



**AGENDA INFORMATION  
CITY OF MIAMI SPRINGS  
CITY COUNCIL**

**REGULAR MEETING  
Monday, September 8, 2008  
7:00 P.M.**

**Mayor Billy Bain  
Vice Mayor Zavier Garcia  
Councilman Bob Best  
Councilman Paul C. Dotson  
Councilman Rob Youngs**

**City Manager James R. Borgmann  
Assistant City Manager Ronald K. Gorland  
City Attorney Jan K. Seiden  
City Clerk Magalí Valls**



***CITY OF MIAMI SPRINGS, FLORIDA***

**Mayor Billy Bain**

**Vice Mayor Xavier Garcia  
Councilman Paul C. Dotson**

**Councilman Bob Best  
Councilman Rob Youngs**

**Decorum:** "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium".

**AGENDA  
REGULAR MEETING  
Monday, September 8, 2008  
7:00 p.m.**

1. **Call to Order/Roll Call**
2. **Invocation:** Vice Mayor Garcia  
  
**Salute to the Flag:** Audience participation
3. **Awards & Presentations:**
  - A) Certificate of Recognition – Elizabeth F. Kourtesis
  - B) Oath of Office – Chief of Police Peter G. Baan
4. **Open Forum:** Persons wishing to speak on items of general city business, please sign the register located on the speaker's stand before the meeting begins
5. **Approval of Council Minutes:**
  - A) 08/20/2008 – Special Meeting
  - B) 08/20/2008 – Workshop Meeting

**6. Reports from Boards & Commissions:**

- A) 08/28/2008 – Code Review Board – Cancellation Notice
- B) 09/02/2008 – Code Enforcement Board – Minutes
- C) 09/03/2008 – Zoning and Planning Board – Cancellation Notice
- D) 09/09/2008 – Recreation Commission – Cancellation Notice
- E) 09/10/2008 – Golf and Country Club Advisory Board – Cancellation Notice
- F) 09/03/2008 – Board of Adjustment – Approval of Actions Taken at their Meeting of September 3, 2008, Subject to the 10-day Appeal Period

**7. Public Hearings:**

- A) Public Hearing – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 93-50, Garage Sales, by Adopting Special Economic Condition Exceptions with a Sunset Provision; Providing for Suspension of Operation of Conflicting Provisions; Effective Date (First Reading: 8/25/2008 – Advertised: 8/28/2008)
- B) Public Hearing – Resolution – A Resolution of the City Council of the City of Miami Springs Tentatively Approving Fiscal Year 2008-2009 Budget; Confirming Date, Time and Place of Final Public Hearing

**8. Consent Agenda:**

- A) Approval of the City Attorney's Invoice for August 2008 in the Amount of \$9,927.50

**9. Old Business:**

- A) Community Center Financing with Sun Trust Bank
- B) Appointments to Advisory Boards by the Mayor and Council Members

**10. New Business:**

- A) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the City's Application for a Matching Grant from the State of Florida Department of Environmental Protection's Florida Recreation Development Assistance Program for the Second Phase of the City's Development of the Linear Park Along the Miami River Canal and Canal Street in the City's Downtown Area; Authorizing the Amendment of the City's Capital Improvement Plan and Budget to Provide the Required Grant Match Funding; Effective Date

**10. New Business: (Continued)**

- B) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing and Approving the Amendment of the City’s Five-Year Budgetary Capital Improvement Plan to Include the Development of a Linear Park Along the Miami River Canal and Canal Street in the City Downtown Area; Effective Date
- C) Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the Second Amendment to the Fiscal Year 2007-2008 General Fund, Special Revenue Fund and Enterprise Fund Budgets; and Providing for an Increase in the Police Department Budget Within the General Fund; Authorizing Funding for the Current Year’s Grants Fund Budget; Providing for an Increase in Funding for the Roads and Transportation Special Revenue Fund Budget; Providing for an Increase in the Sanitation Budget; Finding the Appropriateness of the Budgetary Amendments Set Forth Herein; Effective Date
- D) Consideration of Proposed Charter Amendment Petition as to Form and Sufficiency
- E) Consideration of Post Buckley Schuh & Jernigan’s Proposal for Storm Drains
- F) Consideration of Redefining Garage Sales

**11. Other Business:**

None

**12. Reports & Recommendations:**

- A) City Attorney
- B) City Manager
- C) City Council

**13. Adjourn**

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If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. 286.0105), all of which the City does not provide.

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In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: (305) 805-5006, no later than (7) days prior to the proceeding.

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Pursuant to Sec. 2-11.1 (S) of the Miami-Dade County Code and Miami Springs Code of Ordinances Chapter 33 - §33-20, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk.

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Next Ordinance No. 970-2008  
Next Resolution No. 2008-3407





**DRAFT**

## *City of Miami Springs, Florida*

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Wednesday, August 20, 2008, at 7:00 p.m. (*This meeting was re-scheduled from Monday, August 18<sup>th</sup> due to Tropical Storm Fay*).

### **1. Call to Order/Roll Call**

The meeting was called to order at 7:00 p.m.

The following were present:

Mayor Billy Bain  
Vice Mayor Xavier Garcia\*  
Councilman Bob Best  
Councilman Paul C. Dotson  
Councilman Rob Youngs

\* Vice Mayor Garcia arrived at 7:10 p.m.

Also Present:

City Manager James R. Borgmann  
Assistant City Manager Ronald K. Gorland  
City Attorney Jan K. Seiden  
Interim Chief of Police Peter G. Baan  
Finance Director Leacroft E. Robinson  
Interim Comptroller Alicia E. González  
Human Resources Director Loretta M. Boucher  
City Clerk Magalí Valls

**2. Invocation:** Councilman Best offered the invocation.

**Salute to the Flag:** The audience participated.

**3. Resolution: A Resolution of the City Council of the City of Miami Springs Calling for the Holding of a Special Election for the City on Tuesday, November 4, 2008; Delineating an Additional City Charter Question for the Election Ballot; Providing Authorizations and Directions to the City Clerk; Effective Date**

City Attorney Jan K. Seiden read the resolution by title.

Attorney Seiden explained that within the body of the resolution he refers to the additional question to be placed on the already existing ballot, pursuant to the previous resolution that was sent to the Miami-Dade County Elections Department. The proposed amendment is as follows:

*“Shall Charter Section 3.06 (5) be amended to eliminate Run-off elections and to provide that the candidate for Mayor and the candidate in each Councilmember group receiving the highest number of votes in the General Municipal Election, shall be declared to be elected to office upon the canvassing of the certified election results?”*

Attorney Seiden stated that the language follows provisions that are similar to the cities of Aventura, Coral Gables and Medley. The current Charter provides for the winner to receive a majority of votes and the proposed change would mean that the highest vote-getter would be elected to office without the need for a run-off.

Michael Gavila of 684 Morningside Drive stated that he has no problem with placing the question on the ballot, but he would vote against it because it would be unfair to eliminate run-off elections.

City Attorney Seiden commented that he did not include a provision for a run-off election in the event of a tie.

Councilman Best said that normally the strongest candidates would advance to the run-off and in effect the winner would be the one with the most votes. In addition, eliminating the run-off would save \$30,000.

Councilman Youngs stated that he is sorry that he missed the discussion at the August 11, 2008 Regular Meeting. He understands that the associated dollar amount is approximately \$30,000.

**Councilman Best moved to adopt the resolution (No. 2008-3406). Councilman Dotson seconded the motion, which carried 4-0 on roll call vote (Vice Mayor Garcia was absent at roll call).**

#### **4. Consideration of Entering Into a Letter of Intent with Link Construction to Permit Preliminary Work to Begin on the Project in Advance of the Execution of a Formal Agreement**

City Attorney Jan K. Seiden stated that the Administration is not prepared to deal with this item because Link was supposed to deliver something to the City a few days after the last meeting, which did not arrive until late in the week. The item may be placed on the agenda for the August 25, 2008 Regular Meeting.

City Attorney Seiden explained that Link is supposed to prepare a proposed contract for the City to review and if the contract review takes an extended amount of time, they suggested the option of executing a Letter of Intent. This would allow them to begin basic design work for which they would be compensated for based upon a schedule that will be attached to the document.

Attorney Seiden said that he normally does not like dealing with Letters of Intent because there are advantages and disadvantages. He may recommend against it, but it is not an outrageous suggestion. He would like to see Link's contract, which will be on an American Institute of Architect (AIA) form that would be subject to appropriate provisions based upon past discussions during the two meetings that address all the issues raised by Council when the contract was awarded.

Councilman Dotson inquired whether or not there was a draft contract that Council could review.

City Attorney Seiden responded that Link provided blank forms and the Administration is waiting for a draft contract showing what Link is proposing. He thought that they would provide this information within a couple of days, but it has not been received, perhaps because of the storm delay.

Councilman Youngs commented that AIA contracts and the provisions that are included in the schedules can make a world of difference. He is biased against the Letter of Intent because it helps some parties and hurts others. From the City's position, once Link is doing work under a Letter of Intent that could hurt the negotiating position as far as the other provisions. He felt that revisions to the plans within the cost structure could cause tension as to whether the change is an "add on" or included within the price. He felt that it would be better to complete the contract, even if it takes one or two weeks, because it is a long construction period.

City Attorney Seiden agreed with Councilman Youngs. He felt that Link is working on the contract expeditiously and there should not be a great delay. He added that Link has released a letter and proposed schedule that the City Manager could provide to Council for review. At the last meeting, the City Manager provided material for Link to incorporate into their understanding of what the transaction would be, including some revisions to walls.

City Manager Borgmann explained that during the process he accessed information on the internet regarding bleachers, scoreboards, etc. and he gave the information to Link to show them the type of equipment the City is looking to purchase.

The City Manager reminded Council that the City is going to pay for the basketball goals and will have the option for a fixed mounted unit or a collapsible unit that could be moved aside for other activities.

City Attorney Seiden stated that Link was mainly concerned with the design in order to be able to address how the equipment would be fastened to the ground or walls. He said that the detail would be in the plan, not in the contract.

Councilman Dotson asked if Council could have a copy of the design.

City Attorney Seiden responded that Link had not submitted the design.

The City Manager said that he presented suggested changes because one of the two basketball courts was incorrectly sized at 46-feet instead of 50-feet wide. A decision was made to decrease the length of the basketball courts from 94-feet to 84-feet, which is standard for the high school level. He added that there would not be a need for the telescoping type bleachers because they would be too close to the jogging track and it will save a significant amount of money by providing movable bleachers.

Councilman Dotson asked if the City should have an architect on retainer to sign off on the design plans.

City Manager Borgmann clarified that the City would have the final say on the design.

Councilman Dotson was of the opinion that an architect would be the only person qualified to make a judgment about technical features and he would like to retain the services of a professional.

Attorney Seiden commented that all the details would come back to Council for approval.

Mayor Bain stated that the first step would be for Council to review the contract.

City Manager Borgmann felt that the information he provided to Link would help them to make a determination of what will work or not as far as the dimensions.

Councilman Dotson reiterated that he would be more comfortable with the City having its own architect. He wants to be sure that someone will make sure that Link complies with what the City wants and also protects the City's rights.

**5. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 7:18 p.m.

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Billy Bain  
Mayor

**ATTEST:**

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Magali Valls, CMC  
City Clerk

Approved as \_\_\_\_\_ during meeting of: \_\_\_\_

Transcription assistance provided by S. Hitaffer

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**DRAFT**

## *City of Miami Springs, Florida*

The Miami Springs City Council held a **WORKSHOP MEETING** in the Council Chambers at City Hall on Wednesday, August 20, 2008, at 7:00 p.m. (*This meeting was re-scheduled from Monday, August 18<sup>th</sup> due to Tropical Storm Fay*).

### **1. Call to Order/Roll Call**

The meeting was called to order at 7:18 p.m.

The following were present:

Mayor Billy Bain  
Vice Mayor Zavier Garcia  
Councilman Bob Best  
Councilman Paul C. Dotson  
Councilman Rob Youngs

Also Present:

City Manager James R. Borgmann  
Assistant City Manager Ronald K. Gorland  
Interim Chief of Police Peter G. Baan  
Finance Director Leacroft E. Robinson  
Interim Comptroller Alicia E. González  
Public Works Director Robert T. Williams  
Human Resources Director Loretta M. Boucher  
City Planner Richard E. Ventura  
Elderly Services Director Karen Rosson  
Programs Supervisor Patricia A. Bradley  
Sports Supervisor Noel Acosta  
City Clerk Magalí Valls

### **2. Invocation/ Salute to the Flag:** Councilman Best/The audience participated. (during the Special Meeting at 7:00 p.m.)

