



**CITY OF MIAMI SPRINGS, FLORIDA**

**CITY CLERK'S SUMMARY OF COUNCIL ACTIONS**

**Regular Meeting of Monday, August 9, 2010 - 7:00 p.m. – Council Chambers**

**AGENDA**

<b><u>ITEM #</u></b>	<b><u>SUBJECT</u></b>	<b><u>ACTION TAKEN</u></b>
1.	<b>Call to Order/Roll Call</b>	All present. The meeting was called to order at 7:00 p.m.
2.	<b>Invocation</b>	Offered by Mayor Bain.
	<b>Salute to the Flag</b>	The audience participated.
3.	<b>Awards &amp; Presentations</b>	
3A)	Certificates of Completion – IEMO	Mayor Bain presented Certificates of Completion to Vice Mayor George Lob, Councilman Dan Espino and Councilwoman Jennifer Ator for their attendance to the Institute for Elected Municipal Officials.
4.	<b>Open Forum:</b>	
	Complaint	Don E. Riedinger of 991 Hunting Lodge Drive complained to Code Enforcement and spoke to Councilman Best about weeds growing behind his house. The City cut the grass, except for the thirty-feet directly behind his property, which the City feels that he should maintain. He would agree to maintain the area if the City cleans up the rocks that were left behind from the Basin 35 Drainage project.

- 5. Approval of Council Minutes** *(Simultaneously approved)*
- 5A) 06/21/2010 Special Meeting Minutes of the June 21, 2010 Special Meeting were **approved as written.**  
**Motion:** Vice Mayor Lob  
**Second:** Councilman Best  
**Voice Vote:** 5-0
- 5B) 06/28/2010 Regular Meeting Minutes of the June 28, 2010 Regular Meeting were **approved as written.**  
**Motion:** Vice Mayor Lob  
**Second:** Councilman Best  
**Voice Vote:** 5-0
- 5C) 07/12/2010 Special Meeting Minutes of the July 12, 2010 Special Meeting were **approved as written.**  
**Motion:** Vice Mayor Lob  
**Second:** Councilman Best  
**Voice Vote:** 5-0
- 5D) 07/29/2010 Special Meeting Minutes of the July 29, 2010 Special Meeting were **approved as written.**  
**Motion:** Vice Mayor Lob  
**Second:** Councilman Best  
**Voice Vote:** 5-0
- 6. Reports from Boards & Commissions**
- 6A) General Employees Retirement System Minutes of the June 10, 2010 General Employees Retirement System meeting were received for information without comment.
- 6B) Police and Firefighters Retirement System Minutes of the June 10, 2010 Police and Firefighters Retirement System meeting were received for information without comment.
- 6C) Code Enforcement Board Cancellation Notice of the August 3, 2010 Code Enforcement Board meeting was received for information without comment.
- 6D) Board of Parks and Parkways Rescheduling Notice of the August 12, 2010 Board of Parks and Parkways meeting was received for information without comment.

- 6E) Education Advisory Board Cancellation Notice of the August 17, 2010 Education Advisory Board meeting was received for information without comment.
- 6F) Zoning and Planning Board Minutes of the August 2, 2010 Zoning and Planning Board meeting were received for information without comment.
- 6G) Board of Adjustment Council **approved** the actions of the Board of Adjustment at their meeting of August 2, 2010, subject to the ten-day appeal period.  
**Motion:** Councilman Best  
**Second:** Councilman Espino  
**Vice Mayor Lob:** “aye”  
**Councilman Best:** “aye”  
**Councilman Espino:** “aye”  
**Councilwoman Ator:** “no”  
**Mayor Bain:** “aye”  
**Vote:** 4-1
7. **Public Hearings:** None
8. **Consent Agenda:**
- 8A) City Attorney’s Invoice Council **approved** payment of the City Attorney’s invoice for July 2010 in the amount of \$10,644.75.  
**Motion:** Councilwoman Ator  
**Second:** Councilman Espino  
**Vote:** 5-0
9. **Old Business:**
- 9A) Appointments to Advisory Boards Mayor Bain **re-appointed** Jorge Santin to the Recreation Commission for a 3-year term ending on April 30, 2013.
10. **New Business:**
- 10A) Approval of Budget Transfers Council **approved** several budget transfers within departments according to §9.04 (1) of the City Charter.  
**Motion:** Councilwoman Ator  
**Second:** Vice Mayor Lob  
**Vote:** 5-0

