



CITY OF MIAMI SPRINGS, FLORIDA

CITY CLERK'S SUMMARY OF COUNCIL ACTIONS

Regular Meeting of Monday, November 28, 2005 - 7:00 p.m. – Council Chambers

AGENDA

<u>ITEM #</u>	<u>SUBJECT</u>	<u>ACTION TAKEN</u>
<u>1)</u>	<u>CALL TO ORDER/ROLL CALL</u>	All present. (Councilman Garcia arrived at 10:00 p.m.)
<u>2)</u>	<u>INVOCATION</u>	Offered by Councilman Best.
	<u>SALUTE TO THE FLAG</u>	The audience participated.
<u>3)</u>	<u>AWARDS & PRESENTATIONS</u>	
3A/3B)	Pioneer Resident Award	Shirley Taylor-Prakelt and Kevin Lee Taylor were not present. Presentation of the awards will be re-scheduled for the next meeting.

City Manager Borgmann informed Council of a meeting held the same day with City Staff and Charles Hight of Post, Buckley, Schuh & Jernigan, Inc. PBS&J is monitoring the crews and contractors in charge of debris removal.

Mr. Borgmann acknowledged that many residents are unhappy because the fire of November 23rd threatened their health, safety and their homes. He explained that alternative solutions for handling the debris were considered after Hurricane Wilma.

The City Manager reported the amount of cubic yards of debris collected, and he said that the mulching process is the best way to handle the debris, and that it will be watered to keep down the amount of dust.

City Manager Borgmann introduced Mr. Hight and said that he would answer any questions the residents may have regarding the debris removal.

4)

OPEN FORUM:

The following residents appeared to complain about the fire of November 23, 2005, as follows:

Carole Smith of 1001 Dove Avenue stated that the City failed to secure the area, monitor the workforce, and set a timeframe for completion to pick up the hurricane debris accumulated at Dove and Quail. As a result, there was an explosion which started a huge fire. She commended the Miami Springs Police and the Miami-Dade County Fire Department for protecting the residents.

Celia Puig of 1098 Quail Avenue said that the air outside her house has affected her health. She was upset at what she claimed was a deliberate effort to downplay the importance of the fire, including the fact that there was a second fire which was never acknowledged. She was of the opinion that the City has done too little, too late and it is taking too long to remove the debris.

Gil Wagener of 991 Dove Avenue showed photographs of the fire and the area where the debris was dumped where a sign “Authorized Dumping Only” could be seen. He wanted an answer as to what “authorized” dumping is because people are dumping mattresses, tires, etc. and also why the City can do anything they want and put trash in front of his house.

Jose Duarte of 1042 Quail Avenue expressed his disappointment about the City’s decision not to remove the debris on the field between Quail and Dove following the fire of November 23, 2005. He asked the City to immediately discontinue using the field as a dumping site.

4) Fire (Continued)

Don Skelton of 940 Quail Avenue stated that he was out of town when the fire took place and that he is not able to live in his house. He urged Council to direct the City Manager to discontinue using the field as a dumping site, which is the County's property. He informed Council that he wrote a letter to the County asking them not to allow the City to use the field.

The City Manager stated that alternatives are being considered, including using the Driving Range at the Golf Course to put debris at that location. He again referred to the meeting he held that morning with the Police, Public Works, Risk Management and Finance Departments who were consulted in order to be able to answer all questions. He acknowledged that the fire was a serious situation and that it had a profound impact on him. He extended his thanks to the Miami-Dade County Fire Department.

Mr. Hight of PBS&J stated that the debris could be ground up in 4-5 days and the contractor is relying on another contractor to haul it away.

Christopher Moon of 1115 Dove Avenue stated that he spent the last four hours cleaning soot off his house and that he has shortness of breath because of the air quality. He said his neighborhood has not been clean since Hurricane Katrina. He was of the opinion that dumping more debris is unacceptable.

The City Manager stated that the City would not dump any more debris and that it would remain on the streets.

Hector Gomez of 1031 Dove Avenue stated that the dumping site is too small and it is overcrowded with trucks and heavy equipment that create dust all day.