### **3. Workshop on Proposed Fiscal Year 2008/2009 Budget (Continued from 8/4/2008)**

City Manager Borgmann asked Council to first address Item IV - Information Technology followed by Item III - Building and Zoning. Mayor Bain agreed.

#### **I. Parks and Recreation**

##### **i. Administration**

Assistant City Manager Gorland stated that the trend within the State of Florida is to severely cut back on Park and Recreation expenses or increasing fees for activities. He explained that the Administration did not take the same approach but realizes that it will take a collaborative effort with Council to decide how to proceed in the future.

Assistant City Manager Gorland explained that Administration (5701) includes sports, special programming and the administrative office. The Administration is requesting authority to hire a Recreation Director and \$100,000 was included in the budget. He felt that the new community center would be a selling point to bring in a qualified director.

Assistant City Manager Gorland recommended reducing the salary for the Recreation Director to \$75,000 and eliminating the position of Recreation Coordinator totaling \$38,828. He explained that it would take at least three months to hire a Director and the Recreation Coordinator position became open because another full-time position was changed to part-time. The Recreation Coordinator moved into the Assistant Supervisor position.

Mayor Bain asked to proceed with the budget and make notes to come back to certain items like the recommendation to hire a Recreation Director.

Councilman Dotson asked if the additional pay for Assistant City Manager Gorland would be eliminated once a Recreation Director is hired.

City Manager Borgmann responded that three quarters of the \$6,156 would be eliminated if a Recreation Director is hired and begins working in January 2009.

Assistant City Manager Gorland explained that the Recreation Staff is very strong, but management takes a tremendous amount of time and the City would be well served by bringing in a professional.

Councilman Dotson commented that part-time year round salaries are budgeted at \$70,000 and salaries for seasonal employees are \$110,000, which totals \$180,000 compared to \$142,000 this year. He asked what the reason for the increase is.

Assistant City Manager Gorland clarified that the salaries are consistent with the amount for the past couple of years. His main concern when he assumed the position was safety and the pool and playing fields should be as safe as possible. He stresses safety and professionalism with no additional staff and to do this it takes stepping up to a competitive environment to get more teachers. The majority of the seasonal and part-time salaries were increased in order to obtain the right people and operate professional programs. He credited Staff for working hard and making the programs work.

Assistant City Manager Gorland explained that there is not an increase and a great amount of time was spent to determine the actual costs related to the ten-week summer program, which is not yet reflected in the financial statements. He prepared programs showing the revenue and costs associated with the programs, which helps to focus on reducing expenditures in certain areas.

Revenues for swim lessons totals \$30,289, other swim related revenues totals \$16,375 and total aquatic revenues totals \$46,600, with \$18,000 direct labor costs, according to Mr. Gorland. He said that the more that is spent on swimming lessons helps to better serve the community and it generates revenue. Child care is costing \$58,257 and the amount is more when it is fully allocated. Halloween costs \$6,700 and Christmas at the Gazebo costs \$6,400, which is a bargain because the events touch many people in the community. The Daddy/Daughter event generates \$1,480 and costs \$1,825, while Easter costs \$3,000 and July Fourth expenses are \$17,000. The annual Luau costs \$3,000.

In the athletic division, football costs \$11,514 of which \$7,200 is paid for referees; soccer costs \$35,000 and basketball costs \$21,000. Little League costs \$35,326 and the major sports programs together total \$103,000. Mr. Gorland explained that expenses can be cut, but they will not provide the same services. He would not recommend charging for the use of the fields, but more volunteers are needed to help prepare and manage the fields.

Councilman Dotson stated that the budget changes should have been brought to Council.

Mayor Bain said that Council is discussing the budget for next year. The point raised by Councilman Dotson is that the cost of labor is being raised by \$55,000. He requested a credible answer in order to be able to move forward.

Assistant City Manager Gorland clarified that the budget is not being increased; the numbers reflect the actual expenditures incurred last year.

Mayor Bain explained that the proposed budget does not reflect last year's figures and Council will need an explanation in order to understand what was spent last year and show justification for what is being requested this year.

Assistant City Manager Gorland confirmed that Councilman Dotson was correct in his statement that more funds were spent than were budgeted.

Vice Mayor Garcia commented that the budget process begins before the financial statements are released in November showing the exact numbers for the ten weeks.

Assistant City Manager Gorland stated that past experience has been that no one checked the numbers in November to see what happened; the Administration sat down and crunched the numbers and he is reasonably sure that the same amount of funds were spent this year for the ten weeks.

Finance Director Robinson stated that last year's actual numbers reflect that Part-time Year Round totaled \$65,000, Seasonal employees totaled \$101,000 and overtime totaled \$11,000. He explained that this year's budget was incorrect.

Councilman Dotson said that Council always compares the actual numbers for last year. He would like to know if the year-to-date figures that vary so much from what is being forecasted are wrong.

Finance Director Robinson clarified that the numbers are not wrong; the numbers are the actual numbers through June 30<sup>th</sup>. The numbers for seasonality are not reflected in the financial statements until after June 30<sup>th</sup>.

Mayor Bain commented that the numbers for fiscal year 2008-2009 are based on projections of what will be spent this year.

City Manager Borgmann stated that the Administration is correcting a problem so that the future budgets reflect the correct amounts. He explained that approving the same amounts that were in the old budgets would cause a reduction in quality or the level of service that the residents are accustomed to. The Administration professionalized the part-time summer staff in order to get teachers or college students who were working on education or recreation degrees, as opposed to fifteen or sixteen year olds that were being paid to watch twelve and thirteen year old kids.

Councilman Youngs said that based on the feedback from the residents he would like to include the funds in the budget in order to provide the same level of quality instructors for the seasonal programs.

Vice Mayor Garcia agreed that he would not want to cut back on the budget and jeopardize the quality of services.

City Manager Borgmann commented that the Administration may have to consider raising fees because the summer program is a bargain and it fills up fast every year.

Councilman Dotson stated that the purpose of asking questions is for him to determine why there is such a big difference in the budget numbers. He is interested in good service as well as good budgets with numbers that Council can rely on. The budget is an important control tool for the City and the Managers and without the correct numbers there is no credibility.

Councilman Dotson asked about the amount budgeted for Other Contractual Services.

Finance Director Robinson stated that \$35,000 is proposed for Other Contractual Services and last year's amended budget was \$36,000. The year-to-date projection of \$23,236 is only a calculation of the first nine months divided by nine and multiplied by twelve and this amount does not include seasonality.

Programs Supervisor Patricia A. Bradley stated that Contractual Services incorporates Waste Management, Snow White dust control and other products that are expected to increase next year.

Councilman Dotson commented that \$18,000 is included in the budget for fumigation. He asked which building this applies to.

Ms. Bradley responded that the fumigation funds were included for the entire complex, but it will not be done since Council approved a new facility, and the amount will be removed.

To answer Councilman Dotson's question, Ms. Bradley clarified that the Promotions line item incorporates all special events, including food, bounce houses, tents, etc.

City Manager Borgmann reminded Council that there were additional expenses that were previously budgeted in the Non-departmental account, including the expense for the fireworks.

Vice Mayor Garcia requested a list of those items that were reallocated from the Non-departmental account.

Ms. Bradley clarified that Recreational Activities includes funds to cover the cost of summer field trips and the cost is offset from activity fees that are charged during registration.

Councilman Dotson commented that the fireworks expense was included in the detail for Recreational Activities (48-01), not Promotions (48-00).

City Manager Borgmann explained that the City of Miami Springs issues a Purchase Order for fireworks in the amount of \$15,000, which is offset by revenue of \$3,000 from Virginia Gardens. He stated that the fireworks should be listed under Promotions (48-00) and there should be additional breakdown for \$35,000 under Recreational Activities (48-01).

City Manager Borgmann said that \$35,000 for Recreational Activities would decrease to \$10,000 and Promotions will decrease to \$35,000.

Councilman Dotson asked what items are included in Machinery and Equipment.

Ms. Bradley responded that the budget originally included funds for two trucks, but they will be purchased by Public Works.

Vice Mayor Garcia asked for a breakdown showing the cost of the individual activities, including summer camp, after school and Christmas.

To answer the Mayor's question, Assistant City Manager Gorland responded that two pick up trucks service the fields and carry equipment and one is no longer running.

Councilman Youngs commented that \$34,000 was included for replacement vehicles in this year's budget and the amount was carried over to next year.

**ii. Pool**

Councilman Dotson stated that the Part-time and Seasonal employees increased from \$97,425 to \$150,000.

Assistant City Manager Gorland said that the year-to-date projections will be more accurate by showing monthly activities.

City Manager Borgmann explained that the lifeguards are hired based on their experience and the salaries were increased in order to retain those people. The focus is on safety based on the recommendations of the Florida League of Cities.

Councilman Dotson reminded the Administration that he had requested a payroll comparison between this year and next year showing salaries for all positions.

Finance Director Robinson stated that he could provide information showing the projected salaries as of September 30, 2008 versus what the salaries will be next year.

Assistant City Manager Gorland explained that in addition to hiring a professional staff, he requested to adhere to the ratio of life guards to people in the water of 1 to 14 and the same with training of 1 to 8 students in the water.

To answer Councilman Dotson's question, Ms. Bradley stated that an additional amount was budgeted under Education and Training to have the life guards trained by Water Safety Instructors (WSI) and for two pool operator certifications.

Assistant City Manager Gorland added that they are cross training between the aquatics and the administrative side in an effort to reduce costs.

**iii. Tennis**

Councilman Dotson asked if the Tennis operation was going well.

Assistant City Manager Gorland responded that the tennis operation is going well, although Manny Fabian is disappointed in the condition of the courts.

#### **iv. Maintenance**

To answer Councilman Dotson's question, Mr. Gorland stated that Building Maintenance included the grounds maintenance and replacement of the field lighting.

Councilman Dotson noted that Operating Supplies and Field Supplies were up by a big percentage. He requested a breakdown of the items covered under these accounts.

Mayor Bain stated that he understands the Charter and realizes that the City Manager is responsible for hiring, but the Parks and Recreation Director is one of the most important positions and he would like Council to have the opportunity to participate in the interview process. He said that it had been difficult to find a qualified individual after Ray Stoltz and Ray Lopez left the position, although he knows that different Administrations were involved. He feels that Council should have some input and it should be a team effort to do what is best for the City.

In regard to the Machinery and Equipment request for \$34,000, the Mayor explained the budget format did not include a breakdown of the vehicles or equipment proposed for purchase. He said that the request for two trucks seemed odd and that he would have to review the Public Works budget and listen to what they are proposing.

Councilman Dotson stated that he recognizes the City Manager's authority under the Charter to hire Department Heads and that Council has some oversight responsibilities. He suggested that Council should not be involved in the selection, but maybe the candidates could appear before Council so that they could see the quality of the candidates.

Councilman Dotson added that he does not approve of hiring someone for \$100,000 and \$75,000 or \$80,000 would be more appropriate. He would like to find a high energy person, either male or female, that could work with the Optimist Club and the current Staff. He said that a lower salary might not appeal to a person with a lot of experience, but it could be a great opportunity for someone who is working their way up from an assistant to a director.

#### **II. Senior Center**

Councilman Dotson asked why Janitorial Services is 29% higher. The detailed breakdown is \$1,251 for twelve months with a 5% increase totaling \$15,763.

Elderly Services Director Karen Rosson responded that the City switched to a new contractor and the cost went up. The budget will be over this year and next year's budget was based on the actual cost plus 5%.

Councilman Dotson commented that the amount budgeted for Capital Outlay is the largest expense and Council already approved the west side entrance.

City Manager Borgmann responded that the expenses are shown in the budget, but hopefully the capital projects would be covered by grant funds. The interior renovations are covered by grants and the City applied for a \$38,000 grant for the cover, ramp and walkway to the door on the west side.

To answer Councilman Dotson's question, Ms. Rosson explained that the City received notification of the first grant totaling \$131,526, of which \$101,269 will be funded by the grant. The City's portion is made up of contributions from Commissioner Sosa, Grace Lutheran Church, and miscellaneous in-kind contributions.

