



CITY OF MIAMI SPRINGS, FLORIDA

CITY CLERK'S SUMMARY OF COUNCIL ACTIONS Regular Meeting of Monday, May 8, 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 7:01 p.m.)

2. Invocation/Salute to the Flag:

Councilman Dotson/The audience participated.

3. Awards & Presentations:

None.

4. Open Forum:

Exercise Equipment

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue commented that the new exercise equipment at the Recreation Center is wonderful, that many women enjoy using the equipment and they would like the exercise instructor to be available to help them use the machines properly.

Occupational License Ordinance

Former Councilman Gannon was of the opinion that it is wrong to retaliate against an individual by proposing to amend the occupational license ordinance to require a \$55.00 license fee for occupying a commercial business space.

Web Page

Joseph Valencia of 25 South Drive stated that when he was looking for the Council agenda on the Internet, he found a web page with a forum that included some disturbing comments.

Bulk Trash Pick-up

Joseph Valencia stated that he called Council members and left messages during the last two months and he appreciated that Vice Mayor Garcia and Councilman Youngs returned his call. He also called the City Manager to discuss the bulk trash pick up and eventually was able to speak with him.

Mr. Valencia explained that he had placed trash in the alley that the City did not pick up one week, the following week his gardener added some trash and he was charged for 1/2 truckload or 9 cubic yards. He expressed his disappointment because not everyone returned his calls.

Commercial Signage

Bob Schwinger of 630 Cardinal Street said that the City is not enforcing the regulations for window signs in the commercial business district.

Assistant City Manager Ronald K. Gorland stated that the Code Enforcement Officers have begun a sweep of the business district to enforce the window sign regulations.

Commendation

Bob Schwinger commended the Public Works employees who work in the Sewer Division for helping his neighbor find the sewer lateral so that he could connect the sewer line to his home.

Public Notice

Donna Hernandez of 769 Pinecrest Drive requested that residents be notified of any proposed ordinances or regulations that would change the density of the City by publishing a notice in the paper or holding Town Hall meetings to allow public input.

Occupational License Ordinance

Donna Hernandez stated that the proposed amendment to the occupational license ordinance is untimely and that residents should never have a fear about retaliation for speaking their opinion. She felt that there are more important issues for Council to consider.

5. Approval of Council Minutes:

5A) 04/24/2006 – Regular Meeting

Approved as written.

Motion: Councilman Best

Second: Councilman Dotson

Vote: 5-0

- 6. Reports from Boards & Commissions:**
- 6A) 04/20/2006 – Historic Preservation Board – Minutes**
 - 6B) 04/25/2006 – Ecology Board – Cancellation Notice**
 - 6C) 04/27/2006 – Code Review Board – Cancellation Notice**
 - 6D) 05/02/2006 – Code Enforcement Board – Cancellation Notice**
 - 6E) 04/04/2006 – General Employees' Retirement System – Minutes**
 - 6F) 04/04/2006 – Police Officers and Firefighters' Retirement System – Minutes**

Items 6A through 6F were received for information without comment.

- 6G) 05/01/2006 – Board of Adjustment – Approval of Actions Taken at their Meeting of May 1, 2006, Subject to the 10-day Appeal Period**

Actions of the Board of Adjustment, subject to the 10-day appeal period were approved.

Motion: Councilman Dotson

Second: Vice Mayor Garcia

Vote: 5-0

7. Public Hearings:

- 7A) Second “Second” Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Enacting New Article XV, Airport, Marine and Highway Business District, as Code of Ordinance Sections 150-154 Through 150-163; Specifying Purpose; Providing for Permitted Uses; Delineating Prohibited Uses; Specifying Lot and Floor Area and Setback Requirements; Establishing Height Limitations; Providing Off-Street Parking and Loading Standards and Requirements; Delineating Site Plan Review Requirements and Procedures; Specifying Sign Regulations; Establishing Development Procedures; Providing Fees for Administrative Reviews; Repealing All Ordinances or Parts of Ordinances in Conflict; Providing Directions to Codifiers; Establishing an Effective Date (First Reading: 4/10/2006 – Second Reading: 4/24/2006 – Advertised: 4/26/2006)**

Significant changes were made that will require a third “second” reading. (A detailed listing of the changes will be included in the minutes)

Agenda Item 7C was discussed at this time

7B) Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 113-01, License Required; to Provide Additional Language Requiring an Occupational License for Occupying a Business Location and Clarifying and Updating the Language of the Provision; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 4/24/2006 – Advertised: 4/26/2006)

The motion to adopt the ordinance failed.

