



CITY OF MIAMI SPRINGS, FLORIDA

CITY CLERK'S SUMMARY OF COUNCIL ACTIONS Regular Meeting of Monday, June 26, 2006 - 7:00 p.m. – Council Chambers

AGENDA ITEM NUMBER AND SUBJECT

1. Call to Order/Roll Call

All present. Vice Mayor Garcia arrived at 7:08 p.m.

2. Invocation: Councilman Youngs.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Status Report by Curtiss Mansion, Inc. President Jo Ellen Morgan Phillips

Curtiss Mansion, Inc. President Jo Ellen Morgan Phillips reported that input from the Community Workshop was incorporated into the design plans for the Curtiss Mansion and Council approval is required in order to take the design to the next stage. The groundbreaking ceremony is scheduled for the City's 80th Birthday on August 23, 2006.

Richard Heisenbottle, President of R.J. Heisenbottle Architects, presented the design plans. He explained that changes were made to the original plan that will make the Curtiss Mansion more flexible and allow more opportunity for use.

Approved the plans as presented.

Motion: Vice Mayor Garcia

Second: Councilman Best

Vote: 5-0

4. Open Forum:

Golf and Country Club

Hank Flowers of 180 Navajo Street stated that the Country Club does not accommodate those residents who do not play golf and on a recent Friday night there was no food available and no room to dance or sit. He said that tax payer dollars were spent to improve the facility and it should be made available for everyone's use.

City Manager Borgmann stated that the Administration spoke with Carlos Santana who agreed to keep the Country Club open and serve food as long as the bar is open, effective July 4, 2006.

Miami Springs Historical Museum

Yvonne Shonberger of 85 Deer Run stated that she appreciated the cooperation of Council and the Administration for the support of the Miami Springs Historical Museum. She said that the museum contents are being packed and moved into storage and she would request Council approval to pay for rent and utilities when a permanent location is found.

5. Approval of Council Minutes:

5A) 06/12/2006 – Regular Meeting

Approved as written.

Motion: Councilman Best

Second: Councilman Youngs

Vote: 5-0

6. Reports from Boards & Commissions:

6A) 05/04/2006 – General Employees' Retirement System – Minutes

6B) 05/04/2006 – Police Officers and Firefighters' Retirement System – Minutes

6C) 06/08/2006 – Board of Parks and Parkways – Minutes

6D) 06/15/2006 – Historic Preservation Board – Minutes

6E) 06/20/2006 – Education Advisory Board – Minutes

6F) 06/22/2006 – Code Review Board – Cancellation Notice

6G) 06/27/2006 – Ecology Board – Cancellation Notice

6H) 06/28/2006 – Board of Appeals – Rescheduling Notice

Agenda items 6A through 6H were received for information without comment.

7. Public Hearings:

Council recessed to the Board of Appeals at 7:45 p.m.
The Council Meeting was reconvened at 8:15 p.m.

8. Consent Agenda: None

9. Old Business:

9A) Appointment to the Education Advisory Board by Councilman Youngs (Group IV) to Fill an Unexpired Term Ending on May 31, 2007 (Dorrene Cook’s seat)

Councilman Youngs **deferred** his appointment.

9B) Appointment to the Ecology Board by Mayor Bain for a Full 3-Year Term Ending on April 30, 2009 (Joe Podgor’s seat)

Mayor Bain **deferred** his appointment.

9C) Second “First” Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-013, Fences, Landscaping, and Boundary Walls; by Establishing New Code Section 150-013, Residential Plantings, Fences, and Walls; Providing for Planting Provisions, Restrictions and Limitations for Front, Side and Rear Yards of Residential Properties; Delineating Fence and Wall Installation and Construction Provisions, Restrictions and Exclusions for Front, Side and Rear Yards of Residential Properties; Specifying Fence and Wall Materials and Locations for Front, Side, and Rear Yards of Residential Properties; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date (First Reading: 6/12/2006)

Tabled for third “first” reading at a Council Workshop meeting to be held on Wednesday, September 20, 2006 at 7:30 p.m.

9D) Discussion Regarding Code Section 150-002 – Definitions – (C) (38) Floor Area - (c) Attic Space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches

Council **requested** the Administration to do research to find original minutes and the ordinance when it was adopted to include this provision and **tabled** the item until the next meeting.

9E) Discussion Regarding Water Rate Issues on Multi-unit Buildings

Council **deferred** the item to the next meeting.