### **III. Building and Zoning**

Assistant City Manager Gorland stated that in previous years the functions of the Building/Zoning/Code Enforcement Department had been an expense to the City, but it is supposed to be self supporting from the permit fee collections, inspections, etc. He explained that the fees were increased and will result in an approximate \$40,000 excess for the coming year.

Assistant City Manager Gorland explained that the intention was not to replace the open position within the department, but keeping track of the numbers, it has shown that activity had increased due to more building activity in the City. He would recommend reinstating the Administrative Assistant I, which is an entry level position to handle filing, track reports and help to service the counter. He said that the Code Compliance Officers had been spending too much time helping at the counter instead of doing their own functions. He added that the funding for the position would be covered by the collections from the department, which would be \$34,000.

Mayor Bain stated that he is not in favor of adding any more positions right now.

Assistant City Manager Gorland reiterated that the position is funded from the collection of permitting fees, not ad valorem taxes. He said that there is a projected excess of \$40,000 and the City's permitting fees are still lower than other communities.

Councilman Dotson commented that the Assistant City Manager is shown as a temporary Building and Zoning Director. He asked if any consideration was given to hiring a full-time Director.

City Manager Borgmann responded that if the City were to hire a full-time Building Official that they would assume the responsibility of Department Head.

Councilman Dotson said that temporary usually means a short period of time.

Assistant City Manager Gorland stated that it was a cost effective decision to hire a part-time Building Official who works 29 hours a week. There is one full-time Building and Zoning Supervisor.

Assistant City Manager Gorland explained that as the temporary Department Head he does the administrative work for the department, including the budgeting and attending meetings that the Building Official would normally handle, which takes a lot of time. He said that if the City were to annex additional land that a full-time Building Official would definitely be needed.

Mayor Bain commented that the part-time Building Official makes \$124,000 and he would give consideration to placing an advertisement and interviewing for a full-time person. He said that there is an excess of \$40,000 and it could be utilized for this person.

City Manager Borgmann explained that after October 1<sup>st</sup> when other cities put their budgets into effect, there could be layoffs and the City might be able to attract candidates for the position of Building Official.

Human Resources Director Boucher added that other cities similar in size have gone with part-time Building Officials because full-time people are not available. Those cities that have full-time Building Officials are paying more than \$125,000 plus benefits. She said that the salary for the position of Building Official was previously in the \$75,000 range.

Councilman Best asked if the recommendation is to hire an Administrative Assistant for \$34,000 whose salary would be funded from the additional \$40,000.

City Manager Borgmann clarified that the Administrative Assistant position was an existing position that they decided not to fill when the person left the job.

Assistant City Manager Gorland explained that the person that left the job was working at a much higher level but the Staff was cross-trained and they advanced, which worked well. The bottom position was left open and now the Department is struggling.

Councilman Dotson expressed his opposition to filling the position because to him it is a new position and Council is trying to reduce expenses within the budget.

Vice Mayor Garcia asked if the Department is not running efficiently because of the vacant position.

Assistant City Manager Gorland responded affirmatively.

Vice Mayor Garcia said that the position was filled and now the Administration realizes that the Department cannot function without it due to the work flow.

Vice Mayor Garcia does not like the idea of subsidizing the salary by the fees that are collected, but the fact of the matter is that there is more work and the Code Enforcement personnel cannot concentrate on their job, which means the Department is not running efficiently.

Assistant City Manager Gorland explained that originally it was thought that the increase in building activity was a short term aberration and it turns out to be more structural because people are improving their homes instead of purchasing new ones. He said that customer service suffers as a result and they had worked hard to improve service to the community. He emphasized that the position should be filled; the Department should not be punished because the Administration took the initiative to not fill the position, when it should have been filled automatically.

Councilman Youngs stated that the position was not included in the proposed budget and now the Administration is suggesting adding it back, but it would have been better to have included the position showing it vacant. He appreciates the intention, but for future consideration the position should be included. He said that the person left the position during the fiscal year and he is curious to know how that affects the year-to-date projection for regular salaries.

Human Resources Director Boucher clarified that the position became vacant in March 2008 and the Administration was trying to see how the Department would operate without filling it. She said that the starting salary for a new employee would be \$26,063.

Councilman Youngs said that adding the position would increase regular salaries, FICA taxes and other benefits and Council should receive replacement pages reflecting the position in the budget.

To answer the Mayor's question, Mr. Gorland stated that the excess \$40,000 is a projection based on the current level of activity.

Mayor Bain said that the position was eliminated from the budget by the Administration and there could be a windfall of \$40,000, but filling the position could increase salaries by \$26,000. He would question whether or not the position is necessary.

Assistant City Manager Gorland clarified that the \$230,000 budgeted for regular salaries was planned for in the budget; the \$40,000 is over and above that amount. It is a projected number that could vary based on the level of building activity. He added that State Law restricts the use of Building Department revenues.

Councilman Dotson commented that \$4,567 is being paid out as other salaries and the totals for this year versus the projected totals reflect an increase of 18.9%. He said that Council is considering a budget that requires reductions and this activity center is increasing.

Councilman Youngs pointed out that \$242,424 is the total of the amended budget for regular salaries and the year-to-date projection is \$209,366 due to the unfilled position.

Councilman Dotson stated that there had never been regular salaries totaling more than \$209,000, which means that the budgets have been high, but it was apparently not necessary because the budget numbers were not reached.

Councilman Youngs felt that the figures should be accurate unless there are unfilled positions.

Councilman Dotson asked the reason for the increase in Other Contractual Services from \$74,719 to \$100,000.

Assistant City Manager Gorland stated that Other Contractual Services includes funds to pay the inspectors that have their own company, while others are paid as part-time employees.

City Manager Borgmann explained that \$30,000 is budgeted for building inspectors that are used as needed and they are being paid as employees because they do not have a company. Other Contractual Services totaling \$100,000 pays for those that have companies. He explained that previously all inspectors were being paid as contractors until the IRS audit when the City was advised that they must be treated as employees unless they have a company.

Further discussion ensued regarding additional expenses related to inspectors, including Workers' Compensation.

To answer Councilman Dotson's question, Finance Director Robinson clarified that Building and Zoning receives a 6.15% overall allocation for Workers' Compensation based on salaries.

Councilman Dotson felt that the increases for inspectors were high based on experience.

Assistant City Manager Gorland explained that the budget amounts were based on projected activity, considering a low, medium and high number, and the Administration decided on the middle number.

City Manager Borgmann explained that the inspections are paid from the permit fees and even though \$100,000 is budgeted and only \$75,000 is spent there would be a savings at the end of the year. The projection is that there will be more building activity because people are investing more in their homes as opposed to upgrading to a new home.

Mayor Bain commented that there is no control over the number of inspections and he understands the budget projection due to more activity.

To answer Councilman Dotson's question, Mr. Gorland stated that \$4,210 is the estimated budget for Office Supplies based on recent activity, which could be adjusted.

#### **IV. Information Technology**

Assistant City Manager Ronald K. Gorland stated that the Information Technology budget is straight forward, but there were some points that he would like to bring to Council's attention.

Assistant City Manager Gorland explained that Other Contractual Service totals \$19,620 including \$9,620 for the SunGard ASP set up fee and \$10,000 for web design. The \$9,620 is the lower of two options because the City is in a position of having to replace the AS400. The next level for the H.T.E. system is 6.0, which the current AS400 system is not capable of handling, SunGard will no longer be supporting 5.0 and a new AS400 would cost approximately \$50,000.

Assistant City Manager Gorland stated that an Application Service Provider (ASP) could host the software and SunGard H.T.E. has a major center in Atlanta, Georgia and Lake Mary, Florida. It is the same system that is used for emergency situations, which was tested and found to work. There are more than 70 communities that have already gone with the ASP alternative. He said that it would be a long-term contract and an analysis over ten years shows that it is a much better alternative than purchasing another AS400 that will not last ten years.

Assistant City Manager Gorland commented that he had previously worked with two corporate organizations that migrated from in-house to the ASP model and it worked extremely well in both cases.

Assistant City Manager Gorland said that the Administration had looked at web design alternatives and everyone agrees that the website has become very busy and they are trying to find a web design that will allow the Department Heads to control the contents for their respective department. He stated that the contents of a website cannot go stale or the information will lose credibility. The City's current website has a very low hit rate. An outside service would cost approximately \$25,000 and they feel that it can be done in-house for approximately \$10,000.

The Information Technology (IT) Manager has been working on a revision of the existing website, which is about 75% complete, according to Mr. Gorland. He explained that the City would have to purchase the software to allow the content to be controlled by the Department Heads.

Assistant City Manager Gorland stated that the full-time IT Manager is very qualified and has been doing a great job for the last three years. The Systems Manager is responsible for H.T.E SunGard and there is another part-time employee that is assisting and learning at the same time.

Councilman Dotson said that Internet Access is \$781.00 and he noticed there is a difference in the amount for other departments. He asked what would be the reason for the difference.

Assistant City Manager Gorland responded that the additional cost might be for an additional port, but that he would find out and report back.

Councilman Dotson asked about the \$900 amount listed for the Systems Manager under FY 2009 Other salaries.

Finance Director Lee Robinson clarified that \$900 is an additional 5% for additional duties.

Assistant City Manager Gorland stated that the Systems Manager has three functions; 50% of her time is allocated to IT functions, 25% as Purchasing Supervisor and 25% to accounting.

To answer Councilman Dotson's question, City Manager Borgmann clarified that the Systems Manager's salary is at the maximum level.

Councilman Dotson said that he would like to exclude additional salaries considering that it is a very tough budget year. He felt that the salaries should be the basis for calculating the cost of living allowance (COLA) and eligible merit increases, not awarding additional amounts of money for other activities.

Mayor Bain asked for an explanation of what duties the additional salaries entail.

City Manager Borgmann said that one example would be the Assistant City Manager who also receives 5% for watching over Building and Zoning and Recreation, which is for additional duties outside of the position's classification.

Vice Mayor Garcia asked how the percentage relates to the three functions that the Systems Manager is responsible for and if the amount is divided between each department.

City Manager Borgmann explained that the percentage is divided between each department and there is also \$900 in the Finance Department.

Human Resources Director Loretta Boucher stated that the additional 5% for the Systems Manager was added when the City was undergoing the process of hiring a Finance Director and she was given extra duties. She explained that the 5% would be removed automatically on September 30, 2008 when her duties will be reduced, but she will take on an additional function in another department.

Councilman Dotson reiterated that an employee should be paid for their primary position and any additional duties should be covered under their salary. He does not approve of pro-rating salaries because a person works 40-hours a week; additional allowances for other activities that are performed within the 40-hours would take away time from normal duties.

Councilman Best stated that Council should not micromanage an employee who can cross the line in Information Technology and assist in other departments because that person is doing a good job.

Councilman Dotson was of the opinion that a person's salary should be based on their job description.

Vice Mayor Garcia commented that the job description could constantly be changing.

Councilman Dotson felt that the Systems Manager's job description includes crossing over to different departments.

Councilman Youngs asked to consider if the 5% should apply to an hourly employee who works 40-hours a week.

City Manager Borgmann clarified that the 5% covers additional responsibilities. He explained that Public Works employees are used to work out of their classifications and receive an additional 5% and this is a similar situation.

To answer Councilman Youngs' question, City Manager Borgmann stated that he would like the additional pay in the budget to be used as a tool to give incentive to employees to perform additional tasks. He added that it allows the opportunity to see how employees perform with added duties and responsibilities for future promotional opportunities.

Councilman Dotson felt that a manager is a person who can be asked to perform extra duties in case of an emergency situation and the job description and salary should be adjusted if the extra duties are performed on a daily basis.

City Manager Borgmann explained that normally the extra duties are related to a temporary situation.

Councilman Youngs stated that the person might not be called upon to perform the additional tasks and the funds may or may not be used. He said that it might be an advantage to let the City Manager use his discretion instead of including the additional pay as part of the regular salary.

Councilman Youngs said that Councilman Dotson could be right about including additional pay in the salary if it is known that the additional pay will be spent.

City Manager Borgmann explained that the Systems Manager would come off the extra duties but there could be other duties as the water and sewer is transferred, which will affect the Finance Department, as well as other departments.

The City Manager added that the Administration is considering re-establishing the position of Purchasing Agent in order to keep better track of the purchasing activities. The Systems Manager has been responsible for purchasing and the responsibility is being shifted to a Public Works employee whose job duties will be decreasing because of the water and sewer transfer. The Administration selected a person who has purchasing experience and has been part of the Finance Department in the past. This person will develop the purchasing role throughout the year, but at the same time the Systems Manager would still be involved and she will have new accounting duties to meet the Finance Director's needs for the upcoming year.