4) Fire (Continued)

Ana Bello Gonzalez of 900 Quail Avenue said that she had listened to all the concerns and complaints from residents, but that the most important thing to do now is for the City to prepare for future hurricanes. She stressed the importance of accountability on the part of the City and the contractors who are making money to haul the debris.

Victor Gonzalez of 900 Quail Avenue said that his main concern is that there were two fires and the second one was due to an electrical problem that occurred around heavy machinery, which resulted in a power outage. He was concerned about the trucks entering and exiting the area. He thanked the City Manager for his concern and for being at the scene of the fire.

The City Manager explained that the City is working under a contract with the City of Coral Springs and there is no guarantee as to how fast the debris is removed or how many trucks the contractor provides. He added that a second company was hired but the contractor thought he had an exclusive contract with the City. The City Attorney and the contractor's attorney reached an agreement and as a result, the second contractor would work in half of the City.

Raul Bello of 910 Quail Avenue inquired about the number of trucks and if the contractor had specified a timeframe for completion of the debris removal.

The City Manager stated that Federal Emergency Management Agency (FEMA) wanted the City to go out to bid in which case the debris would have remained on the streets for too long so the City utilized another contract for the service only.

4) Fire (Continued)

Mr. Hight explained that the contractor hires others to do the grinding and haul the debris, and the first priority was to remove it from the streets.

Public Services Director Denise Yoezle stated that she was informed that there would be a minimum of ten loads of mulch per day which amounts to 1,000 cubic yards per day.

Laura Pilgrim of 650 Nightingale Avenue said she could feel the energy in the room and see the fear in the faces, but that no one should forget that many people in the City at all levels spent many hours of their personal time for many months and their intent was to do the right thing.

To answer a resident who lives at 903 Dove Avenue, the Chief of Police said that there is an active evacuation plan in place, which was put into effect the morning of the fire and they knocked on every door of the affected houses.

Lowell Dunn of 1101 Quail Avenue felt that it was a bad decision to dump the debris in a residential area. He stated that he owns 1,500 acres in Medley that is not developed and he would allow the City to use his land to dump additional debris.

City Manager Borgmann accepted Mr. Dunn's offer and commented that he would have liked to know about this a month ago.

Carole Smith suggested that garbage cans should be placed in order for the workers to discard their trash. The City Manager agreed and asked the Public Services Director to take care of the request.

- 4) Re-naming of N. W. 36th Street Yvonne Shonberger of 85 Deer Run suggested re-naming N. W. 36th Street to Curtiss-Jenny Boulevard.
- Ficus Tree Planting Ms. Shonberger said that Ficus trees should be planted on the Golf Course because they are one of the most stable trees when they are allowed to put down their air roots and there are very few places where there is enough area for them to grow.
- Architectural Review Board Ms. Shonberger said that the Architectural Review Board should be activated because the City cannot afford to continue having construction that does not reflect the style of the community.
- Charter Amendment Ms. Shonberger heard that Council would be ratifying the Charter amendment. She said that she knows from collecting petition signatures that 95% of the homeowners are in favor of the amendment.
- Term Limits Nery Owens of 332 Payne Drive was of the opinion that the term for elected officials should be changed from two to four years because the learning curve takes a long time and she is pleased with the way that elected officials have reacted to the hurricanes. She thanked Mayor Bain, Councilman Best and Councilman Garcia for supplying ice and dealing with Federal Emergency Management Agency (FEMA) after Katrina and Wilma.

