



## ***CITY OF MIAMI SPRINGS, FLORIDA***

### **CITY CLERK'S SUMMARY OF COUNCIL ACTIONS Regular Meeting of Monday, August 27, 2007 - 7:00 p.m. – Council Chambers**

#### **AGENDA ITEM NUMBER AND SUBJECT**

- 1. Call to Order/Roll Call:** All present except Councilman Youngs.
- 2. Invocation/Salute to the Flag:** Councilman Dotson/The audience participated.
- 3. Awards & Presentations:**
  - 3A) Presentation of Certificate of Sincere Appreciation to Marty Frady for Twenty-Four Years of Service to the City of Miami Springs**

Mayor Bain presented a Certificate of Sincere Appreciation to Marty Frady for his twenty-four years of service to the City, and City Manager Borgmann thanked him for his contributions to the community and presented him with a clock with the City's logo.

- 3B) Certificate of Sincere Appreciation to Christina Shapiro for her Contributions as a Member of the Education Advisory Board**

Mayor Bain presented a Certificate of Sincere Appreciation to Christina Shapiro for her contributions to the Education Advisory Board since the inception of the board in 2001.

- 3C) Presentation of Certificates of Recognition to the Teachers and Members of the Mu Alpha Theta National Convention Held in Tampa from July 16-21, 2007**

Mayor Bain presented individual Certificates of Recognition to the Teachers and Members of the Mu Alpha Theta National Convention held in Tampa from July 16 through July 21, 2007.

**4. Open Forum:**

**Request for Assistance** Springview Elementary P.T.A. President Macbeth Araque of 1115 Ibis Avenue and Springview Principal Mayte Dovale requested contributions from the City in order to be able to maintain programs that contribute to the success of the Springview students.

**Charter School** Alexandra I. Mirabal of 580 La Villa Drive stated that the Charter School initiative has been in progress for almost three years with countless hours of volunteer time by the parents who formed the school. This is the last year that they are allowed to defer the opening of the school and if the school is not open by 2008-2009 they will lose three years of work. She urged Council to seriously consider their request for \$5,000 to support the Charter School.

Councilman Garcia asked the City Manager to place the item for discussion on the next agenda.

**5. Approval of Council Minutes: (Agenda Items 5A and 5B approved with one motion)**

**5A) 08/06/2007 – Workshop Meeting**

**Approved as written.**

**Motion:** Vice Mayor Best

**Second:** Councilman Garcia

**Vote:** 4-0

**5B) 08/13/2007 – Regular Meeting**

**Approved as written.**

**Motion:** Vice Mayor Best

**Second:** Councilman Garcia

**Vote:** 4-0

**6. Reports from Boards & Commissions:**

**6A) 08/23/2007 – Code Review Board – Cancellation Notice**

**6B) 08/28/2007 – Ecology Board – Cancellation Notice**

**6C) 08/16/2007 – Historic Preservation Board – Minutes**

**6D) 08/14/2007 – Recreation Commission – Minutes**

**6E) 08/22/2007 – Code Enforcement Board – Minutes**

Agenda Items 6A through 6E were received for information without comment.

**7. Public Hearings:**

**7A) PUBLIC HEARING – Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the Transfer of the City’s Water and Sewer Public Utility Systems to Miami-Dade County; Determining that the Transfer of the Public Utility Systems and Facilities is in the Best Interests of the City and its Citizens; Adopting a “Statement of Position” that the Transfer is in the Public Interest and that Miami-Dade County has the Required Expertise and Financial Ability to Operate the Utility Systems Being Transferred by the City; Effective Date (Advertised: 08/15/2007)**

**Council adopted Resolution No. 2007-3366.**

**Motion:** Councilman Garcia

**Second:** Councilman Dotson

**Vice Mayor Best:** “aye”

**Councilman Dotson:** “no”

**Councilman Garcia:** “aye”

**Councilman Youngs:** “absent”

**Mayor Bain:** “aye”

**Vote:** 3-1

*Mayor Bain called for a 5-minute recess at 8:30 p.m.*

**7B) PUBLIC HEARING – CITY COUNCIL ACTING AS THE LOCAL PLANNING AGENCY (Advertised: 08/15/2007) – Proposed Amendments to the Comprehensive Plan, Pursuant to the Requirements of Chapter 166.041 Florida Statutes, including:**