City Manager Borgmann informed Council that the Finance Director had requested one new position for his department and that request will be pulled and there will be more responsibilities to the various Finance Department employees.

Councilman Dotson stated that other pay weakens the payroll policy and allows salary increases other than by merit, COLA or promotion. He felt that it lends itself towards favoritism and removes the constraints that a good policy would have. If a person has a job and there is a temporary reason for additional duties that are not included in their job description, then a permanent change should be made or otherwise it is a problem with the payroll administration system.

Councilman Dotson commented that Education and Training projects expenditures of \$1,053 this year and \$4,000 is budgeted next year. He asked if something specific warrants the increase.

Assistant City Manager Gorland responded that the Systems Manager will be the lead person on the introduction of ASP. She will attend training locally and in Lake Mary, Florida as well as attend the H.T.E. user group meetings.

Regarding the question on the internet charges, Finance Director Robinson said that there are several departments that get a monthly allocation for T-1 and Bell South, which is the reason for the additional expense.

*(Mayor Bain called for a five minute recess at 9:21 p.m.)*

## **V. Public Works**

Public Works Director Robert Williams recognized his Staff and commended them for their assistance in preparing the budget.

### **i. Administration**

City Manager Borgmann explained that Travel and Per Diem would be reduced to \$1,000 from \$6,000 because the Public Works Director will be driving a City car instead of taking a car allowance.

To answer the Mayor's question, Public Works Director Williams explained that the department is requesting two trucks because one truck was totaled in an accident, which was not replaced, and the second vehicle with excess mileage will be utilized by the Recreation Department.

Councilman Best asked how the department will be impacted by the loss of the water and sewer personnel that are transferring to Miami-Dade County.

Public Works Director Williams explained that the employees that are leaving assisted with the sidewalk repairs, cleaning storm drains, street light repairs, and preparation for special events. He said that it will hurt the department because they had special talents in addition to water and sewer.

To answer Councilman Dotson's question, City Manager Borgmann responded that the transfer involved twelve positions of which eleven were workers and one was an administrative position. Three vacancies were kept open, four opted to accept other positions with the City and one is in the DROP plan.

Public Works Director Williams explained that the three employees who are staying bumped out two employees, so he is asking for an additional Maintenance Worker position to keep the operation running efficiently.

To answer the Mayor's question, Human Resources Director Boucher clarified that salary for the Maintenance Worker position starts at \$22,000.

## **ii. Streets Division**

Councilman Dotson asked for an explanation of the overtime totaling \$2,000 because the year-to-date projected amount is \$454.00.

City Manager Borgmann responded that overtime in the Streets Division is related to storm preparation and clean up that is normally reimbursed from the Federal Emergency Management Agency (FEMA).

To answer Councilman Dotson's question, Mr. Williams explained that he is requesting to purchase a grapple bucket attachment for the backhoe for clean up of material that is normally done by a tractor or another piece of equipment.

Finance Director Robinson and City Manager Borgmann explained the difference between capital projects and capital expenditures for accounting purposes.

## **iii. Public Properties Division**

Councilman Dotson commented that the three vacant positions in the Public Properties Division would be filled by the water and sewer employees that were affected by the transfer. He noted that part-time year round is budgeted for \$36,400, overtime is \$10,000 and the budget shows three temporary employees for grass cutting and tree trimming. He asked why the year-to-date projections were so low.

City Manager Borgmann reminded Council that the year-to-date projections were through June 30, 2008, and the expenses for July and August would increase the amount because employees take summer vacations.

Councilman Dotson asked for an explanation of the expenses listed under Operating Supplies and why there is a difference between the proposed budget and the year-to-date projection.

Public Works Director Williams responded that the difference is because he now has two full-time crews to trim trees instead of one.

City Manager Borgmann explained for Councilman Dotson that there were previously five vacant positions, two were eliminated and three remained in the budget.

Public Works Director Williams clarified that three employees from the water and sewer will fill the vacancies in Public Properties and one will help with tree trimming. He stated that \$20,000 is budgeted for a new truck to replace Vehicle # 428 that will be transferred to the Recreation Department. There was also a sanitation truck that was totaled, which was never replaced because he utilized a supervisor's truck knowing that he could depend on the water and sewer vehicles, but now those vehicles are being transferred to Miami-Dade County.

#### **iv. Building Maintenance Division**

Public Works Director Williams stated that there is only one Building Maintenance Specialist in this division and there are times when he requires the assistance of an additional person who is pulled from another division.

Councilman Dotson asked what factor was used to compute the \$23,000 budgeted for operating supplies.

Administrative Assistant Tammy Romero explained that they used the 7% factor that was estimated by the Finance Department.

Assistant City Manager Gorland added that another factor was that last year's actual was \$21,000 and the projection does not include July, August and September.

Councilman Dotson asked the Administration to review the budget in order to make reductions in certain areas.

To answer Councilman Dotson's question, City Manager Borgmann clarified that the budget includes funds for painting City Hall, which had been delayed for the last three years. He added that the City is responsible for the Golf and Country Club building maintenance. The budget also includes funds for the replacement of bollards at Stafford and Dove Parks.

Councilman Dotson asked if the fleet maintenance contractual employees are doing a good job.

Public Works Director Williams explained that the Police Department is very happy with the service and he is also happy with their service. It is a large company with many resources and if they are unable to fix something they can bring in an expert to help.

Councilman Dotson inquired about the maintenance of the sanitation trucks.

Public Works Director Williams responded that the two sanitation cranes are rusting and they might require replacement next year. Two sanitation trucks were replaced approximately three years ago and there is a spare truck that is very old that will eventually be removed from the fleet.

Interim Comptroller Alicia E. González clarified that two sanitation trucks were purchased in November 2005 for \$147,056 each.

Finance Director Robinson added that the five-year plan includes \$150,000 for replacement of a sanitation vehicle in fiscal year 2009-2010.

Councilman Dotson commented that the total for the department shows a \$462,683 increase. He reiterated that he personally is against "Other" salaries paid to employees for additional duties.

Public Works Director Williams explained that maintenance workers cover the duties of the sanitation drivers who work under a higher classification on a temporary basis and the additional 5% pay is an incentive for the employees to become trained for the job.

Councilman Dotson agreed that additional pay is justifiable when an employee is covering a higher paying position. He asked Mr. Williams to go over the budget again to determine if there are any expenses that can be eliminated.

## **VI. Sanitation**

Public Works Director Williams stated that there is one vacant position in Sanitation that is being filled by a person from Water and Sewer.

City Manager Borgmann explained that one of the City's former employees asked if there was any work for him to do. He had been a sanitation driver who knew the routes and was brought back for almost a minimum wage. The same situation happened with the water meter reader.

Dumping and Disposal includes a 5% increase imposed by the County, according to Mr. Borgmann.

To answer Councilman Dotson's question, Mr. Williams explained that damage to residential fences is caused due to overgrown hedges and trees along the alleys. He added that the regular drivers are familiar with problems along the route and there might be problems when other drivers cover for them when they are on vacation.

Vice Mayor Garcia commented that property damage causes other areas in the budget to increase such as fees for drug testing. He added that the use of smaller trucks also means more trips to the dump. He would like to consider the pros and cons of changing to curbside pick up and eliminating the pick up in the alley.

Councilman Dotson requested an explanation of the increase for administrative charges.

City Manager Borgmann stated that in past years the General Fund subsidized the Sanitation Fund to make up for operating losses, which was an issue with the bond rating services. The administrative charges were increased to cover the time that employees spend on the enterprise funds.

Finance Director Robinson explained that former Finance Director William Alonso determined the allocations for the past two years. He said that he was able to reduce the allocation percentage across the board because Water and Sewer was eliminated, which was a large portion. He clarified the amount of the allocations for the various departments throughout the budget.

Councilman Dotson was concerned with a 27% increase last year and 12% this year. He asked about the revenue forecast.

Finance Director Robinson responded that revenues total \$2,253,008 or a 2% increase over the amended budget for 2007-2008.

Councilman Dotson stated that total expenditures exceed the projected revenue amount and he is concerned about a deficit of \$4,000.

Finance Director Robinson explained that considering the total revenue, operating expenses, administration and depreciation charges the total net income would be approximately \$91,454. He added that the budget includes the principal and interest on debt, but the amount is not shown in the enterprise funds.

Councilman Dotson said that he would like to be conservative in order to avoid having to raise the sanitation fees.

To answer Councilman Youngs' question, Mr. Robinson responded that as of the third quarter the Sanitation Fund had a positive change in net assets of almost \$124,000.

## **VII. Road and Transportation**

City Manager Borgmann noted that \$150,000 is budgeted for the Shuttle service. He explained that the budget also includes funds for the replacement of the asphalt bike paths with concrete to protect against root intrusion. He received a quote last year for replacing 83,736 linear feet for \$365,000 and \$104,000 for removing the existing asphalt and base on the Ludlam Road path.

The City Manager explained that the Road and Transportation Fund was developed to improve sidewalks, bikeways or anything that supports transit.

In response to Vice Mayor Garcia, City Manager Borgmann clarified that lighting would extend to Swan Avenue where the telephone poles stop. From that point on it would be a matter of getting new poles and having Florida Power and Light install the lighting. Curtiss Parkway and North Royal Poinciana would have the same lighting as the lights currently in the first block of Curtiss Parkway, which will be funded by a \$720,000 State grant.

Mayor Bain said that his recommendation would be to install taller lighting on North Royal Poinciana along the canal bank, which would be safe and easier to maintain.

Vice Mayor Garcia commented that the poles along North Royal Poinciana are across the street on the residents' side. He understands the Mayor's recommendation, but he would like to consider both options and the cost involved.

City Manager Borgmann said that Florida Power and Light would cover the maintenance on the lighting they install.

Councilman Youngs asked to consider whether or not taller lighting along North Royal Poinciana might be safer.

City Manager Borgmann was of the opinion that low lights would be better because the taller lights create shadows because of the vegetation. He offered to obtain prices for both and schedule an agenda item for discussion at a future meeting.

Vice Mayor Garcia asked if any funds for traffic calming measures were included in the budget.

The City Manager reported that Deer Run has new stop signs. He said that the signs will be more noticeable when the stop bar is painted and perhaps a sign should be installed to warn motorists that there is a stop ahead.

Vice Mayor Garcia felt that new lighting on North Royal Poinciana Boulevard would increase the use of the path, which is a safety concern due to speeding cars. He felt that this should be an area to consider for traffic calming measures.

Councilman Dotson asked if the pickup truck listed under Machinery and Equipment would be used for other purposes.

Public Works Director Williams said that the City would lose a Bobcat due to the Water and Sewer transfer, but there would still be functions that require this equipment and the pick up truck would be used to tow the Bobcat.

## **VIII. Stormwater**

Councilman Dotson noted that a new position is listed for Operations Supervisor.

Public Works Director Williams clarified that the Operations Supervisor would be a project manager who currently deals with the contractors for various projects including stormwater, streets, the restroom construction, etc. This person is one of the Water and Sewer employees that will stay with the City.

City Manager Borgmann added that the salary would be funded from the Citizens Independent Transportation Tax (CITT) funds.

Public Works Director Williams clarified for Councilman Dotson that four employees affected by the water and sewer transfer would remain with the City.

Human Resources Director Boucher stated that two full-time employees from the Golf Course were laid off that have seniority under Civil Service and they will be moving to Public Works.

The City Manager explained that there would be a correction on page two in the Stormwater Fund under Improvements other than Building. The City received a grant for \$150,000 that is being reduced by \$30,000, but the City received an additional \$250,000 from the State, which totals \$370,000; there are additional monies in the fund balance and the City will go out to bid for Basin eight that has a price tag of approximately \$550,000.

Vice Mayor Garcia commented that grant funds are allocated to the City and if the dollars are not spent the State might take back the funds or refuse to fund future projects. He emphasized that every penny should be spent.

The City Manager stated that a \$250,000 grant is a wonderful thing but the City must have the matching funds to fulfill the project.

Councilman Youngs asked where the matching funds are included in the budget.

City Manager Borgmann responded that the City collects a stormwater utility fee every month on the utility bill and the fund has been accumulating dollars for many years that can be used for the match.