9F) Request that Council Approve Funding of Up to \$50,000 from the Designated Fund Balance for the Senior Center Generator (Discussed: 6/12/06)

Council **tabled** the item until the July 10, 2006 Special Meeting.

9G) Request that Council Approve the Purchase of a 100KW Mobile Magnum Diesel Generator from Adams Electrical Services, Inc., in the Amount of \$33,910.00, Using Miami-Dade County Contract # 4227-2/07 (Discussed: 6/12/06)

Council **tabled** the item until the July 10, 2006 Special Meeting.

10. New Business:

10A) Appointment to the Civil Service Board by Vice Mayor Garcia (Group III) for a Full 3-year Term Ending on June 30, 2009

Vice Mayor Garcia **deferred** his appointment.

10B) Waiver of Plat – Case # 03-ZP-06, Mark Gonzalez, 2 Hough Drive, R-1C Single Family Residential, Lot Size 150' x 93'

Approved subject to placement of the monuments on the ground dividing Parcels A and B and the approval of the Miami-Dade County Plat Committee.

Motion: Councilman Youngs

Second: Councilman Best

Vote: 5-0

10C) Appointment of Official Voting Delegate to the 80th Florida League of Cities Annual Convention and Confirmation of Attendance by Council Members

Councilman Best selected as the voting delegate.

Motion: Vice Mayor Garcia

Second: Councilman Dotson

Vote: 5-0

10D) Discussion Regarding Ad Valorem Tax Benefits (Requested by Councilman Dotson)

Discussed. **No action taken.**

10E) Discussion Regarding Code Revisions Proposed by the Board of Adjustment at their Meeting of June 5, 2006

Council **directed** the City Attorney to prepare draft ordinances for the following Code revisions as proposed by the Board of Adjustment:

1. Code Sections 150-041, 150-042, 150-043 and 150-044; eliminating the requirement for an additional two and one-half (2.5) feet of side yard setback for second story additions for side yard areas of two-story structures that abut streets and provide the already required side yard setback.
2. Code Section 150-002 (79); provide an exception to the requirement that all air conditioning or heating units for newly constructed homes are to be placed in the rear yard for houses that could place new units in the side yard areas of their property which abut streets.
3. Code Section 150-010; to provide an exception to allow flat roofs on "open patios" which constitute non-living space areas and which the owner agrees (by way of covenant) will never be enclosed to constitute "living space".

10F) Appointment to the Ecology Board by Councilman Youngs (Group IV) for an Unexpired Term Ending on April 30, 2007 Created by the Resignation of Donna Dawson

Councilman Youngs **deferred** his appointment.

10G) Request Council Approval of a Document Imaging System in the Amount of \$45,845.00 Covering Software and Hardware for Purchase in this Fiscal Year (FY05-06); and an Additional \$17,000 Software in the Upcoming Fiscal Year (FY06-07) Plus Annual Maintenance Costs in the Amount of \$6,200

Approved.

Motion: Councilman Best

Second: Councilman Youngs

Vote: 5-0

10H) Resolution – A Resolution of the City Council of the City of Miami Springs Urging Miami-Dade County to Assume Ownership of the Water and Sewer Systems in Miami Springs; Effective Date

Adopted (Resolution No. 2006-3319)

Motion: Vice Mayor Garcia

Second: Councilman Dotson

Vote: 5-0

11. Other Business:

11A) Scheduling of Budget Workshops on Tuesday, August 8, and Monday, August 21, 2006 at 7:30 p.m.

Council **approved** the proposed dates.

12. Reports and Recommendations

12A) City Attorney

No report.

12B) City Manager

Council Projectors

The City Manager reported that the installation of the wireless Council projectors in the Council Chambers should be ready for the August meetings.

Fourth of July Parade

The City Manager asked Council to confirm their participation in the Fourth of July Parade, and they all agreed to attend.

Classic Car Show

The City Manager announced that as part of the Fourth of July activities, a car show would be held on Monday, July 3rd from 6:30 to 10:30 p.m. at the Circle.

Plover Avenue Drainage Project

The City Manager distributed a calendar of the progress of the Plover Avenue drainage project that should be completed by the end of July. The process is going much smoother and progress is being made.

National Incident Management System (NIMS)

The City Manager reminded Council that everyone needs to take the test for the National Incident Management System (NIMS) in order for the City to be eligible for federal emergency funding.