**7B1). The division of the existing Airport, Highway, Marine Business District (AHMBD):**

**7B1). i. Airport Golf District**

**7B1). ii. 36<sup>th</sup> Street District**

**7B1). iii. Abraham Tract District**

**7B2) The inclusion of additional allowed uses within each of the three new districts.**

**7B3) An increase in the maximum allowable Floor Area Ratio (FAR) in the Airport Golf and Abraham Tract Districts.**

**7B4) Other proposed amendments as recommended by the Florida Department of Community Affairs during the State-mandated Evaluation and Appraisal Report process.**

Council **authorized** the transmission of the amended documents to the Department of Community Affairs (DCA).

**Motion:** Councilman Garcia

**Second:** Vice Mayor Best

**Vote:** 4-0

**7C) PUBLIC HEARING – Ordinance – Second Reading – An Ordinance of the City Council of the City of Miami Springs Amending the Title to Code of Ordinance Chapter 113, Occupational License Taxes; Amending the References to “License” and “Occupational Licenses” in Code Sections 113-01, License Required, 113-02, Payment Required, 113-03, Issuance of License, 113-04, Schedule of Fees, 113-05, Display of License, 113-06, Insurance Agency or Agent, 113-07, Selling or Disposing of Merchandise, 113-08, Application for License, 113-09, Compliance, 113-10, Revocation or Suspension of License; Appeals, 113-12, Duties of Officers, Employees, etc. of Firms, Corporation or Associations, 113-13, Psychologist License; Amending Code of Ordinance Section 113-04, Schedule of Fees, to Provide a Five (5%) Percent Increase in the Cost of All City Business Taxes; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 08/13/2007 – Advertised: 08/15/2007)**

On second reading, Council **adopted Ordinance No. 958-2007.**

**Motion:** Councilman Garcia

**Second:** Vice Mayor Best

**Vote:** 4-0

**7D) PUBLIC HEARING – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-016, Off-Street Parking Facilities; Paving and Drainage; Lighting; Landscaping; And Minimum Number of Off-Street Parking Spaces; Off-Street Parking Requirements for Single Family Residential and Duplex Zoning Districts; by Clarifying and Expanding the Provisions Relating to Private Property Driveways and Driveway Approaches Contained in Subsection (G) (8) of the Ordinance; Providing for Concurrent Jurisdiction and Inspection Responsibilities for Driveway Approaches; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 08/13/2007 – Advertised: 08/15/2007)**

On second reading, Council **adopted Ordinance No. 959-2007.**

**Motion:** Vice Mayor Best

**Second:** Councilman Garcia

**Vote:** 4-0

**7E) PUBLIC HEARING –Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 153-20, Criteria for Designation of Individual Sites, to Create and Establish a New “Special Category of Historical Designation” Without Future Restrictions or Limitations; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 08/13/2007 – Advertised: 08/15/2007)**

On second reading, Council **adopted Ordinance No. 960-2007.**

**Motion:** Councilman Garcia

**Second:** Vice Mayor Best

**Vote:** 4-0

**8. Consent Agenda: (Agenda Items 8A and 8B approved with one motion)**

**8A) Recommendation that Council Approve an Expenditure of \$4,985.00 to DTC Communications, Inc. and \$3,900.00 to Adaptive Digital Systems, Inc., the Sole Source Suppliers, as Provided in Section 31.11 (E) (6) (c) of the City Code, to be Paid out of the Law Enforcement Trust Fund**

Council **approved** expenditures of \$4,985.00 and \$3,900.00.

**Motion:** Councilman Dotson

**Second:** Vice Mayor Best

**Vote:** 4-0

**8B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$18,360.00 to C. R. DeLongchamp, as Provided in Section 31.11 (E) (6) (g) of the City Code, Pursuant to the Contract Renewal Option for an Additional Twelve-month Period, to be Paid from the Law Enforcement Trust Fund**

Council **waived** the competitive bid process and **approved** the expenditure of \$18,360.00.

**Motion:** Councilman Dotson

**Second:** Vice Mayor Best

**Vote:** 4-0

**9. Old Business:**

**9A) Appointment to the Ecology Board by Mayor Bain to Fill an Unexpired Term Ending on April 30, 2009 (Joe Podgor’s seat)**

Mayor Bain **deferred** his appointment.