To answer Councilman Youngs' question, Finance Director Robinson said that there is approximately \$1 million in the fund reserve for stormwater as of Fiscal Year ending 2007. Once notification that a grant is forthcoming the revenue would be booked for the City's portion of the grant.

## **IX. Debt Service**

City Manager Borgmann explained that this fund includes the principal and interest for the Golf Course bonds. The debt service and annual disclosure fee total \$401,971.

Councilman Dotson asked what SLGS stands for on the Debt Service Disbursement Schedule

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*Councilman Youngs moved to extend the meeting until 11:15 p.m. Councilman Best seconded the motion, which carried 4-1 on voice vote, with Vice Mayor Garcia casting the dissenting vote.*

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Councilman Dotson knows that the SLGS is an escrow fund. He asked what the purpose of the escrow fund is.

City Manager Borgmann responded that when the bond was issued the City of Miami was paid their fees and the remainder was put into an escrow account for the City's use.

## **X. Capital Projects**

Finance Director Robinson handed out a Capital Expenditure Summary for all departments. He explained that Council had reviewed the capital items for all funds with the exception of the Capital Projects. He noted that changes were made to Road & Transportation to include the bike path lighting project on North Royal Poinciana Boulevard for \$800,000. Changes were also made to Stormwater which now totals \$740,000 of which 50% will come back to the City in a grant.

Finance Director Robinson stated that at some point Council would have to make a determination of what items will be included in the Capital Projects for 2008-2009. There are some place holders because the dollar amount is unknown for a new parking garage and the replacement of the jogging path around Stafford Park.

Councilman Dotson asked if the City is committed to spending \$538,682 for the Canal Street Linear Park Project.

City Manager Borgmann explained that the City received grant funds and signed off on Phase I. The project is being done in three phases because the total project cost is approximately \$1.7 million.

City Planner Richard E. Ventura stated that the City initially received a grant award of \$150,000, however the quote for the items that were going to be installed were not covered by this amount. This was communicated to Florida Recreation Development Assistance Program (FRDAP) and under the rules of the grant the funds were returned because the project elements could not be installed.

City Planner Ventura explained that the City applied for a second grant in the amount of \$400,000 in order to be able to cover the costs for Phase I. The grant was to be a 50/50 match with \$200,000 from the State and \$200,000 from the City, but the amount of the award was reduced to \$272,000 or \$135,611 City and \$135,611 State. He clarified that Phase I elements would be the pathway, Phase II would be the fishing pier/boat launch, and Phase III would be a picnic area. Secondary items include landscaping, signage, pavilions, irrigation, electrical, etc.

City Planner Ventura said that the State would only cover 25% of the entire park costs.

City Manager Borgmann commented that the second and third phases include street and sidewalk improvements that can be funded from the CITT and Local Option Gas Taxes. The City would be able to match the \$135,611 each year.

The costs involved for the design, survey and construction documents were reimbursed through the CITT monies, according to Mr. Ventura. He explained that a maximum of 15% of grant awards could be utilized for design work.

Councilman Dotson asked if the City would lose funds if there was not enough funding to begin Phase I this year.

City Planner Ventura stated that he would not want to take a chance on having to return the funds a second time. He believes that the pathway and landscaping could be accomplished next year.

To answer the Mayor's question, Finance Director Robinson explained that the City would have to pay approximately \$403,000.

To answer Councilman Dotson's question, City Manager Borgmann responded that no funds would be derived from the General Fund.

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*Councilman Best moved to extend the meeting until 11:30 p.m. Councilman Dotson seconded the motion, which carried 3-2 on roll call vote, with Vice Mayor Garcia and Councilman Youngs casting the dissenting votes.*

\*\*\*\*\*

Mayor Bain stated that the Canal Street Linear Park would not be paid out of the budget, other than the matching funds.

Vice Mayor Garcia explained that funds must be included in the budget because the City pays for the expenses and is reimbursed.

City Manager Borgmann clarified that it must be listed under the Capital Improvement projects.

Mayor Bain noted that it would cost \$100,000 to silence the City Hall air conditioner. In his opinion the City should go out to bid for a new air conditioner and sell the existing unit.

Councilman Best asked if something could be done to improve the Golf Course irrigation system without spending \$1,700,000.

City Manager Borgmann responded that there was discussion about the irrigation system at a previous meeting and Golf Superintendent Pell explained that it would be better to replace the entire system all at once.

Mayor Bain suggested that Grant Writer Carol Foster might be able to locate grant funding sources for the Golf Course. He added that there are youth programs or foundations that could help to bring in funding.

To answer Councilman Dotson's question, City Manager Borgmann clarified that \$150,000 is budgeted for professional services for the Recreation Complex construction manager.

To answer Councilman Youngs' question, Finance Director Robinson explained that \$137,000 is included in the Capital Fund as an interest expense related to the Recreation Complex project, but it is not a capital expense.

Councilman Dotson asked why there is \$7,000 included for principal if the first year of the loan is supposed to be interest only.

Finance Director Robinson said that it was thought that the loan closing would be in August and that is why \$7,000 is included for one month's principal payment that would be due in September 2009.

Councilman Dotson asked if the Curtiss Mansion Renovation project has construction plans for 2009.

City Manager Borgmann responded that the construction documents are almost complete and ready to go out to bid, with an award in the Spring of 2009 and construction to begin thereafter.

Finance Director Robinson explained that \$2 million dollars had been appropriated for the Curtiss Mansion project and any funds not spent would be carried forward. He explained that if a contract is awarded prior to the fiscal year ending September 30, 2009, the funds that were appropriated for this fiscal year will be encumbered and a budget amendment would follow.

Councilman Dotson commented that \$500,000 from the reserve was approved by Council and there is another \$500,000 designated, but not appropriated. He felt that this would have to be approved as well.

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*Councilman Dotson moved to extend the meeting until 11:45 p.m. Vice Mayor Garcia seconded the motion, which failed on roll call vote, with Vice Mayor Garcia, Councilman Dotson and Councilman Youngs casting the dissenting votes.*  
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The meeting was adjourned at 11:30 p.m.

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Billy Bain  
Mayor

**ATTEST:**

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Magali Valls, CMC  
City Clerk

Approved as \_\_\_\_\_ during meeting of: \_\_\_\_

Transcription assistance provided by S. Hitaffer





## ***CITY OF MIAMI SPRINGS***

### **CANCELLATION NOTICE**

### **CODE REVIEW BOARD**

Due to the fact that the City Council has not directed the Code Review Board to review any ordinances this month, the regular meeting of Thursday, August 28, 2008 has been canceled.

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Magali Valls, CMC  
City Clerk

cc: Mayor and Council  
City Manager  
Assistant City Manager  
City Attorney  
Code Review Board Members and Secretary  
Post





**DRAFT**

***CITY OF MIAMI SPRINGS, FLORIDA***

The regular meeting of the **Miami Springs Code Enforcement Board** was held on Tuesday, September 2, 2008 at 7:00 p.m. in the Council Chambers at City Hall.

**1) Call to Order/Roll Call**

The meeting was called to order at 7:00 p.m. by Chairman Marlene B. Jimenez

Present: Chairman Marlene B. Jimenez  
Vice-Chairman Raul Saenz  
Jacqueline Martinez-Regueira  
Rhonda Calvert  
Robert Williams  
Walter Dworak  
John Bankston

Also Present: City Attorney Jan Seiden  
Building Department Supervisor Tex Ziadie

**2) Invocation/Salute to the Flag**

All present participated.

**3) Approval of Minutes:**

Minutes of the August 5, 2008 meeting were approved as written.

**Board member Raul Saenz moved to approve the minutes of August 5, 2008. Board member Rhonda Calvert seconded the motion, which was passed by acclamation.**

**Swearing In:**

**All those who were scheduled to give testimony were sworn in by Tex Ziadie acting as clerk of the Board.**

4) **OLD BUSINESS**  
**REQUEST FOR REDUCTION OF FINE**

- 1) Case #: 07-1932 & 07-786  
Address: 54 Canal Street  
Owner: Jacomino Holdings Corp.  
Violation: Section 151-04 Work Without a Permit

Building Department Supervisor Tex Ziadie stated the case as follows: Since the Board members heard this case previously, the text of the case was not read over again, although it was in the Board Member's packets. Mister Ziadie clarified that there had been a mix-up in communication about the last meeting which resulted in Mister Diaz of Jacomino Holdings not appearing. Mister Ziadie also stated that investigation of one of the cases resulted in there being no violation and no lien was filed. Mister Diaz had been out of the country when the notices were sent and once he came back he was very cooperative and complied with all of the permitting requirements.

Mister Richard Diaz of Jacomino Holdings stated that he had been out of the country and that he complied as soon as he found out about the violation. The Board members asked Mister Diaz several questions related to when he found out about the violation and when he complied. Mister Diaz also stated that the work had been done by a gentleman who he had asked to do some small work around the apartments and he did not know about the installation of the new door until he returned. The Board discussed among themselves the dates and the amount of time that the violation existed. **Member Robert Williams made a motion that the days of the fine be reduced from 83 days to 10 days to account for the amount of time when Mister Diaz knew about the problem until he filed the permit. This would result in a fine of \$1,000. Vice-Chairman Raul Saenz seconded the motion and it passed by a margin of 6 to 1 with member John Bankston voting No.**

5) **NEW BUSINESS-**  
**NONE**

6) **Council Liaison report and request:**

**City Attorney Jan Seiden spoke to the Board about lien reduction requests, especially as they related to foreclosure properties. The Board asked several questions and there was extensive discussion about the issue. Tex Ziadie told the Board that in the future the Code Compliance Officer would provide a breakdown of costs incurred in the enforcement of any violation, so that the Board could make a more informed decision about what fine would be appropriate if a reduction of lien is requested.**

**There being no further business the meeting was duly adjourned by Chairman Jimenez at 8:00 p.m.**

Respectfully Submitted:



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Tex Ziadie  
Building Department Supervisor &  
Code Compliance Officer

Approved as written during meeting of:

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.





## *Zoning and Planning Board*

### CANCELATION NOTICE

The Zoning and Planning Board meeting of Wednesday, September 3, 2008 has been canceled.

*Marilyn Newton*

Marilyn Newton  
Board Secretary

cc: City Council  
City Manager  
City Attorney  
City Planner  
City Clerk  
Post





*City of Miami Springs, Florida*

*Recreation Commission*

**CANCELLATION NOTICE**

The Recreation Commission meeting scheduled for Tuesday, September 9, 2008 has been canceled in advance.

*Marilyn Newton*

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Marilyn Newton  
Board Secretary

cc: City Council  
City Manager  
Assistant City Manager  
City Attorney  
Recreation Commission Members  
Post





*City of Miami Springs, Florida*

**CANCELLATION NOTICE**

The Golf and Country Club Advisory Board meeting scheduled for Wednesday, September 10, 2008 has been canceled in advance.

*Marilyn Newton*

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Marilyn Newton  
Secretary to the Board

cc: Mayor and City Council  
City Manager  
Assistant City Manager  
City Attorney  
City Clerk  
Golf and Country Club Advisory Board Members  
Mike Aldridge, Golf Director



**DRAFT**



**BOARD OF ADJUSTMENT  
CITY OF MIAMI SPRINGS, FLORIDA**

The Miami Springs Board of Adjustment met on Wednesday, September 3, 2008 at 7:00 p.m. in the Council Chambers at City Hall.

**1. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 7:01 p.m.

Present were: Chairman Manuel Pérez-Vichot  
Vice Chairman Francisco Fernández  
Kevin Berounsky (\*arrived at 7:03 p.m.)  
Daniel Espino  
Ariana Fajardo  
Alternate Richard A. Mikluscak (\*arrived at 7:04 p.m.)

Also Present: City Attorney Jan K. Seiden  
City Planner Richard E. Ventura  
Board Secretary Marilyn Newton

**2. APPROVAL OF MINUTES OF REGULAR MEETING:**

A) Minutes of the August 13, 2008 Board of Adjustment meeting.

**Board member Espino moved to approve the minutes as written and Board member Fajardo seconded the motion. The motion passed 3 – 0 on voice vote, with Vice Chairman Fernández abstaining.**

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### 3. OLD BUSINESS

- A) **Case # 14-V-08**  
**Alexis Casariego**  
**500 Hunting Lodge Drive**  
**Zoning: R-1A, Single-Family Residential**  
**Lot size: 80.6 ft. x 280 ft. x 75 ft.**

Applicant is requesting a variance from Code Section 150-017 *Recreational vehicles (B) Parking and storage (3)*: To maintain an existing boat in the side yard of his property.