Motion: Councilman Youngs

Second: Vice Mayor Garcia

Vote: 2-3 (Mayor Bain and Council members Best and Dotson voted “no”)

Agenda Item 7C was discussed after 7A

7C) Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-002 (79), Yard, Side; by Adding Thereto the Inclusion of Permanent Electrical Generators and Language Regarding the Proper Installation of the Listed Equipment; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 4/24/2006 – Advertised: 4/26/2006)

Motion to prepare a new ordinance for first reading at the next meeting, to the effect that generators can be placed anywhere except in the front yard.

Motion: Vice Mayor Garcia

Second: Councilman Youngs

Vote: 5-0

Motion to direct the Administration to issue permits for generator installations that meet all the requirements of the Florida Building Code.

Motion: Councilman Youngs

Second: Councilman Best

Vote: 5-0

8. Consent Agenda: (Approved in one motion)

8A) Recommendation that Council Approve an Expenditure of \$1,649.00 to Hayes Equipment to Purchase a Portable Generator for the Community Policing Office, and a Total of \$200 to Various Vendors for a Secure Fence Enclosure as Provided for in Section 31.11 (C) (1) of the City Code, for a Total Amount of \$1,849.00 to be Paid from the Law Enforcement Trust Fund

Approved.

Motion: Councilman Dotson

Second: Councilman Youngs

Vote: 5-0

Councilman Dotson moved to extend the meeting for 15 minutes until 11:15 p.m. Vice Mayor Garcia seconded the motion, which was carried 5-0 on voice vote.

8B) Recommendation that Council Approve an Expenditure in the Amount of \$500.00 to Florida Missing Children’s Day for the Annual Ceremony on September 11, 2006 at the State Capitol in Tallahassee, to Assist in the Additional Financial Support Needed, as provided for in Section 31.11 (E) (6) (c) of the City Code, to be Paid from the Law Enforcement Trust Fund

Approved.

Motion: Councilman Dotson

Second: Councilman Youngs

Vote: 5-0

8C) Approval of the City Attorney’s Invoice for April 2006 in the Amount of \$8,959.50

Approved.

Motion: Councilman Dotson

Second: Councilman Youngs

Vote: 5-0

8D) Recommendation that Council Approve Budget Transfers Within Departments

Approved.

Motion: Councilman Dotson

Second: Councilman Youngs

Vote: 5-0

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

Deferred.

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

Deferred.

9C) Appointment to the Board of Parks and Parkways by Councilman Best (Group I) for a Full 3-Year Term Ending on April 30, 2009

Tammy K. Johnston appointed.

9D) Reconsideration of Resolution No. 2006-3311, Adopted on March 27, 2006, which Authorized Charging of Base Fees for Water and Sewer Services for all Residential and Commercial Properties in the City

Motion to schedule Resolution No. 2006-3311 in order to rescind it.

Motion: Vice Mayor Garcia

Second: Councilman Dotson

Vote: 5-0

Vice Mayor Garcia moved to extend the meeting for 15 minutes until 11:30 p.m. Councilman Best seconded the motion, which was carried 5-0 on voice vote.

10. New Business:

10A) Appointment to the Ecology Board by Councilman Best (Group I) for an Unexpired Term Ending on April 30, 2009

Deferred.

10B) Request that Council Approve the Proposal Received from Sport Turf One, Inc., the Lowest Bidder, in Response to the City’s Request for Proposals # 08-05/06 Involving the Tilling of the Greens at the Golf Course

Approved.

Motion: Vice Mayor Garcia

Second: Councilman Best

Vote: 5-0

11. Other Business:

11A) Report of the April 2006 Revenues for the Golf Course

City Manager Borgmann reviewed the April 2006 Revenue Report for the Golf Course.