**9B) Appointment to the Golf and Country Club Advisory Board by Mayor Bain for an Unexpired Term Ending on July 31, 2007 (Noel Pereda's seat)**

Mayor Bain **deferred** his appointment.

**9C) Appointment to the Civil Service Board by Councilman Garcia (Group III) for an Unexpired Term Ending on June 30, 2009 (Roslyn Buckner's seat)**

Councilman Garcia (Group III) **deferred** his appointment.

**9D) Appointment to the Ecology Board by Councilman Youngs (Group IV) for a Full 3-year Term Ending on April 30, 2010 (Donna Dawson's seat)**

Councilman Youngs was absent and the appointment was **tabled**.

**9E) Appointment to the Civil Service Board by Councilman Youngs (Group IV) for a Full 3-year Term Ending on June 30, 2010 (Félix D. Pérez' seat)**

Councilman Youngs was absent and the appointment was **tabled**.

**9F) Appointment to the Code Review Board by Councilman Youngs (Group IV) for a Full 3-year Term Ending on April 30, 2010 (Jana Armstrong's seat)**

Councilman Youngs was absent and the appointment was **tabled**.

**9G) Appointment to the Recreation Commission by Councilman Youngs (Group IV) for a Full 3-year Term Ending on April 30, 2010 (Robert Williams' seat)**

Councilman Youngs was absent and the appointment was **tabled**.

**9H) Appointment to the Education Advisory Board by Vice Mayor Best (Group I) for a 2-year Term Ending on May 31, 2009 (Dr. Karen Williams was unable to accept appointment)**

Vice Mayor Best (Group I) **deferred** his appointment.

**9I) Appointment to the Golf and Country Club Advisory Board by Vice Mayor Best (Group I) for a Full 2-Year Term Ending on July 31, 2009 (Mark Safreed's seat)**

Vice Mayor Best (Group I) **re-appointed** Mark Safreed to the Golf and Country Club Advisory Board.

**9J) Appointment to the Golf and Country Club Advisory Board by Councilman Garcia (Group III) for a Full 2-Year Term Ending on July 31, 2009 (Phyllis Causey's seat)**

Councilman Garcia (Group III) **re-appointed** Phyllis Causey to the Golf and Country Club Advisory Board.

**9K) Appointment to the Golf and Country Club Advisory Board by Councilman Youngs (Group IV) for a Full 2-Year Term Ending on July 31, 2009 (Ken Amendola's seat)**

Councilman Youngs was absent and the appointment was **tabled**.

**9L) Request from the Miami Springs General Employees Retirement Pension Board to Change the Calculation of "Final Average Salary (FAS)" from the Current Five (5) Years to Three (3) Years (Tabled: 08/13/2007)**

Council **authorized** changing the calculation of "Final Average Salary" from five to four years.

**Motion:** Councilman Garcia

**Second:** Vice Mayor Best

**Vice Mayor Best:** "aye"

**Councilman Dotson:** "no"

**Councilman Garcia:** "aye"

**Councilman Youngs:** "absent"

**Mayor Bain:** "aye"

**Vote:** 3-1

*Agenda Items 9M and 9N were approved with one motion*

**9M) Recommendation to Authorize a Grant Application to the State of Florida Department of Environmental Protection's Florida Recreation Development Assistance Program to Continue the Development of a Linear Park Along the Miami River/Canal Street (Tabled: 08/13/2007)**

Council **authorized** the grant application.

**Motion:** Councilman Dotson

**Second:** Vice Mayor Best

**Vote:** 4-0

**9N) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the City’s Application for a Matching Grant from the State of Florida Department of Environmental Protection’s Florida Recreation Development Assistance Program for the Second Phase of the City’s Development of the Liner Park Along the Miami River Canal and Canal Street in the City’s Downtown Area; Authorizing the Amendment of the City’s Capital Improvement Plan and Budget to Provide the Required Grant Match Funding; Effective Date (Tabled: 08/13/2007)**

Council adopted Resolution No. 2007-3367.