---

This case was heard out of order, after Case #23-V-08.

City Planner Ventura read the Applicant's statement:

1. *Not to disturb or interfere with views of the golf course for both myself and my neighbor.*
2. *Boat is being stored at the residence for short periods of time. It is primarily docked at another location during most of the year.*

City Planner Ventura stated that Section 150-017 (B) (3) requires that "...If the recreational vehicle cannot be parked or stored in an enclosed structure or in the rear yard because of an obstruction which cannot be removed so as to permit parking of the vehicle...the property owner must apply for a variance to permit the recreational vehicle to be parked or stored in the rear yard or in the side yard..."

City Planner Ventura continued to explain that the boat at 500 Hunting Lodge Drive was parked in the northeast side yard of the lot, as depicted in the case photos. Staff understands that the boat is presently off of the premises. The dimensions of the boat have been listed by the owner, Mr. Casariego, as being 30 feet in length, 8 feet in width and 10 feet in height. It is 5 feet from the side lot line and 3 feet from the side of the home.

The boat is obscured on the northeast side lot line by a hedge and trees and also by the two-story house in the neighboring lot. Immediately behind the boat are palm trees which would block the boat from being moved either to or from the back yard. The back yard itself is presently occupied by a swimming pool and additional landscaping. As for the opposite (southwest) side yard, it is occupied by still more vegetation and an above-ground gas tank, which would preclude it from serving as an alternative location for the boat. It must also be pointed out that to the rear of the property is the golf course and not other single-family residences or an alley.

Because the boat is set back as far as it is from Hunting Lodge, and is obscured by extensive landscaping and a two-story home on the side, with palm trees immediately behind the boat, etc., Staff recommends approval of this variance request to maintain a boat in the side yard at 500 Hunting Lodge Drive, subject to the following condition (which is the same condition which has

been established in previous, similar cases): That the view of the bow of the boat from the front be further obscured by the installation of a gate composed of an opaque material.

Mr. Alexis Casariego of 1029 Westward Drive said that the boat is usually docked in the Keys; he brings it to his house to wax and polish it on occasion.

Chairman Perez-Vichot noted that the case was tabled previously because the survey did not contain all the details noting all the obstructions and landscaping, etc. on the property.

City Planner Ventura explained that the case packet also contained new photos of the palm trees that were directly behind the parked boat, as they were not clearly visible in the first presentation of the case.

Chairman Perez-Vichot asked for clarification on a section of the survey that looked like it was labeled 'future' behind the boat.

Mr. Casariego replied that four palm trees were part of the master landscaping plan. Two of them are already in place, and two more are going to be placed next to the tiki hut. He pointed out that the bow of the boat is about 30 feet from the front of the house.

Chairman Perez-Vichot noted that the boat was quite tall, and there was no additional screening across the front of it to obscure it from the street.

Mr. Casariego replied that he had six foot tall black bamboo screening ready to be installed stored in the garage. The fence that is there now is standard chain link, about four to five feet high.

In response to Chairman Perez-Vichot's question, City Planner Ventura said that 16 courtesy notices had been sent out; there was one response in opposition and one response in support.

Board member Espino asked if the neighbor adjacent to the boat had any objections.

Mr. Casariego replied that the neighbor would prefer to have the boat where it is so it does not block his view.

Chairman Perez-Vichot asked Mr. Casariego if he would be willing to move the boat back a little farther, in keeping with the Board's requests in similar cases.

Mr. Casariego said he could probably move it back another three or four feet. He would like to keep the tropical feel around the tiki hut, which is why he is adding the coconut palms.

Board member Espino pointed out that since the boat was at the house for only short periods of time, it should not make that much difference.

Mr. Casariego replied that the whole area was going to be landscaped. He also did not want to block the view for his neighbor either, but he could move the boat back about three feet.

Chairman Perez-Vichot asked for any other comments from the Board or the audience.

**Board member Fernandez moved to approve the requested variance, as the Applicant has demonstrated that he cannot place the boat in the back yard or in the garage. The Applicant has agreed to properly screen the boat from the front and move it back as far as possible. Storage will be temporary, and the boat is still almost 100 feet from the property line. Board member Berounsky seconded the motion, which passed unanimously on voice vote.**

Board member Espino wanted to clarify that in the event that Mr. Casariego or a future owner removed the existing tree and the propane tank, they would then have access to the rest of the yard. At that point the variance would not be needed.

City Attorney Seiden reminded the applicant of the ten-day appeal period.

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**B) Case # 23-V-08  
Grethel Sanchez  
1029 Westward Drive  
Zoning: R-1D, Single-Family Residential  
Lot size: 60 ft. x 100 ft.**

Applicant is requesting a variance from Code Section 150-017 *Recreational vehicles (B) Parking and storage (3)*: To maintain an existing boat in the side yard of her property.

---

This case was heard first.

City Planner Ventura read the Applicant’s statement:

1. *Do not have an alley access.*
2. *Pool in patio (rear).*

City Planner Ventura stated that Section 150-017 (B) (3) requires that “...If the recreational vehicle cannot be parked or stored in an enclosed structure or in the rear yard because of an obstruction which cannot be removed so as to permit parking of the vehicle...the property owner must apply for a variance to permit the recreational vehicle to be parked or stored in the rear yard or in the side yard...”

City Planner Ventura continued to explain that the boat at 1029 Westward Drive is presently parked in the east side yard of the property behind a six-foot gate. Only the overhead cover is presently visible above the gate. The back yard is occupied by a pool and the side of the boat, as viewed from the neighboring property, is partially obscured not only by the six-foot fence but also by landscaping, as can be seen from the case photos. The west (opposite) side yard is too

narrow to serve as an alternative location. Staff therefore recommends approval of this variance request to maintain a boat in the side yard at 1029 Westward Drive.

In response to Chairman Perez-Vichot's question, City Planner Ventura said that 41 courtesy notices were sent out; three were returned in opposition and one in agreement.

The responses were read aloud for the Board members; those in opposition came from 915 Westward Drive, 208 Shadow Way and one was anonymous. The neighbor at 1085 Westward Drive responded in support of the request.

Chairman Perez-Vichot noted that one of the case photos showed a boat in the side yard of the neighboring yard. He asked if a variance had been requested for that address.

City Planner Ventura replied that the resident had applied for and been granted a variance.

Board member Espino noted that this particular boat was one of the most concealed boats to come before the Board in recent memory. He thought that the bimini top could be lowered, which would help conceal it further.

Chairman Perez-Vichot agreed, and asked Mr. Sanchez if he could lower the top, which would make it almost totally not visible. He also thought there was a little room to push the boat a little farther back.

Mr. Sanchez of 1029 Westward Drive replied that he would be willing to lower the top.

City Attorney Seiden replied that it would make no difference if the boat was pushed back farther once it was behind the gate. He continued to say that the Ordinance permits this type of procedure in these types of cases and these types of situations.

Mr. Sanchez pointed out that his boat was half the size of his neighbor's and he had more room in the side yard.

Vice Chairman Fernandez said that the Board tries to be consistent with their rulings; they usually require that the vehicles be pushed back as far as possible into the side yard, away from the street.

Chairman Perez-Vichot again asked Mr. Sanchez if he would be willing to lower the top of the boat.

Mr. Sanchez replied that he would whenever it was not raining.

Chairman Perez-Vichot asked for any other comments from the Board or the audience.

**Board member Fernandez moved to approve the requested variance to maintain a boat in the side yard, contingent on the Applicant pushing the boat as far back as possible along the side yard. It has been demonstrated that the boat cannot be placed in the garage or the**

back yard. The Bimini top must also be lowered. Board member Espino seconded the motion, which carried unanimously on voice vote.

City Attorney Seiden reminded the applicant of the ten-day appeal period.

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**4. NEW BUSINESS**

- A. Case # 24-V-08**
- Rogelio and Terry Del Rio**
- 225 Reinette Drive**
- Zoning: R-1B, Single-Family Residential**
- Lot size: 50 ft. x 127 ft.**

Applicants are requesting a variance from Code Section 150-042 *R-1B district (C) Building site area required*: To construct additions to a home on an undersize lot.

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No statement was provided by the Applicants.

City Planner Ventura stated that Section 150-042 (C) requires a minimum lot width of 75 feet for new construction. The lot in this case is 50 feet in width.

City Planner Ventura explained that with the exception of the north side yard setback (4.8 ft.), all existing setbacks for 2256 Reinette Drive meet code requirements. The proposal is for the addition of a roofed porch (supported by columns) to the front of the house, a master bedroom, bathroom and walk-in closet, and a trellis to the rear of the home. If the additions are constructed as proposed, the existing front and north side yard setbacks would not change but the rear yard setback would be 27 feet because of the trellis, still within code requirements.

Staff therefore recommends approval of variance request #1, for new construction on an undersize lot.

City Planner Ventura continued to explain that in the floor plan on page A-3 it is proposed to move two air conditioning units, presently in the rear yard to the north side yard, which would require an additional variance. It should be pointed out that the north side yard is adjacent to a 16 foot alley, and instead of another side yard immediately adjacent to that alley is the back yard of 300 Morningside Drive. There is approximately 33 feet from the rear property line to the back wall of the home at 300 Morningside Drive. Although there may not be a "hardship" which would necessitate the placement of the air conditioning units to the north side yard, Staff does recognize that the adjacent alley and the backyard of 300 Morningside Drive serve to mitigate any negative impacts that would result.

Staff therefore makes no recommendation for variance request #2. But if it is denied Staff suggests that the air conditioning units be placed in the area between the proposed bedroom addition and the trellis, at least 25 feet from the rear property line and at least 5 feet from the north side property line.

There were 35 courtesy notices sent out; none were returned with comments.

Chairman Perez-Vichot asked Mr. Del Rio if he was aware he would lose access to his rear yard on the one side if the air conditioning units were placed there.

Mr. Del Rio of 225 Reinette Drive replied that the air conditioning units could be installed wherever his architect and construction crew decided they should go.

City Planner Ventura pointed out that he had suggested the units could be placed between the proposed bedroom addition and the trellis. That space would still meet the setback requirements and eliminate the blocked access to the rear yard.

Chairman Perez-Vichot noted that south of the family room was another alternate location. In addition, that location would not require a variance.

City Attorney Seiden said that from a police or fire position, the blocked access might be a problem at some point.

Mr. Del Rio said that he would be willing to move the air conditioning units.

Chairman Perez-Vichot asked for any other comments from the Board or the audience.

**Board member Fajardo moved to approve the requested variance for construction on an undersize lot. All the setback requirements have been met and the Applicant has agreed to move the air conditioning units next to the family room, which will not require a variance. Board member Espino seconded the motion, which carried unanimously on voice vote.**

City Attorney Seiden reminded the applicant of the ten-day appeal period.

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- B) **Case # 25-V-08  
Randall Rakestraw and Cindy Dwyer  
300 Morningside Drive  
Zoning: R-1B, Single-Family Residential  
Lot size: 85 ft. x 120 ft.**

Applicants are requesting a variance from Code Section 150-013 *Residential plantings, fences and walls (C) Fence and wall materials and locations (2) Side and rear yard fences*: To install a rear yard fence without the required offset for the placement of waste containers.

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City Planner Ventura read the Applicants' statement:

*"Section 150-013 (C) (2) of the Code reads as follows: "If a property owner erects a fence bordering an alley, the property owner shall provide an offset in the fence of not less than four feet by ten feet for the placement of garbage cans or mobile containers." In this case, the property owner has submitted a permit application to add 25 feet to an existing 60-foot long section of fence bordering an alley. Because the proposed fence extension is located near an electrical pole, it would be impractical to provide an offset in this newly erected portion of the fence. Therefore, the property owner would be required to tear out and reconstruct a portion of the existing fence in order to provide the requested offset. The property owner is requesting that a variance be granted to allow the existing fence to remain intact. The Public Works Director has inspected the site and determined that the alley bordering the property is wide enough to accommodate utility vehicles without the requested offset, and has indicated to the property owner that he would support a variance in this case."*

City Planner Ventura stated that Section 150-013 (C) (2) does require a 4 foot by 10 foot offset in a fence bordering an alley for the placement of trash containers.