- 10B) Purchase of Street Sweepers Council **did not approve** the purchase of two (2) Tymco 500X street sweepers. Council **requested** a list of projects that could be funded with CITT funds.  
**Motion:** Councilwoman Ator  
**Second:** Councilman Espino  
**Vote:** 5-0
- 10C) Purchase of Christmas Decorations Council **awarded** a City Bid to Temple Display, the lowest responsible bidder, in the amount of \$24,181.00 for Christmas decorations, pursuant to Section 31.11 (E) (1) of the City Code.  
**Motion:** Councilman Best  
**Second:** Councilman Espino  
**Vote:** 5-0
- 10D) H&R Paving: Street Paving Council **approved** an expenditure of \$139,650.00 to H&R Paving Inc., utilizing SE F1 Governmental Purchasing Group Co-Op Bid # B-09-99, as provided in Section 31.11 (E) (5) of the City Code.  
**Motion:** Councilman Best  
**Second:** Vice Mayor Lob  
**Vote:** 5-0
- 10E) Civil Service Ordinances
- 10E1) First Reading: Ordinance No. 992-2010 – On first reading, Council **approved, as amended**, an ordinance amending Code of Ordinance Section 34-04, Officers and Employees Entitled to Civil Service Status; by changing the title of the ordinance section; clarifying the positions exempt from civil service status; delineating additional non-civil service positions.  
**Motion:** Vice Mayor Lob  
**Second:** Councilman Best  
**Vote:** 5-0

10E2) First Reading: Ordinance  
No. 993-2010 –

On first reading, Council **approved, as amended**, an ordinance repealing Code of Ordinance Section 34-19, Pay Plan, and enacting new Code Section 34-19, Employee Compensation and Benefits; by providing applicability, establishing pay plan provisions; determining entitlement to additional employee compensation; delineating longevity pay provisions.

**Motion:** Councilwoman Ator

**Second:** Councilman Best

**Vice Mayor Lob:** “aye”

**Councilman Best:** “aye”

**Councilman Espino:** “no”

**Councilwoman Ator:** “aye”

**Mayor Bain:** “aye”

**Vote:** 4-1

10E3) First Reading: Ordinance  
No. 994-2010 –

On first reading, Council **approved, as amended**, an ordinance amending Code of Ordinance Section 34-20, Performance Interview, by changing the title to, Employee Evaluations and Merit Increases; providing additional provisions related to the timing of employee evaluations, consideration of the budget process, range of merit increase percentages, and reference to merit payment methods.

**Motion:** Councilwoman Ator

**Second:** Vice Mayor Lob

**Vice Mayor Lob:** “aye”

**Councilman Best:** “aye”

**Councilman Espino:** “no”

**Councilwoman Ator:** “aye”

**Mayor Bain:** “aye”

**Vote:** 4-1

- 10F) First Reading: Ordinance  
No. 995-2010 –
- On first reading, Council **approved** an ordinance amending Code of Ordinance Section 102-01, Re-occupancy Certification, by adding thereto a provision authorizing the issuance of “Conditional” Certificates of Re-Occupancy upon the execution of an appropriate escrow agreement between property owner/seller and buyer and the City.  
**Motion:** Councilman Best  
**Second:** Councilman Espino  
**Vote:** 5-0
- 10G) Community Center:  
Loan Re-financing
- Council **waived** the competitive bid process and **approved** the refinancing of the Community Center loan with Bank of America, using Option 5 of the Proposal with the proviso that if a better rate is obtained, Staff is authorized to accept the better rate.  
**Motion:** Councilman Espino  
**Second:** Vice Mayor Lob  
**Vote:** 5-0
- 10H) Community Policing Office:  
Lease Renewal – 274 Westward Dr.
- The City Manager **pulled** this item from the agenda.
- 10I) Appointment of Voting Delegate  
To the FLC Annual Conference
- Council **appointed** Councilman Best as the representative to the 84<sup>th</sup> Florida League of Cities Annual Conference in Hollywood, Florida.  
**Motion:** Councilman Espino  
**Second:** Councilwoman Ator  
**Vote:** 5-0
- 10J) Handicap Accessibility Issues  
on the Circle
- Council **agreed** with the actions to be taken by the Administration to install handicap ramps on the Circle.

**11. Other Business:**

- 11A) Third Quarter Budget Status Report (Unaudited) – FY2009-2010 Finance Director William Alonso **presented** the third quarter budget status report (unaudited) for Fiscal Year 2009-2010.

**12. Reports & Recommendations:**

- 12A) City Attorney None.

12B) City Manager

Fence

City Manager Borgmann stated that there was a situation on Azure Way when a resident wanted to construct a fence in their rear yard and their survey indicated that the property extended to the middle of the alley. The City officials tried to negotiate with the property owner, but without success. The resident's property behind them has landscaping that extends past their property line and now there is a difficult situation with a utility pole. Notices were distributed that the trash barrels will be pulled out to the front until the problem is resolved.

Basin 35 Drainage Project

City Manager Borgmann reported that Post, Buckley, Schuh & Jernigan has agreed to pay \$128,000 for their error with the Basin 35 drainage project.

City Attorney Seiden stated that PBS&J was very cooperative and in the final analysis they understood that the City was not going to back down. The estimated cost of the project that fell through was \$182,000 but they will be given credit for certain amounts of engineering that will also be applicable to the new project and for piping that they will pay to dig up, refill and reuse in the new project.