5) APPROVAL OF COUNCIL MINUTES

- 5A) 10/10/2005 Regular Meeting Minutes of the October 10, 2005 Regular Meeting were **approved as written.**
Motion: Councilman Youngs
Second: Vice Mayor Dotson
Vote: 4-0

- 9B) Appointment to the Board of Adjustment/
Zoning and Planning Board Councilman Garcia (Group III) was not present and the appointment will be scheduled for the next meeting.
- 9C) Ordinance – First Reading:
Enacting New §150-032 –
Portable Storage Units On first reading (for the second time), Council **approved, as amended**, an ordinance enacting new Code §150-032 – Portable Storage Units, providing definitions, delineating limitations and prohibits for usage, establishing duration of placement, providing for location of units, providing for maintenance and prohibiting storage of hazardous materials or substances, requiring emergency hurricane removal, and establishing violations and penalties.
Motion: Councilman Best
Second: Vice Mayor Dotson
Vote: 4-0
- 9D) City Trees This item requested by Councilman Garcia was **tabled** since Councilman Garcia was not present.
- 9E) Golf & Country Club Advisory Board
Recommendations to Council Council **discussed** the recommendations of the Golf and Country Club Advisory Board. Motion to adopt the recommendations of the Golf Course Advisory Board to study the possibility of making the Golf Course a City Department.

Councilman Garcia arrived at 10:00 p.m.

Motion: Councilman Best
Second: Councilman Garcia
Vote: 5-0

10. NEW BUSINESS:

10A) Resolution: Calling for a
Special Charter Election

Council **adopted** a resolution calling for the holding of a Special Charter Election for the City on Tuesday, January 31, 2006; delineating the Charter question for the ballot of the Special Charter Election, and providing authorization and directions to the City Clerk (**Resolution No. 2005-3301**)

Motion: Councilman Youngs

Second: Vice Mayor Dotson

Vote: 5-0

10B) Disability Advisory Board:
Recommendations to Council

Council **authorized** the Administration to apply for a grant, based on the recommendation of the Disability Advisory Board, to purchase a new chair lift to allow easy access to the pool, at a cost of \$5,100 to be funded with the handicap parking fees the City receives and a cash match of approximately \$2,000.00.

Motion: Councilman Garcia

Second: Councilman Best

Vote: 5-0

Councilman Best volunteered and by acclamation, he was **appointed the Liaison** to the Disability Advisory Board.

Council **directed** the Disability Advisory Board to meet twice a year: during April to come up with a list of projects and once more after the City receives a letter from the County advising the amount of funds the City is entitled to.

- 10C) Resolution: Opposing any Extension of the Urban Development Boundary
- Council **adopted** a resolution, **as amended**, urging the Miami-Dade County Commission to oppose any extension of the Urban Development Boundary and to encourage adherence to the County Development Master Plan as currently adopted **(Resolution No. 2005-3302)**.
Motion: Councilman Youngs
Second: Vice Mayor Dotson
Vote: 5-0
- 10D) Resolution: Adopting the National Incident Management System (NIMS)
- Council **adopted** a resolution adopting the National Incident Management System (NIMS) as required by the Homeland Security Presidential Directive-5 **(Resolution No. 2005-3303)**.
Motion: Councilman Youngs
Second: Councilman Best
Vote: 5-0
- Motion to extend the meeting until 11:15 p.m. (made before vote was taken)
Motion: Councilman Garcia
Second: Councilman Youngs
Vote: 5-0
- 10E) Resolution: Schedule of Charges – Golf and Country Club
- Council **adopted** a resolution amending the Schedule of Charges and Fees for the operation of the Miami Springs Golf and Country Club **(Resolution No. 2005-3304)**.
Motion: Councilman Youngs
Second: Councilman Garcia
Vice Mayor Dotson: “no”
Councilman Best: “aye”
Councilman Garcia: “aye”
Councilman Youngs: “aye”
Mayor Bain: “aye”
Vote: 4-1