City Planner Ventura explained that all existing setbacks are within code requirements for 300 Morningside Drive and the second case photo indicates the subject of this variance request. Staff has already scaled the distance that the existing electrical pole already encroaches into the existing alley approximately 3.25 feet. Therefore any service vehicles traversing the alley would have to be able to routinely avoid this 3¼-foot encroachment.

The hardship in this case would be that the additional 4 foot by 10 foot offset—a 4 foot indentation in the fence—would be redundant. Staff therefore recommends approval of this variance request for 300 Morningside Drive.

In response to Chairman Perez-Vichot's question, City Planner Ventura replied that 29 courtesy notices were mailed out; none were returned with comments.

Chairman Perez-Vichot said that he had driven down the alley. It was typical to find the power poles encroaching three feet into the alley, but most properties do have the 4 foot by 10 foot setback. He noted that the setback was also intended to create space for debris and trash, in addition to the garbage cans.

City Planner Ventura pointed out that the service vehicles would have to navigate around the utility pole anyway since it was on the corner.

Chairman Perez-Vichot noted that the existing fence proceeds away from the pole heading towards the east. A chain link fence is relatively easy to relocate or adjust. He was concerned about setting a precedent for any other resident along the alley with an adjacent power pole.

Vice Chairman Fernández agreed that the offset was mandated to provide room for the garbage can and additional trash or garbage. The alley was the standard width at 16 feet.

A discussion ensued regarding the number of utility poles in a typical alley.

Board member Espino said that he thought there should be an offset to accommodate hurricane debris and leave space for a vehicle to navigate through the alley.

Ms. Cindy Dwyer of 300 Morningside Drive agreed that the other properties in the neighborhood bordering the alley had the required offsets. She provided pictures for the Board to support her claim that she does not need the offset, noting that one of the neighbors had planted a garden in their offset area. She continued to say that as an urban planner herself, she believed that when the government took private property for public use there should be a clear and compelling reason for doing so. She did not believe that there was in this particular case.

Chairman Perez-Vichot noted that under ideal conditions, there was enough room for the garbage can. He was concerned that in the event there was furniture or hurricane debris placed out for trash pick-up, Ms. Dwyer and the neighbors would all be encroaching into the alley.

Ms. Dwyer said she has lived at the address for 16 years, and it has never been an issue during that time.

Chairman Perez-Vichot asked for any comments from the Board or the audience.

Vice Chairman Fernandez pointed out that the government has not taken the property; the residents still have the use of it. He continued to say that government does have the right to zone. He understood the homeowner's position but felt that the Board should not deviate from the Code unless there is a real hardship. He would like to be consistent throughout the City; it would not be every day that a large appliance or pile of tree debris would be piled in the alley, but there will be times when that offset is needed.

Ms. Dwyer said that the Code refers to proposed fences; most of the fence already exists in this case.

Chairman Perez-Vichot advised Ms. Dwyer that she will not be able to park her car when the new section of fence is erected.

Ms. Dwyer replied that the whole driveway was going to be demolished and turned into a garden.

Chairman Perez-Vichot asked Ms. Dwyer if she would be willing to create the offset in the new section of fence.

Ms. Dwyer said that the Public Works Department did not want them to put the offset in that area; they would rather have it in the area of the existing fence, on the eastern most edge of the property.

Board member Espino said that he was not aware of any compelling reason to create the offset on the east side, unless it would create a problem for the utility vehicles.

**Board member Fernández moved to deny the requested variance to eliminate the required offset in the rear yard fence. A hardship or compelling reason has not been demonstrated, and the Board should be consistent in its recommendations to comply with Code. Board member Fajardo seconded the motion, which carried 4- 1 on voice vote, with Board member Berounsky dissenting.**

Board member Espino asked City Planner Ventura if he would contact Public Works to determine why it was suggested that the offset be placed in the east end of the property.

City Attorney Seiden told Ms. Dwyer that the response from Public Works may help her to determine whether she wanted to appeal the decision. He advised her to contact the City Planner and set up a meeting.

City Attorney Seiden reminded the applicant of the ten-day appeal period.

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**C. Case # 26-V-08  
Michel Izquierdo and Gretel Delgado  
1040 Falcon Avenue  
Zoning: R-1C, Single-Family Residential  
Lot size: 75 ft. x 127 ft.**

Applicants are requesting a variance from Code Section 150-025 *Awnings and canopies in all zoning districts (D) Horizontal area*: To install an awning 27 ft. in length.

---

City Planner Ventura read the Applicants' statement:

- *It is the same size as the concrete slab.*
- *It squares off the size of the house.*
- *The width is only 14 feet (the maximum allowed is 20 feet).*
- *We don't have any other source of shade outside of the house.*
- *The size of the back lawn is big enough.*

City Planner Ventura said that Section 150-025 (D) states that the maximum allowable dimensions of a canopy are 20 feet by 22 feet.

With the exception of the front yard setback (28 ft. because of an existing, encroaching front porch), all existing setbacks are within code requirements.

The proposal is to install a 27' x 14' awning, supported by posts at the southeast corner of the back of the house over an existing slab. A search of the Building Department file for 1040 Falcon Avenue produced two permits that were issued relating to slabs: one dated January 29, 2003 for a slab with a total area of 80 square feet and shed and the other, dated April 22, 2003, for a slab with a total area of 200 square feet. The attached paperwork for this second permit indicates that it may have been for the floor of the garage.

If installed as proposed, the back of the awning would extend 1.3 feet beyond the back wall of the house, but it would still leave a rear yard setback of approximately 50 feet. Even though the length of the proposed awning is 5 feet over the maximum allowable per Code for length, it is still 6 feet within what the Code would allow for width. Aside from the 1.3 foot extension past the back wall of the home, the awning would still follow the east side wall.

Staff therefore recommends approval of this variance request for the awning as proposed for 1040 Falcon Ave.

Chairman Perez-Vichot confirmed that the total square footage allowed by Code for a canopy or awning is 440 square feet. The total area for this awning would be less than that, even though it exceeds the allowed dimensions on one side.

Board member Espino pointed out that a masonry and wood structure of the same dimensions would be approved according to Code. He felt that the Ordinance was not functioning adequately to fit the needs of the community. There have been several instances that residents with awnings have run into problems complying with the Code, when the end result would have been aesthetically pleasing and compliant if constructed of a more permanent material.

A discussion ensued concerning how the dimensions stated in the Code were decided upon. It was agreed that the total square footage was more important than the dimensions, as long as the required setbacks were met.

City Attorney Seiden said that he could research the Ordinance and propose an amendment.

Chairman Perez-Vichot asked if there was a pad or footer for the canopy on the existing slab; the details were not noted on the survey.

Ms. Gretel Delgado of 1040 Falcon Avenue replied that the slab was always there; the Building Department had come out the day before and measured the depth.

Chairman Perez-Vichot asked for any comments from the Board or the audience.

**Board member Espino moved to approve the variance request, as the awning occupies less square footage than the Ordinance allows. The awning will fit into the niche of the house and over the existing concrete slab. Board member Fajardo seconded the motion, which passed unanimously on voice vote.**

City Attorney Seiden asked the Board members what square footage they would like to see in the Ordinance in the event the wording is changed.

After more discussion it was agreed that the square footage could be set at 450 square feet; anything greater would be subject to a variance request.

City Attorney Seiden reminded the applicant of the ten-day appeal period.

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**D) Case # 27-V-08  
Jesus and Jeannine Ramirez  
582 Mokena Drive  
Zoning: R-1C, Single-Family Residential  
Lot size: 50 ft. x 183 ft.**

Applicants are requesting the following variances:

1. From Code Section 150-043 *R-1C district (C) Building site area required*: To construct a gazebo in the rear yard of their property on an undersize lot.
2. From Code Section 150-041 *R-1A district (2)*: The gazebo, as a detached structure, would be less than 10 ft. from the home.

---

City Planner Ventura read the Applicants' statement: "*Undersize lot only.*"

City Planner Ventura stated that Section 150-043 (C) stipulates that a lot have a minimum width of 75 feet for new construction. Section 150-041 (2) requires that a detached structure be at least 10 feet away from the main building.

City Planner Ventura explained that the property survey indicates that the south side yard setback is 4.8 feet and Staff has scaled the north side yard to be approximately 5 feet. The front yard setback is indicated as being 30 feet, and the rear yard setback is greater than the required 25 feet. The proposal is to construct a gazebo, measuring 17 feet by 14 feet, in the rear yard of the property 4 feet, 8 inches from the rear of the home as indicated in the site plan. It is also proposed to be approximately 13 feet from an existing shed. When the areas of both the shed and the proposed gazebo are added together, they would still occupy only 11 percent of the rear yard.

He continued to say that the Applicants, Mr. and Mrs. Ramirez, have not demonstrated sufficient hardship to approve their variance request as presented. Staff therefore recommends approval of their request to construct the gazebo on an undersize lot, but recommends that it be placed further back in the rear yard behind the pool, at least 10 feet from the existing shed and at least 5 feet from the rear property line and the south side yard property line.

City Planner Ventura said that 30 courtesy notices had been sent out. One had been returned opposed to the variance request, which he read aloud. He continued to say that there was a canopy in the rear yard, but it met the setback requirements.

Chairman Perez-Vichot noted that if the gazebo was connected to the house there would be no need for a variance request. According to the plans, there are only six inches separating one roof from the other.

City Planner Ventura said that he and Mr. Ramirez had discussed that matter.

Mr. Jesus Ramirez of 582 Mokena Drive stated that the canopy in the back yard was temporary, and will be taken down when the gazebo is completed.

Chairman Perez-Vichot asked Mr. Ramirez if he understood that he needed either a separation of 10 feet between the gazebo and the house or that the two structures needed to be connected.

Mr. Ramirez said that the gazebo was going to be an open structure, with no walls. The roof of the house is only two years old, and he does not want to touch any part of it to connect the structures. The gazebo will have the same tiles on its roof as the house.

Chairman Perez-Vichot noted that the gazebo will have a beam, which could be connected. He reiterated that the Board does not legislate, but does follow the Code.

City Attorney Seiden asked if the shed was permanent, or if it could be moved back.

Mr. Ramirez replied that the shed had to stay where it was because of the location of the wall surrounding the pool equipment. He wanted to keep his back yard as beautiful as possible.

Chairman Perez-Vichot suggested that if the gazebo was moved back three feet closer to the wall, then Mr. Ramirez would almost have the 10 feet of separation required by Code. If necessary, the gazebo dimensions could be reduced to comply.

Mr. Ramirez said that his terrace faces the back yard; placing the gazebo will create an L- shaped area. He would rather not have more space in between the house and the gazebo, because of rain and other weather.

Board member Espino noted that it looked like the intention was to make the gazebo part of the house without physically connecting the two structures. He understood the reluctance to attach the gazebo to the roof, but pointed out that attaching it would eliminate the water dripping between the two structures.

Mr. Ramirez said that he has problems with water coming off of the joints in the roof now because of the hip roof line. He was afraid the joints for the roof line of the gazebo would create more problems in conjunction with the roof line of the house.

Chairman Perez-Vichot explained to Mr. Ramirez that the two roof lines can be joined together, and advised him to check with whoever did the drawings. It would be his choice as to which way he decided to go; the Board is just making a suggestion..

Mr. Ramirez said he would attach the gazebo to the house.

City Attorney Seiden noted that by agreeing to attach the gazebo, Mr. Ramirez could withdraw that variance request.

Chairman Perez-Vichot reiterated that the only variance needed by Mr. Ramirez now would be for an undersize lot, and that the request could be modified.

Chairman Perez-Vichot asked for any comments from the Board or the audience.

**Board member Fernández moved to approve the variance request for construction on an undersize lot. All setbacks are according to Code. Board member Berounsky seconded the motion, which passed unanimously on voice vote.**

City Attorney Seiden wanted it clear for the record that the Applicant withdrew his request for a variance regarding the gazebo.

City Attorney Seiden reminded the applicant of the ten-day appeal period.

\*\*\*\*\*

**5. ADJOURNMENT**

The meeting was duly adjourned at 7:59 p.m.