12B) Post, Buckley, Schuh & Jernigan City Manager Borgmann announced that Post, Buckley, Schuh & Jernigan, Inc. has been bought by a British company. The closing will be in March 2011 and the name will change to the parent company (Atkins).

Downtown Consultant City Manager Borgmann reported that the Administration met with Calvin Giordano & Associates and they plan to begin collecting data on August 11<sup>th</sup>, including previous studies, the Comprehensive Plan and the Evaluation and Appraisal Report. They were asked to put together a quote as soon as possible to let the City know the cost of reviewing the data and to bring back their recommendations. They were also encouraged to provide a separate price for incorporating the Comprehensive Plan changes for N. W. 36<sup>th</sup> Street into the City Code and begin efforts to attract new businesses to that district before moving to the Circle/Westward Drive area. The N. W. 36<sup>th</sup> Street area might require discussions as part of Calvin Giordano's recommendations for incentives or fees that could be waived to attract development, similar to what was done in the past for Airbus.

City Manager Borgmann hopes to have a recommendation for a contract ready for the August 23<sup>rd</sup> City Council Regular meeting.

Legislative Priorities City Manager Borgmann referred to information received from Miami-Dade County Public Schools regarding their legislative priorities. He asked Council to consider if there were any issues they would like to address or if they needed help completing the appropriate form.

Budget Meeting City Manager Borgmann reminded everyone of the City Council Workshop Budget meeting scheduled for Tuesday, August 10<sup>th</sup> at 7:00 p.m.

- 12B) Lobbyist Jose Fuentes City Manager Borgmann received a call from Lobbyist Jose Fuentes informing him that he met with Governor Crist regarding the \$250,000 grant that the City acquired and lost. The Governor said that he would look into the matter.
- Lobbyist Jose Fuentes Councilman Espino asked everyone to keep Jose Fuentes in their prayers as his cousin passed away in Chicago.
- aHa Consulting City Manager Borgmann announced that aHa Consulting would be making an on-line remote presentation from Oregon at the August 23, 2010 Regular Council meeting to review the draft website. Council will be able to make comments and ask questions.
- Vice Mayor Lob stated that all staff members he spoke with are very enthusiastic and happy that the website is easy to modify and use.
- Town Hall Meeting City Manager Borgmann received a call from Commissioner Sosa's office regarding a Town Hall meeting with County Staff on Tuesday, August 17<sup>th</sup> at 6:30 p.m. at the Rebeca Sosa Theatre in the Community Center. The purpose of the meeting is to discuss a gas pipeline that will be installed along the canal bank through the FEC property. Apparently, this will cause the removal of the wall and all the trees that were planted on the FEC side of the canal. The arrangement is that FEC will rebuild the wall and replace the trees at their expense.
- City Attorney Seiden offered to contact the FEC Attorney regarding the relocation of the trees.

12C)

**City Council**

Police Enforcement

Councilman Best thanked Chief of Police Baan for the enforcement operation on Palmetto Drive at the request of the citizens relative to speeding cars.

Police Officer Tom Lopez

Councilman Best reported that Tom Lopez, a retired City of Hialeah police officer, is now working for the City of Miami Springs. He wished Officer Lopez the best of luck.

Miami-Dade County League of Cities Dinner

Councilman Best reported that he attended the Miami-Dade County League of Cities dinner on Thursday, August 5<sup>th</sup>, which was very interesting. There were two votes relative to the State of Florida parks and parking meters on Miami Beach.

Relay for Life

Councilman Espino congratulated the Relay for Life Steering Committee for their rally to gain nine new committee members. He thanked Carlos Santana for allowing the use of the Country Club.

Faith's Place

Councilman Espino announced that Faith's Place hosted the "I Swim for Autism" event on Friday, July 30<sup>th</sup>, which is emotional and inspiring to watch. He congratulated the organization for their 501-C-3 pending status.

Talent Show

Councilman Espino commented that the Talent Show at the Community Center was a great event and it is nice to see the facility being used in a new and different way.

991 Hunting Lodge Drive

Mayor Bain asked the Administration to follow up on the complaint from Mr. Riedinger about the dirt and rock that was left behind his house from the Basin 35 drainage project.

- 12C) Compliment Mayor Bain complimented Assistant City Manager Gorland for his assistance while City Manager Borgmann was on vacation.
- Community Center Mayor Bain reported that during the last two months he attended new programs at the Community Center, including the talent show, which shows the flexibility of the facility. He added that the Community Center may be used to film a television show. The Administration is looking into the purchase of a cover to protect the basketball courts.
- Meeting Mayor Bain stated that the meeting tonight was good and Council did a good job discussing the various issues. There is a lot of business to discuss going forward into the budget process; it is going to be difficult and everyone should be “thinking out of the box”.
13. **Adjourn** Meeting adjourned at 9:19 p.m.