Vice Mayor Garcia moved to extend the meeting for 15 minutes until 11:45 p.m. Councilman Youngs seconded the motion, which was carried 5-0 on voice vote.

12. Reports & Recommendations:

12A) City Attorney

No report.

12B) City Manager

Historical Museum

City Manager Borgmann stated that he would be meeting the next day with a representative of the Miami Springs Historical Society regarding the relocation of the museum. CMI has a person on the Board of Directors who is an expert on documentation and he found a lot of excellent information that should be saved for research purposes, but there is not a lot of museum quality material.

Driving Range Canopy

City Manager Borgmann reported that the new Driving Range canopy had arrived and it will be assembled and operational in two to three days.

Golf Course Patio

City Manager Borgmann stated that the patio project is progressing and the foundations for the lights were poured.

South Florida Water Management Reimbursement Check

Mr. Borgmann reported that South Florida Water Management sent a check to the City for \$784,402.27 to reimburse expenses for stormwater drainage projects over the last several years. The expense reports were finalized and the audit is complete.

COMCAST Channel 77

Mr. Borgmann announced that the new Channel 77 is up and running in a different format that is more consumer friendly. He can now type a message that can be posted five minutes later, and it is a great system with additional artwork or sound at no cost to the City. He said that the channel would be linked to the City's Website and accessible by those people who do not have cable.

Post, Buckley, Schuh & Jernigan, Inc.

City Manager Borgmann reported that he sent a letter to Council from Post, Buckley, Schuh & Jernigan, Inc. and he had not heard any feedback. He asked Council members to please call him if they have any strong feelings about the request and it would be scheduled as an agenda item.

Sales Tax Moratorium: Hurricane Supplies

City Manager Borgmann announced that there would be a sales tax moratorium on hurricane supplies from May 21 to June 1, 2006 and 7% would be a significant savings for large items like generators.

Vice Mayor Garcia stated that last year the amount of the tax-free purchase was limited and this year the State raised the amount to more than \$1,000.00.

Recreation Master Plan

City Manager Borgmann reported that he would be attending the May 9, 2006 Recreation Commission meeting to speak about the Recreation Master Plan. The Committee will provide their input and it will be provided to Council for the May 15, 2006 Special Meeting.

Golf Course Website

City Manager Borgmann stated that the Golf Course Website is linked to the City's Website. It is www.miamispringsgolfcourse.com.

Arbor Day

City Manager Borgmann said that invitations were sent to Council for the Arbor Day Ceremony and he hoped that everyone could attend.

12C) City Council

Golf Tournament

Councilman Youngs announced that the Poinciana United Methodist Church is holding a Golf Tournament on Saturday, May 13th and the proceeds will go toward a literacy training course in foreign countries and Faith’s Place, which is a resource for parents of autistic children.

City Manager Borgmann stated that the Church is looking for additional sponsors.

Appreciation

Councilman Youngs stated that he appreciates serving on Council and trusts the judgment of each member whether they agree or disagree.

Skin Cancer Awareness Month

Vice Mayor Garcia stated that this is Cancer Awareness Month and the City has been very active by placing information in the utility bills and taking measures to provide shade at the parks. He said that more shade is still needed at Stafford Park.

13 South Royal Poinciana

Vice Mayor Garcia stated that the building at 13 South Royal Poinciana Boulevard was condemned and since it will affect the residents who live there, he would like Council to be notified immediately so that they would be prepared to answer the telephone calls.

City Manager Borgmann and City Attorney Seiden stated that they had not yet been notified of the condemnation. Attorney Seiden clarified that the building is not officially condemned but it is in the process.

Councilman Dotson moved to extend the meeting until 12:00 midnight and Councilman Youngs seconded the motion, which carried unanimously on voice vote.

Hedge Ordinance

Vice Mayor Garcia said that the City Manager sent a memorandum on April 18th asking how to proceed with the hedge ordinance. He asked what had transpired since that time.