Fourth of July Activities

City Manager Borgmann stated that the Fourth of July Parade will begin at 10:00 a.m. in front of the Recreation Center and will end at the Golf Course where many activities and games are scheduled for the kids. The festivities are posted on the community bulletin board on Cable Channel 77 and were in the last two Gazettes.

Downtown Parking

City Manager Borgmann reported that options for additional Downtown parking would be provided to Council at the next meeting.

Park Restrooms

City Manager Borgmann announced that the Request for Proposals (RFP) for the Dove Avenue and Stafford Park restrooms are due on July 5th, and he hopes to schedule an agenda item for Council to consider at the July 10, 2006 Special Meeting.

Recreation Center 50-year Recertification

City Manager Borgmann stated that quotes would be obtained for the 50-year recertification of the gym and pool facility, which is mandated by law.

Golf Course Bridge

City Manager Borgmann stated that at the Golf and Country Club Advisory Board meeting a request was made that the Administration should consider adding a fourth bridge for safety purposes. The four bridges were replaced with three during a stormwater project to improve the flow of the canal, paid for by FEMA and the County. The City share was approximately \$400,000.

Mr. Borgmann referred to an excerpt of the Golf and Country Club Advisory Board minutes when a motion was passed to recommend that Council move ahead with the bridge project at the fourteenth fairway and for the Administration to go out for quotes as soon as possible.

By consensus, Council gave direction to the Administration to obtain information for adding a fourth bridge for consideration during the budget process.

Family Night

City Manager Borgmann announced that a Family Night and movie would be held on Wednesday, June 28th at the pool.

Memorial Monument

City Manager Borgmann reported that the memorial monument is under construction at the end of the bike path in the median on Curtiss Parkway between the Sun Trust Bank and Papa John's Pizza, as recommended by the Memorial Committee and approved by Council.

12C) City Council

Citizen Complaint

Councilman Dotson referred to a letter from Chris Braden complaining about the overgrown tree in the vacant lot behind her house on Raven Avenue.

City Manager Borgmann stated that the Administration looked into the complaint from Ms. Braden and there is not much that can be done about the tree, but the owner can be cited for the overgrown lot.

Mayor Bain said that he visited Ms. Braden and the tree is on a non-conforming lot.

City Manager Borgmann added that Ms. Braden's letter mentioned that there are many raccoons and opossums. He explained that the animals were displaced when the pine trees were removed along the canal banks and because of the work at the clay pit. He said that there is not much that the City can do to assist with the problem.

Mayor Bain suggested that the Administration could contact the owner of the vacant lot to ask for cooperation in trimming the tree.

Handicap Pool Equipment

Councilman Dotson asked about the status of the handicap pool equipment and the City Manager offered to follow up to make sure that the equipment was ordered and delivered. He added that the County is going to provide an additional \$2,500 this year and he asked Karen Rosson to schedule a meeting of the Disability Advisory Board.

Royal Poinciana Inn

Councilman Dotson asked the City Manager if he obtained information in order to answer the e-mail requests from citizens regarding the footprint of the Royal Poinciana Inn (Aladdin Hotel) at 901 South Royal Poinciana Boulevard.

City Manager Borgmann stated that the building permits were issued prior to the current administration and he is not aware of anything that was changed to prohibit the use. There is a possibility that it was issued with the understanding that it was under the B-1 or B-2 districts and it is actually part of the Airport, Marine, Highway Business district as redefined. The footprint is different because the old one had a north/south orientation and this one has an east/west orientation.

City Attorney Seiden said that it is clearly not the same footprint and never was intended to be. The site plan was approved by Council for a different footprint. The person who is requesting the information is confusing the approval that was granted for the auto leasing place. Post Buckley reviewed the project for site plan approval and made recommendations for a B-1 district use, which can be verified through the records.

Councilman Dotson said that the idea got started because the district boundary regulations were not in place for the Airport, Marine, Highway Business district and the citizens feel that the construction should not have been approved.

City Attorney Seiden stated that the records may show that the site plan was approved as a B-1, B-2 or B-3 use. He added that the City could not have approved building permits without the regulations in place. Attorney Seiden said that former City Planner Steve Johnson had discussions with the property owners for many years in advance to dissuade them from building and the final decisions were made in the Planning and Building Departments. He reiterated that Post Buckley performed and approved the site plan and it must have been done under the basis of some regulations.

Councilman Dotson added that many citizens who live in the east side of the City are very upset because there are ongoing problems with the apartments, noise, vandalism and cars parking in the swale. He would like to have more information in order to respond to the citizens' questions.