**Motion:** Councilman Dotson

**Second:** Vice Mayor Best

**Vote:** 4-0

**9O) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing and Approving the Amendment of the City’s Five-Year Budgetary Capital Improvement Plan to Include the Development of a Linear Park Along the Miami River Canal and Canal Street in the City Downtown Area; Effective Date**

Council adopted Resolution No. 2007-3368.

**Motion:** Vice Mayor Best

**Second:** Councilman Garcia

**Vote:** 4-0

**9P) Approval of Contract with R. J. Heisenbottle Architects for the Completion of Construction Drawings for the Curtiss Mansion**

Council **approved** the contract with R. J. Heisenbottle.

**Motion:** Councilman Garcia

**Second:** Vice Mayor Best

**Vote:** 4-0

**9Q) Continued Discussion and Recommendations Regarding the Recreation Department Facilities**

Council **directed** the Administration to go out for a Request for Proposals for design build of a new gymnasium/community center with the stipulation that prospective bidders will have a 30-day time limit to submit their proposals.

**9R) Further Discussion Regarding Psychiatric Care at Fair Havens (Requested by Councilman Dotson)**

Council **directed** the Administration to assure the doctor complies with the conditions imposed by Council.

**10. New Business:**

**10A) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (g) of the City Code and Approve an Expenditure of, not to Exceed \$13,878.95 for Fiscal Year 2007 to USA Software, Inc., for Software Maintenance**

Council **approved** an expenditure of, not to exceed \$13,878.95 to USA Software, Inc., the Sole Source Supplier, as Provided in Section 31.11 (E) (6) (c) of the City Code, for software maintenance

**Motion:** Councilman Garcia

**Second:** Vice Mayor Best

**Vote:** 4-0

**10B) Recommendation that Council Approve an Expenditure of \$18,748.80 to Communications International, Inc., the Sole Source Supplier, as Provided in Section 31.11 (E) (6) (c) of the City Code, for the Renewal of the Annual Radio Maintenance Contract for the Police Department**

Council **approved** an expenditure of \$18,748.80.

**Motion:** Councilman Garcia

**Second:** Vice Mayor Best

**Vote:** 4-0

**10C) Recommendation for Change Order # 1 to Park Restrooms Construction**

Council **approved** Change Order # 1 in the amount of \$48,300.00.

**Motion:** Vice Mayor Best

**Second:** Councilman Garcia

**Vote:** 4-0

**10D) Report on Liability Issues at Various Recreation Venues**

Council **received** a report regarding the liability issues the City is facing at various recreation locations.

**11. Other Business:**

None.

**12. Reports & Recommendations:**

**12A) City Attorney**

No report.

**12B) City Manager**

**Labor Day Holiday** Reminded everyone that City Hall will be closed on Monday, September 3, 2007 in observance of Labor Day.

**Finance Director Resumes** Informed Council that the City has started to receive some resumes for the position of Finance Director.

**12C) City Council**

**Labor Day Holiday** Councilman Garcia wished everyone a happy Labor Day.

**Garage Apartment** Councilman Dotson said that he was approached regarding a garage being converted into an apartment. His understanding is that if the person making the complaint files an affidavit, something can be done about the problem.

The City Attorney stated that if there is a suspected violation, there is a process by which the person has the option of providing an affidavit and a diagram allowing the City to inspect the property. The complaint should be addressed by Code Compliance to allow them to follow standard procedure. The burden of proof lies with the City.

**Fair Havens Noise Barrier** Councilman Dotson inquired about the air conditioning noise barrier.

The Assistant City Manager informed Council that an engineered blanket came with the unit and an additional blanket was installed around the exposed parts that the original blanket did not cover. Fair Havens has done everything possible in order to comply.

**12C) City Council (Continued)**

**Misspelled Street Names**

Councilman Dotson reported that discussion took place at the Historic Preservation Board meeting regarding misspelled street names and it was mentioned that Whitethorn should be spelled Whitehorn. He asked specifically about this to Councilman Garcia since he lives on that street.

The City Manager explained that the last time the question came up he researched the original plat in the Building Department and the street name is Whitethorn.

**Helen Dozier**

Vice Mayor Best reported that resident Helen Dozier, a good friend, passed away, and the funeral arrangements are at Vista Memorial at 1:30 p.m. on Wednesday, August 29, 2007.

**13. Adjourn**

Adjourned at 10:55 p.m.