



CITY OF MIAMI SPRINGS, FLORIDA

CITY CLERK'S SUMMARY OF COUNCIL ACTIONS

Regular Meeting of Monday, September 25, 2006 - 7:00 p.m. – Council Chambers

AGENDA ITEM NUMBER AND SUBJECT

- 1. Call to Order/Roll Call:** All present.
- 2. Invocation/Salute to the Flag:** Councilman Best/The audience participated.
- 3. Awards & Presentations:**
- 3A) Report from Springs River Festival President Connie Brandenburg**

Connie Brandenburg thanked Council for their support. She reported that the event was successful with a record amount of more than \$20,000 going to local charities. New Festival Chairperson Margie Palmer requested and received approval from Council to hold the festival on April 13, 14 and 15, 2007. She requested \$6,000 and in lieu of the golf tournament, the Taste of the Springs event will be held at the Circle on January 28, 2007, together with a City-sponsored antique car show.

3B) Recognition from Orange Bowl Committee Honoring Miami Springs Hawks/City “Park of the Week”

City Manager Borgmann had been presented with a plaque for the Orange Bowl Youth Football League “Park of the Week”, which he in turn presented to Mayor Bain.

4. Open Forum:

- **Garage Sales** Martin Marquez Asked Council to revisit the garage sale ordinance to close loopholes
- **Noise Pollution** Dona Kelley Stated that she would be speaking at this time on several agenda items. Regarding item 9F, she is firmly against all types of noise pollution

4. Open Forum: (Continued)

- Guns Dona Kelley Regarding item 10A, she stated that she is against all kinds of guns and does not like the idea of a supply in the downtown area
- Fossil Fuels Dona Kelley Regarding item 10F, she urged Council to support the resolution enacting a “Freedom from Fossil Fuel Act”
- McMansions Dona Kelley Regarding item 11A, she said that immediate action is needed to control the construction of oversized houses
- Variance Request Dona Kelley Regarding item 11B regarding the scheduling of a Board of Appeals meeting, she said that perhaps the News Bulletin should contain information advising residents not to buy boats, trailers or recreational vehicles if they cannot be properly stored in their properties
- Parking Dona Kelley Regarding item 11C, she said that she has observed a cluster of City vehicles parking downtown, including a Medley police car
- Parking in the Swales Dona Kelley Regarding item 11D, she said that if people are misusing the swale area, that this should be referred to the Community Policing Office
- Parking in the Swales Tim Hawks Reported that he continues to have problems, the latest being with a 20-year old youth who said that he could park anywhere he wanted

4. Open Forum: (Continued)

- Excessive Noise Raúl Zayas Reported that a neighbor operates a nursing facility in front of his home and has a turbine that makes a lot of noise

- Proposed Tax Bill Raúl Zayas Complained about the 400% increase in his property taxes. The City Attorney and City Manager clarified that the law is a State law and it relates to property assessments, not taxes. Council informed him that the State Legislature is looking at several options, including raising the Homestead exemption

5. Approval of Council Minutes: (approved with one motion)

5A) 08/30/2006 – Workshop Meeting

Approved as written.
Motion: Councilman Youngs
Second: Councilman Dotson
Vote: 5-0

5B) 09/11/2006 – Regular Meeting

Approved as written.
Motion: Councilman Youngs
Second: Councilman Dotson
Vote: 5-0

6. Reports from Boards & Commissions:

- 6A) 08/16/2006 – Golf and Country Club Advisory Board – Minutes**
- 6B) 08/16/2006 – Disability Advisory Board – Minutes**
- 6C) 09/05/2006 – Education Advisory Board – Minutes**
- 6D) 09/07/2006 – Code Enforcement Board – Minutes**

6E) 09/14/2006 – Board of Parks and Parkways – 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, Florida Adopting the Final Levying of Ad Valorem Taxes for General Operations and Voted General Obligation Debt Service for the City of Miami Springs for the Fiscal Year 2006-2007; Providing for an Effective Date

To set millage rate at 7.5000.