- 10E) Golf Course (Continued) Motion to extend the meeting until 11:30 p.m.
Motion: Councilman Youngs
Second: Councilman Garcia
Vote: 5-0
- Motion to extend the meeting until 11:45 p.m.
Motion: Councilman Youngs
Second: Councilman Garcia
Vote: 5-0
- Council **ratified** a contribution made by DJB Management to the Optimist Charity Fishing Tournament for a one year membership valued at \$1,000.00.
Motion: Councilman Youngs
Second: Councilman Best
Vote: 5-0
- 10F) Ordinance – First Reading:
Amending §150-013 – Fences,
Landscaping & Boundary Walls Council **tabled** an ordinance amending §150-013 – Fences, Landscaping & Boundary Walls, by providing clarifying, correcting and revised language to explain what plantings, installations and construction are authorized and approved for front yard areas of residential properties.
- 11) OTHER BUSINESS:**
- 11A) Scheduling of Board of Appeals Council **scheduled** a Board of Appeals meeting for Monday, December 12, 2005 to hear Case No. 55-V-05 – 501 Palmetto Drive.
Motion: Councilman Youngs
Second: Councilman Best
Vote: 5-0
- 11B) Hurricane Preparedness Council **addressed** the issue of hurricane preparedness.

- 11B) Hurricane Preparedness (Cont.) Vice Mayor Dotson had suggested forming an Ad Hoc Committee with the participation of City Staff, a Miami Springs resident, a police officer and the Chairman of the Board of Parks and Parkways.
- City Manager Borgmann recommended that such a committee be held in abeyance until Council reviews the current Emergency Preparedness Plan and changes that Staff recommends. At that time, it might be appropriate to appoint the Ad Hoc Committee to review the document.
- Council requested copies of the Emergency Preparedness Plan.
- Motion to extend the meeting until 12:00 midnight:
Motion: Councilman Garcia
Second: Councilman Youngs
Vote: 5-0
- Mayor Bain suggested that an **agenda item** be scheduled at the next meeting to discuss removal of **black olive trees**.

12) REPORTS & RECOMMENDATIONS:

12A) City Attorney

Public Speakers

City Attorney Seiden encouraged Council not to let anyone talk from the audience without a microphone because it is very frustrating for people watching a video tape when they cannot understand what is going on.

12B) City Manager

Dade Delegation

City Manager Borgmann informed Council that he will be speaking to the Dade Delegation on Wednesday, November 30, 2005 to present the City's legislative requests. He asked Council to submit any finals requests to him.

12B)	Suntrust Bank Grand Opening	The City Manager stated that Suntrust Bank will hold their Grand Opening at 8:30 a.m. on Tuesday, November 29 th and the City officials are invited to attend.
	Sewer Report	City Manager Borgmann reported that the sewer disposal numbers for November are outstanding at 2.5MM gallons per day, which will total 77MM gallons for the month.
	Westward Drive Road Improvement Project	The City Manager announced that the Westward Drive Road Improvement Project would be finished on Friday, December 2, 2005.
	Trolley System	The City Manager informed Council that he has been invited to a meeting with Medley and Virginia Gardens officials on Tuesday, December 13, 2005 to see if the three cities can form a strategy to pool resources to implement a tri-city trolley system that has been successful in other cities.
12C)	City Council	
	Optimist Club: Christmas Tree Sale	Mayor Bain announced that the Optimist Club is selling Christmas trees and that the funds will benefit the youth of the community. He asked for everyone's support.
		Motion to extend the meeting until 12:15 a.m. Motion: Councilman Garcia Second: Councilman Youngs Vote: 5-0
	Snow at the Gazebo	Councilman Garcia wanted to look into the possibility of bringing snow to the Circle from December 5-8, 2005.

- 12C) Snow at the Gazebo (continued) The City Manager explained that from past experiences, the City decided against bringing snow, and also that the snow might not melt in time for the Car Show.
- 12C) Bike Path Lighting Councilman Garcia asked for a status report and the City Manager said that he spoke with Marta Chavez about the bike path lighting and installing underground transmission lines for Dove Avenue.
- Councilman Garcia asked if there is anything that he could do to expedite the bike path situation by calling Florida Power and Light Company.
- The City Manager stated that he would call Ms. Chavez the next day to see if she has additional information.
- Proclamation for Jack Odin Councilman Garcia asked if the City Manager had spoken with Jack Odin's family about accepting a proclamation and the City Manager said that he would follow up on this request.
- Thanksgiving Holiday Councilman Best hoped that everyone had a good Thanksgiving.
- 13)** **ADJOURN** Meeting adjourned at 12:07 a.m.