissioner Samuels	Yes
Mayor Moseley	Yes

Resolution 09-100

Mayor Moseley, as an aside, indicated the passion of Ms. Macaulay and her fellow advocates was what swayed her opinion in favor of the cause, noting the dais loved when people participated and worked together. She went on to announce the Classic Car Show on Sunday, March 1, 2009, 11:00 a.m. to 4:00 p.m. at the Miramar Regional Park. There was an entry fee of \$15 per car, and registration could be done the day of the event, starting at 9:30 a.m., and dash plaques would be handed out to the first 100 cars. She mentioned MC/DJ Scott would be present, along with giveaways, silent auctions, raffles, free inflatable rides, and food would be available for purchase. The proceeds would benefit the Southwest Broward Elks Lodge No. 2273 and the Miramar Police Athletic League. She reminded everyone park admission was \$1.50 per person, and children five and under were free. She indicated the Tour de Miramar, a free family bicycle rally, would take place Saturday, March 14, 2009, at the Miramar Town Center. There would be two different routes: a family bike route; and an enthusiast bike route; the Miramar Police would control the intersections. She encouraged everyone to contribute a non-perishable item for the City's food bank, as well as toiletries and razors. The event included a children's bicycle safety seminar, a bicycle rodeo, local vendors and receptions; she thanked the sponsors, the newly located Blue Bell Ice Cream and All Service Refuse. Mayor Moseley announced a community garage sale on Saturday, April 18, 2009, from 7:00 a.m. to 12:00 p.m. at the newly opened Ansin Sports Complex, where food and beverages would be available for purchase. She invited interested parties to go to the City's website to learn what steps to take to become a vendor. All proceeds would go to benefit the American Cancer Society.

Commissioner Samuels indicated, as the City's representative on the Broward MPO, there would be an emergency meeting of the Broward MPO scheduled for Friday, February 20, 2008, at 9:00 a.m. in the Government Center, Room 422. There would be significant discussion pertaining to how the MPO would spend funds from the Economic Stimulus Package/American Recovery Investment Plan. He noted there was an article in the Sun Sentinel regarding a recommendation for an overpass that would benefit

Broward and Palm Beach Counties, a plan that had been put on the back burner for some years due to a lack of funding. The funds available from the Stimulus Package for transportation and infrastructure improvements were split between the states 70 percent and local government 30 percent. He remarked the funds available for local governments in Broward County was estimated at \$40 million for highway and bridge projects, and \$30 million for mass transit projects. Ideas would be brought forward at the MPO meeting, and he would report the results to the Commission as the process progressed.

Mayor Moseley would not be able to attend the meeting, but requested Commissioner Samuels keep the City Manager informed on the outcome of Friday's meeting.

Commissioner Barnes thanked the City management, staff and Commission in the great City of Miramar for the regards shown to Andrea, her mom and his family for the passing of his brother-in-law. Andrea asked him to express her thanks, stating the card and flowers were well received. He expressed concern for cyclists' safety on the road from motorists speaking on their cell phones and unaware of cyclists on the road. In response to an earlier resident suggestion with regard to using churches to communicate City notices, those notices had to be sent to the churches on Thursdays.

Mayor Moseley commended staff on a phenomenal opening of the Ansin Sports Complex. A great time was had by all, and it was a very exciting facility.

City Attorney Reports:

None

City Manager Reports:

None

FUTURE WORKSHOPS

None

ADJOURNMENT

The meeting was adjourned at 8:12 p.m.

Yvette M. McLeary, CMC
City Clerk
YMM/cc