City Manager Borgmann stated that he asked for Council's input and had not received any comments. He clarified that the enforcement of hedges is still under moratorium. Council referred the matter to the Code Review Board who considered it and made a recommendation and he is waiting for direction from Council as to how the ordinance should be drafted. The current Code states that the height of hedges is limited to 3-1/2 feet.

Fair Havens Air Conditioning Chiller

Vice Mayor Garcia asked about the air conditioning chiller on the roof at Fair Havens Center.

Assistant City Manager Gorland stated that Fair Havens had been very cooperative. A blanket was placed over the chiller with metal sheeting and the last alternative is to plant more trees in the empty lot between the houses. He said that the equipment is the same as the City Hall air conditioning unit, which turns off at 10:00 p.m. until 5:00 a.m. and the residents still said they could not sleep at night because of the noise. He explained that the noise was checked with a decibel meter and it was found to be within the rating specified by the County. A letter was sent to the affected residents explaining what has been done.

Commendation

Vice Mayor Garcia commended Chief of Police Dilling and those Police Officers who received recognition for their service to the community.

Commissioner Sosa

Vice Mayor Garcia announced that Commissioner Rebeca Sosa will visit the Senior Center on Wednesday, May 10, 2006 at 12:30 p.m. and everyone is invited.

Legislative Funding

Vice Mayor Garcia stated that the City stands a good chance of receiving a large amount of funds from the State Legislature this year. He said that more than \$2MM is under consideration and Governor Bush has the opportunity to veto it. He asked the City Manager to prepare a letter to send to the Governor in Tallahassee urging him to support the City's projects.

Council Meeting

Councilman Best stated this is the first time that the local press had remained for the entire Council meeting. He said that it was a good meeting, and it is a good body that he is proud to be a part of.

Council Opinions

Councilman Dotson echoed the sentiments of Councilman Best and Councilman Youngs about serving on Council, which is an honor and privilege. He said that sometimes the issues are explosive but everyone has the opportunity to make their points, which involves honesty, he does not carry grudges and he appreciates everyone's opinion.

Compliments

Councilman Dotson complimented Mayor Bain and Vice Mayor Garcia for their work that resulted in the possible legislative funding from the State. He knows that it took a lot of effort on their part, which is very much appreciated.

Sewer System Repairs

Councilman Dotson asked about the sewer sleeving work.

City Manager Borgmann said that the sleeving work is ongoing. Another sleeved line in the vicinity of La Baron and Miller Drive was leaking and they are trying to determine the cause and repair it as soon as possible.

Optimist Club – Fishing

Mayor Bain said that the Optimist Club and YMCA would be taking approximately 60 children fishing on Saturday, May 13, 2006. He said that he and Virginia Gardens Mayor Deno would be participating and he would like to extend the invitation to the Senator and Representative.

Tallahassee Trip

Mayor Bain said that his trip to Tallahassee was a nice experience and the proposed funding includes \$25,000 for the Senior Center, \$57,000 for the Senior Center emergency generator, \$500,000 for potable water line repair, \$1MM for sewer line repair, and \$500,000 for stormwater utility improvements. He thanked Senator Rudolph (Rudy) Garcia and Representative Marco Rubio for their help and urged Council members to contact Governor Bush.

City Manager Borgmann said that a letter of thanks should be sent to Representative López-Cantera who was the sponsor for the bills.

Vice Mayor Garcia stated that the Senator and Representative sponsor the legislative bills and there are committee heads that decide whether or not to consider the requests. He said that everyone should be recognized. The priority is to contact the Governor.

Fishing Tournament

Mayor Bain announced that the Optimist Club Fishing Tournament is scheduled for June.

Apology

Mayor Bain apologized to Joseph Valencia who said that he did not return his call. He will ask the City Clerk about his message so that he could respond because he takes pride in helping the residents.

Vice Mayor Garcia moved to extend the meeting until 12:15 a.m. and Councilman Youngs seconded the motion, which carried unanimously on voice vote.

Vice Mayor Garcia said that he spoke with Mr. Valencia about the garbage and trash service after the hurricanes and it was wrong for the City to bill him for bulk trash pick up.

13. Adjourn.

Meeting adjourned at 12:05 a.m. (Tuesday).