Motion: Councilman Best

Second: Vice Mayor Garcia

Vote: 5-0

Approved (Resolution No. 2006-3329).

Motion: Councilman Best

Second: Vice Mayor Garcia

Vote: 5-0

7B) PUBLIC HEARING – Resolution – A Resolution of the City Council of the City of Miami Springs, Florida Adopting the Final General Fund, General Obligation Debt Service Fund, Enterprise Funds, Special Revenue Funds and Expendable Trust Funds Budgets for the Fiscal Year 2006-2007; Authorizing the City Manager to Proceed with Implementation of Service Programs and Projects; Prohibiting Unauthorized Liabilities and Expenditures of Funds; Providing for an Effective Date

Approved (Resolution No. 2006-3330).

Motion: Vice Mayor Garcia

Second: Councilman Best

Vote: 5-0

8. Consent Agenda:

8A) Approval of Budget Transfers Within Departments as Provided in Section 9.04 (1) of the City Charter

Approved.

Motion: Vice Mayor Garcia

Second: Councilman Best

Vote: 5-0

9. Old Business:

9A) 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.

9B) 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.

9C) 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 **appointed** Roslyn Buckner.

9D) 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.

9E) Appointment to the Code Enforcement Board by Councilman Dotson (Group II) to Fill an Unexpired Term Ending on September 30, 2008, Created by the Resignation of Walter Sharpe

Councilman Dotson **appointed** Rhonda Calvert.

9F) Discussion Regarding Code of Ordinances Section 99.01 – Unnecessary, excessive, or unusual noises, generally (Tabled: 9/11/2006)

Council **directed** the Administration to enforce the ordinance as written.

9G) Report Regarding Additional Financing for the Bid Awarded to Design-Build InterAmerican, Inc. for the Design and Construction of Two Restroom Facilities at Stafford and Dove Avenue Parks

The additional financing was **approved**.

Motion: Vice Mayor Garcia

Second: Councilman Best

Vote: 5-0

9H) Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Effective Date (Tabled: 8/28/2006)

Adopted (Resolution No. 2006-3331)

Motion: Vice Mayor Youngs

Second: Councilman Best

Vote: 5-0

9I) Status Report – Interlocal Agreement with Virginia Gardens

The City Attorney **informed** Council that together with the City Manager, they met with Virginia Gardens Mayor Deno regarding the Interlocal Agreement, expanded water services and senior center fees. The City Manager is preparing a letter to send to Virginia Gardens outlining the points of the discussion and additional information that Mayor Deno requested at the meeting.

9J) Discussion Regarding Debris Removal

Awarded to DRMS, **subject to approval** of the contract by the City Attorney.

Motion: Vice Mayor Youngs

Second: Councilman Best

Vote: 5-0

10. New Business:

10A) First Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150.070, CBD, Central Business District; to Provide an Additional Approved Use for the District; Repealing All Ordinances or Parts or Ordinances in Conflict; Effective Date (This item will allow a new permitted use in the CBD: Sporting Goods Store, including the sale of weapons and related products used for sporting and hunting activities)

Approved as amended.

Motion: Councilman Youngs

Second: Vice Mayor Garcia

Vote: 5-0

10B) 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 \$13,844.30 for Fiscal Year 2006 to USA Software, Inc., for Software Maintenance for the Police Department, Funded out of the Repairs and Maintenance Account in the I.T. Department Budget

Approved.

Motion: Vice Mayor Garcia

Second: Councilman Best

Vote: 5-0

10C) Consideration of Agreement Between Miami-Dade County General Services Administration Fleet Management Division and the City of Miami Springs for Fueling and Fuel Site Maintenance Services (Item 4 of the Agreement)

Approved.