Councilman Youngs said that he served on Council when the site plan was approved and everything possible was done to deny the request but there was nothing illegal and the City could have faced a lawsuit.

Attorney Seiden explained that the City could have been sued if the site plan approval was turned down based upon usage.

Councilman Dotson reiterated that he would like to know if the site plan was approved under B-1 or B-2 zoning regulations.

The City Manager offered to provide a report at the next meeting and a copy of the e-mail from Owen Gay.

Golf and Country Club Advisory Board

Councilman Dotson said that he had hoped to have a more productive meeting at the last Golf and Country Club Advisory Board meeting but it was not possible without the presence of Golf Director Mike Aldridge. He felt that it is important to re-emphasize the function of the Board and Mr. Aldridge expressed some problem with the board members getting off the “reservation”.

Councilman Dotson said that if there are problems that they should be brought out in the open so that they can be dealt with because the board members have worked very hard and the board is very valuable. He explained that the members want to emphasize that they are not managing the Golf Course, they have every intention to cooperate and it would be appropriate for the Administration to outline some problems they feel exist.

City Manager Borgmann stated that he had drafted a memorandum to Council regarding the matter. He explained that the City Charter states that the City Manager is responsible for the day-to-day operations of the City and the advisory board members should not have discussions with individual staff members about what should be done at the Golf Course.

Mr. Borgmann explained that the advisory boards could make a recommendation to Council with a majority vote at their meetings and the Council Liaison can request the City Manager to schedule an agenda item for consideration.

Councilman Dotson felt that the error was made by trying to communicate and the board members did not intend to cross the line. He reiterated that it is valuable for Golf Director Aldridge to be present at the Golf and Country Club Advisory Board meetings.

City Manager Borgmann clarified that the previous meetings had been attended by a staff member and the last agenda did not indicate that there were any items that would have an impact or need staff input. He explained that the City Attorney and Assistant City Manager listened to the meeting tape and he is in the process of listening and much of the discussion strayed away from the agenda items, and there were comments that the minutes were being censored, which appear to reflect negatively on the City.

Mr. Borgmann said that his secretary spends hours listening to the meeting tapes in order to record all the pertinent information related to the discussion at hand and extraneous comments might not always get on the record. He added that the Golf and Country Club advisory board meetings are sometimes as long as the Council meetings.

To answer Vice Mayor Garcia's question, the City Manager confirmed that the comments about the minutes were made by board member Noel Pereda.

Councilman Dotson said that he did not want to have a big discussion about minutes. He is not so happy with the Council minutes and he never has been since he has served on Council, but he thought there were more important things to deal with and he has expressed his thinking and problems to City Clerk Magalí Valls from time to time, whom he respects very much and she does a very good job. He felt that some of the minutes are excerpts.

Councilman Dotson asked the City Manager to provide the outline of the problems so that he can work to try to resolve them without destroying the enthusiasm and morale of the Board.

City Manager Borgmann stated that the memo makes it clear that he wants and needs the input from the Board because it can be very productive and it has been already.

Councilman Dotson reiterated that the Golf Director should be present at the meetings the same as Dan Bradley was in the past.

Assistant City Manager Gorland stated that he made the decision that Mr. Aldridge did not have to attend because he lost his morning employee and he had to be at the Golf Course at 6:00 every morning. At that time, he was the Acting City Manager, Assistant City Manager and Finance Director and since the agenda only included two items, which were the placement of tees and other business, he decided not to attend because he had too many things to do, plus he was working on a special project for the Recreation Center.

Mr. Gorland said that the issues are important and they have to be resolved, and unless there is some extraordinary circumstance a staff member will be at the meetings.

City Attorney Seiden said that he wrote a memo to the Golf and Country Club Advisory Board members about a meeting that they wanted to hold next month and he is advising them not to hold the meeting in the way that they wanted to have it outside of the Council Chambers.

Councilman Best said that he reads all the advisory board minutes and he asks all his appointees to feed him all the information that comes from the meetings. He said that he cautions all his appointees not to go directly to the directors, the City Manager or the Administration.

City Manager Borgmann said that the advisory boards make recommendations to Council for their consideration and if they approve, the Council members can ask him to take care of them.

Councilman Best agreed with Councilman Dotson that some form of representation should be at the Golf and Country Club Advisory Board meetings, but under the circumstances he can appreciate why they were not present.