Motion: Vice Mayor Garcia

Second: Councilman Dotson

Vote: 5-0

10D) Recommendation that Council Approve the Police Department Annual Radio Maintenance Contract and Expenditure with Communications International, Inc., in the Amount of \$17,823.96, as Provided in Section 31.11 (E) (6) (c) of the City Code

Approved

Motion: Councilman Best

Second: Vice Mayor Garcia

Vote: 5-0

10E) Approval of Golf Cart Lease with Yamaha Leasing for 48 Months, at a Monthly Cost of \$4,668.75 to be Funded from the Rentals and Leases Account in the Golf Department

Approved.

Motion: Councilman Best

Second: Vice Mayor Garcia

Vote: 5-0

10F) Resolution – A Resolution of the City Council of the City of Miami Springs Urging the State and Federal Government to Create and Enact A “Freedom from Fossil Fuel Act”, to require the Investigation, Exploration and Funding for Alternative Sources of Fuel, and to Advocate All Reasonable and Responsible Methods for the Reduction and Eventual Elimination of our Current Dependence Upon Foreign Oil and Fossil Fuels by 2017; Urging Other Governmental Support of the Act; Directions to the City Clerk; Effective Date

A motion to adopt the resolution **failed**.

Motion: Councilman Best

Second: Vice Mayor Garcia

Vice Mayor Garcia: “no”

Councilman Best: “aye”

Councilman Dotson: “no”

Councilman Youngs: “no”

Mayor Bain: “no”

Vote: 1-4

10G) Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the Fourth Amendment to the FY2005-2006 General Fund Special Revenue Fund Budgets; Providing for an Increase in the Recreation Department’s Budget for the Acquisition of Park Restroom Facilities; Providing for an Increase in the Building and Zoning Budget for Higher than Budgeted Building Inspector Fees; Increasing Permit Revenues; and Providing for the Establishment of a Hurricane Special Revenue Fund Budget for FY2005-06; Effective Date

Approved (Resolution No. 2006-3332).

Motion: Vice Mayor Garcia

Second: Councilman Youngs

Vote: 5-0

11. Other Business:

11A) Discussion Regarding “McMansions” – Consideration of Moratorium on New Applications

By consensus, Council **scheduled** a Special Meeting at 6:45 p.m. on Monday, October 2, 2006 to establish a moratorium by resolution.

11B) Scheduling of Board of Appeals Meeting to Hear Case No. 54-V-06 – 1340 Lenape Drive – Michael and Cynthia Perez (Variance denied by the Board of Adjustment on September 6, 2006)

Council **scheduled** a Board of Appeals meeting for October 9, 2006.

12C) City Council

Councilman Youngs:

- Education Advisory Board

He was sorry to have missed the last two meetings of the Education Advisory Board. State School “WWW” is in Region 3 and it will be constructed under the direction of John Neblett. He has not been re-appointed to the Attendance Boundary Committee, but if he is not, he will nevertheless attend the meetings to report back to Council.

Vice Mayor Garcia:

- Ludlam Bike Path Lighting

He reported that he met with the City Manager to discuss the status of the Ludlam Bike Path lighting, the project is moving along and the City Manager will follow up with Florida Power & Light

Councilman Dotson:

- Ortiz Family

He said he had not had a chance to speak about the Ortiz family who planted trees on the sixth hole at the Golf Course in remembrance of their son, who died very young. He said that some holes have names, and he thought the sixth could be changed to a memorial hole. The City Manager reported that the Ortiz family indicated that they plan to continue planting trees every year on the anniversary of their son’s death

- Stadnik Way

He asked about the status of renaming the first two blocks of Curtiss Parkway after John Stadnik. The City Manager reported that the County is moving forward with the street dedication for Alex Bromir, and that he will be following up with Commissioner Sosa regarding Stadnik Way

- Debate

He stated that it is very important for Council to debate issues and take time to make sure that every agenda item is covered as thoroughly as possible

13. Adjourn:

There being no further business to be discussed the meeting was adjourned at 11:21 p.m.