Handicap Equipment

Councilman Dotson said that he spoke with Disability Advisory Board member Joan Paul before the meeting and the equipment is right on the horizon and the board will convene.

C-41 Borrow Canal

Councilman Best asked City Manager Borgmann if he had a chance to speak with DERM about the clean up of the C-41 borrow canal.

Mr. Borgmann stated that there had been an ongoing problem with Florida East Coast (FEC) railroad to maintain the canal. He said that DERM plans to clean the canal and send a bill to the railroad.

Hedges

Councilman Best said that the Sunshine Law does not allow Council to discuss issues except during public meetings and that is why there is so much discussion and so many thoughts exchanged. He explained that sometimes the process is lengthy and even though decisions are not made, the issues are tabled and unfortunately the hedge issue is going to be extended a little longer, but there is evidence that people would like the ordinance more liberalized than the current form.

Compliment

Councilman Best complimented Assistant City Manager Gorland for doing an excellent job when the City Manager was out of town.

Water and Sewer System

Councilman Best thanked Councilman Dotson for initiating the possibility of Miami-Dade County taking over the City's water and sewer system.

Fourth of July Parade

Councilman Best urged everyone to attend the Fourth of July Parade and to have a good time.

Fourth of July Events

Vice Mayor Garcia asked the City Manager to publish the list of Fourth of July activities in the River Cities Gazette.

Publication of Special Events

Vice Mayor Garcia said that he would like the City to market and publish more information on special events because the information is only distributed at the Recreation Center and the public schools, and some residents do not attend the local schools.

Tree Brochure

Vice Mayor Garcia stated that last year a brochure on the proper trimming and care for trees was distributed in English to all residents and he requested that it be distributed in Spanish.

Disaster Preparedness Guide

Vice Mayor Garcia said that he received the Disaster Preparedness Guide in English and that it should be translated and distributed in Spanish since more than 70% of the population is Hispanic.

Sidewalks

Vice Mayor Garcia said that some properties do not have sidewalks, which is one issue with the hedge ordinance and he would like the City Manager to look into the possibility of installing sidewalks.

City Manager Borgmann said that some subdivisions were developed without sidewalks, although he does not know the percentage. In past years, the goal was to repair the existing sidewalks before entering into any additional sidewalk programs. He suggested that the Administration could look into the possibility of installing sidewalks with the proceeds of the Local Option Gas Tax and Citizens Independent Transportation Trust funds.

Ludlam Road Bike Path Lighting

Vice Mayor Garcia asked the City Manager to provide an update on the lighting of the bike path on Ludlam Road.

City Manager Borgmann stated that the work order was turned into Florida Power and Light and that he would follow up to find out the status of the project.

Curtiss Parkway Bike Path Lighting

Vice Mayor Garcia asked the City Manager to look into the possibility of extending the bike path lighting on Curtiss Parkway to the full length of the park.

Mr. Borgmann said that the lighting plan is in place and the installation is only a matter of receiving the funds.

Debris Removal Contract

Vice Mayor Garcia inquired about the status of the debris removal contract.

Assistant City Manager Gorland stated that a committee is reviewing the Request for Proposals (RFP) responses, there were some problems, and they should have a recommendation within the next week or two. One of the firms who responded had contracts with other cities and they never showed up when it was time to position their equipment before the hurricane so they were disqualified and it leaves only two firms that are expensive.

Further discussion ensued regarding the responses to the Request for Proposals for debris removal.

City Manager Borgmann recommended that Council should not ask questions or get involved during the bidding process.

Vice Mayor Garcia asked if the list of the six companies and those that were disqualified was public record or not.

City Attorney Seiden stated because there is a “cone of silence” with all bids and purchasing until a recommendation is made by the Administration it is not proper for Council to discuss which companies submitted bids or did not have bonds. The recommendation from the Administration is forthcoming and at that time Council will be provided with all the information.

Summer Vacation

Vice Mayor Garcia urged everyone to enjoy the summer and to wear a sun block of SPF of 30 or higher.

Scoops Ice Cream Shop

Vice Mayor Garcia reported that Scoops Ice Cream Shop would open during July, which is designated as the official ice cream month.

Fourth of July

Mayor Bain wished everyone a great Fourth of July and looks forward to seeing everyone at the parade. He recommended that Council should have plenty of candy for everyone.

The City Manager added that bottled water would be provided and everyone should leave their personal fireworks at home.

13. Adjourn.

Adjourned at 11:00 p.m.