\_\_\_\_\_  
Marilyn A. Newton  
Board Secretary

Approved as written on \_\_\_\_\_

\*\*\*\*\*

The decisions of the Board of Adjustment may be appealed to the Board of Appeals pursuant to Code Section 150.113. Any person appealing any decision may need to ensure that a verbatim record is made of the proceedings, which record includes the testimony and evidence upon which the appeal is made. (F.S. 286.0105)

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*“The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council”.*

\*\*\*\*\*



# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared V. PEREZ, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF MIAMI SPRINGS  
PUBLIC HEARING FOR 9/8/2008

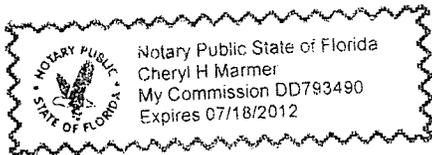
in the XXXX Court,  
was published in said newspaper in the issues of  
08/28/2008

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this  
28 day of AUGUST, A.D. 2008

(SEAL)

V. PEREZ personally known to me



## PUBLIC HEARING

The Miami Springs City Council will conduct a public hearing at their regular meeting on Monday, September 8, 2008, at 7:00 p.m. in the Council Chambers at City Hall, 201 Westward Drive, Miami Springs, Florida regarding the following proposed ordinance:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 93-50, GARAGE SALES, BY ADOPTING SPECIAL ECONOMIC CONDITION EXCEPTIONS WITH A SUNSET PROVISION; PROVIDING FOR SUSPENSION OF OPERATION OF CONFLICTING PROVISIONS; EFFECTIVE DATE**

Anyone wishing to offer verbal or written comment regarding the proposed ordinance may do so at the public hearing. A copy of the proposed ordinance is posted for public review on the bulletin board located next to the elevator on the first floor at City Hall.

Magali Valls, CMC  
City Clerk

If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. §286.0105).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: 305.805.5006, no later than seven days prior to the proceeding.  
8/28 08-3-129/1074990M

LA: 111 02 807 2007  
CITY OF MIAMI SPRINGS

#83.35

ORDINANCE NO. \_\_\_\_-2008

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 93-50, GARAGE SALES, BY ADOPTING SPECIAL ECONOMIC CONDITION EXCEPTIONS WITH A SUNSET PROVISION; PROVIDING FOR SUSPENSION OF OPERATION OF CONFLICTING PROVISIONS; EFFECTIVE DATE.**

**WHEREAS,** the City Council and the City Administrative Staff are cognizant of the difficult economic conditions being experienced by all citizens; and,

**WHEREAS,** numerous requests have been received regarding the “liberalization” of the restrictions and prohibitions on garage sales in the City; and,

**WHEREAS,** while the City Council does not wish to amend all the regulatory provisions governing garage sales, it is willing to provide some “temporary relief” from some of the restrictive provisions of the Ordinance; and,

**WHEREAS,** while it is the intent of the proposed amendments to provide assistance to citizens during the current economic conditions, the proposed amendments are also intended to “sunset” automatically one (1) year from enactment; and,

**WHEREAS,** the City Council of the City of Miami Springs has determined that it is in the best interests of the City and its citizens to enact the proposed “temporary” amendments to the City’s Garage Sale Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS:**

**Section 1:** That Code of Ordinance Section 93.50, Garage Sales, is hereby amended as follows:

- (A) ...
- (B) ...
- (C) ...
- (D) ...
- (E) ...
- (F) ...

(G) Special Economic Condition Exceptions; Sunset Provision.  
Notwithstanding any provision previously set forth herein to the contrary, the following provisions will be applicable to garage sales conducted within the City for a period of one (1) year. from enactment.

- (1) During this period, four (4) garage sales, instead of three (3), may be held and permitted on the same property.
- (2) Also, during this period, two (2) garage sales may be permitted during any month, and no thirty (30) day period between sales shall be required.
- (3) The provisions contained in Section G shall automatically sunset and be of no further force or effect one (1) year from enactment.

**Section 2:** That all Ordinances or parts of Ordinances in conflict are herein suspended from operation during the effective period of the amendments provided herein.

**Section 3:** That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs,

Florida this \_\_\_\_ day of \_\_\_\_\_, 2008.

The motion to adopt the foregoing ordinance was offered on second reading by \_\_\_\_\_, seconded by \_\_\_\_\_, and on roll call the following vote ensued:

Vice Mayor Garcia	“ ____ ”
Councilman Best	“ ____ ”
Councilman Dotson	“ ____ ”
Councilman Youngs	“ ____ ”
Mayor Bain	“ ____ ”

\_\_\_\_\_  
Billy Bain  
Mayor

**ATTEST:**

\_\_\_\_\_  
Magali Valls, CMC  
City Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**



Jan K. Seiden, Esquire  
City Attorney

First reading: 08/25/2008  
Second reading: 00/00/2008

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.

O:\Ordinances\Ordinances\Ordinance No. \_\_\_\_-2008 - Amending S. 93-50 - Garage Sales.doc



RESOLUTION NO. 2008-\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS TENTATIVELY APPROVING FISCAL YEAR 2008-2009 BUDGET; CONFIRMING DATE, TIME AND PLACE OF FINAL PUBLIC HEARING.**

**WHEREAS**, the City Council of the City of Miami Springs has given careful consideration to the anticipated expenses and various sources of revenue available for carrying on the functions of city government and has tentatively approved a millage levy for Fiscal Year 2008-2009 of 6.4305 mills, plus a millage levy of 0.3687 mills for General Obligation Bonds Debt Service; and

**WHEREAS**, in accordance with provisions of the City Charter and State law, the City Council has presented the proposed millage levy and budget document for Fiscal Year 2008-2009, and has conducted public hearings to allow all interested persons to be heard regarding the proposals of any item thereof:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

**Section 1:** That a budget as set forth and included herein by reference in the amounts as follows be and the same is hereby tentatively approved for Fiscal Year 2008-2009 and all sums are appropriated for the purposes stated herein:

<u>Funds</u>	<u>Revenues &amp; Reserves</u>	<u>Expense Appropriations and Reserves</u>
General Fund:	\$13,958,852	\$13,958,852
Special Revenue Funds:	4,084,577	4,084,577
Debt Service Fund:	401,971	401,971
Capital Projects Fund:	985,682	985,682
Enterprise Fund:	<u>\$2,620,094</u>	<u>\$2,620,094</u>
TOTALS	<u>\$22,051,176</u>	<u>\$22,051,176</u>

Resolution No. 2008-\_\_\_\_

**Section 2:** That the City Council will conduct a final public hearing on the proposed budget and all items thereof, at 7:00 p.m., on Monday, September 22, 2008, in the Council Chambers at City Hall.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs, Florida, this 8<sup>th</sup> day of September, 2008.

The motion to adopt the foregoing resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, and on roll call the following vote ensued:

Vice Mayor Garcia	“ _____ ”
Councilman Best	“ _____ ”
Councilman Dotson	“ _____ ”
Councilman Youngs	“ _____ ”
Mayor Bain	“ _____ ”

\_\_\_\_\_  
Billy Bain  
Mayor

**ATTEST:**

\_\_\_\_\_  
Magali Valls, CMC  
City Clerk

**APPROVED AS TO LEGALITY AND FORM:**

Jan K. Seiden, City Attorney

O:\Resolutions\Resolutions\Resolution No. 2008-\_\_\_\_ - Tentatively Approving the FY 2008-2009 Budget - 09-08-2008.doc

Resolution No. 2008-\_\_\_\_\_

# CITY OF MIAMI SPRINGS



Finance Department  
201 Westward Drive  
Miami Springs, FL 33166-5289  
Phone: (305) 805-5014  
Fax: (305) 805-5037

To: The Honorable Mayor Billy Bain and Members of the City Council

VIA: James Borgmann, City Manager *J.B.*

FR: Leacroft Robinson, Finance Director *LR*

Date: September 4<sup>th</sup>, 2008

Re: Tentative FY 2008-2009 Budget

Dear Mayor and Council:

Attached, please find the following schedules related to FY 2008-2009 Tentative Budget.

- Tentative FY 2008-2009 Budget. This schedule now reflects a positive Excess Revenues over Expenditures, prior to Transfers and Contingencies, of \$68,416 in the General Fund. These numbers reflect all changes resulting from the budget workshop sessions as well as a recent reduction in General Liability, Property, and Auto Insurance of more than \$113,000. The lower insurance costs were primarily due to lower coverage rates from our insurer, Florida League of Cities.
- Workshop #2 Changes. This schedule reflects the changes made to each Department's budget along with a brief explanation for the changes. Changes are separated to reflect those resulting from the second Budget Workshop vs. Other Changes. This schedule was developed to keep you abreast of changes occurring between the various budget drafts.
- Budget Summary FY 2008-2009. This schedule reflects summary Revenues and Expenditures for the General Fund and the Special Revenue Funds.
- Enterprise Fund Budget Summary FY 2008-2009. This schedule reflects Revenues, operating Expenditures, Administrative Fees to the General Fund, and Depreciation Expense for all Enterprise Funds.
- Capital Expenditure Summary – All Funds. This schedule reflects the Capital Improvement appropriations request by Department/Funds in the amount of \$3,582,486. A separate schedule summarizes the information by Fund, Department, and Category.
- Capital Improvement Plan (5 Years). This schedule reflects the City's capital improvement projects that are expected to undertaken over the next 5 years.

A complete FY 2008-2009 Tentative Budget book is being completed for delivery tomorrow, September 5<sup>th</sup>, 2008.

Agenda Item No.

City Council Meeting of:

SEPT 8, 2008

**CITY OF MIAMI SPRINGS**  
**Projected Changes in Fund Balance- General Fund**  
**Tentative FY 2008-2009 Budget**

The General Fund is used to account for all financial resources of the City, which are not legally required to be accounted for in another fund. It is the chief operating fund of the City.

	FY05-06 Actual	FY06-07 Actual	FY07-08 Amended Budget	FY08-09 Tentative Budget	% of Total	FY08 VS. FY09 % CHANGE
<b>Beginning Fund Balance</b>	\$ 3,015,292	\$ 4,218,571	\$ 5,611,002	\$ 5,355,694		
<b>Revenues/Sources</b>						
Taxes	6,890,884	7,123,915	6,661,055	6,660,313	54.0%	0.0%
Franchise Fees	966,572	968,264	889,200	974,498	7.9%	9.6%
Public service taxes	1,635,233	1,633,536	1,578,674	1,663,460	13.5%	5.4%
Licenses and Fees	429,946	467,280	538,993	570,800	4.6%	5.9%
Intergovernmental Revenues	1,697,010	1,669,282	1,685,625	1,401,420	11.4%	-16.9%
Charges for Services	235,257	218,536	206,220	208,020	1.7%	0.9%
Fines and Forfeitures	143,724	143,286	183,773	191,700	1.6%	4.3%
Interest Income	273,576	241,751	261,000	224,400	0.0%	-14.0%
Miscellaneous	121,242	162,487	161,729	119,516	1.0%	-26.1%
Interfund Transfers In	425,000	482,002	584,000	310,521	2.5%	-46.8%
Proceeds from debt	350,000	140,927	-	-	0.0%	0.0%
<b>Total revenues/sources</b>	<b>13,168,444</b>	<b>13,251,266</b>	<b>12,750,269</b>	<b>12,324,648</b>	<b>100.0%</b>	<b>-3.3%</b>
<b>Expenditures/Uses</b>						
Council	\$ 47,165	\$ 51,771	\$ 56,025	\$ 52,335	0.4%	-6.6%
City Clerk	195,967	244,168	263,251	324,518	2.6%	23.3%
City Manager	379,574	427,866	418,698	567,274	4.6%	35.5%
City Attorney	109,385	114,391	117,000	116,500	1.0%	-0.4%
Human Resources	193,849	197,994	233,122	222,089	1.8%	-4.7%
Finance	589,752	633,876	677,343	645,093	5.3%	-4.8%
IT Department	367,852	258,663	295,862	355,589	2.9%	20.2%
Planning	132,248	131,112	244,933	196,391	1.6%	-19.8%
Building & Zoning	528,294	566,238	686,764	658,142	5.4%	-4.2%
Police	4,296,204	4,793,948	5,216,249	5,367,686	43.8%	2.9%
Police=School Guards	8,932	10,650	23,766	24,317	0.2%	2.3%
Non-Departmental	393,849	548,419	553,798	294,147	2.4%	-46.9%
Public Works-Administration	533,536	497,226	504,078	444,187	3.6%	-11.9%
Public Works-Streets	455,924	289,456	434,007	336,478	2.7%	-22.5%
Public Works-Properties	810,932	738,523	847,712	1,011,586	8.3%	19.3%
Public Works-Bldg Maintenance	411,888	287,928	229,185	263,675	2.2%	15.0%
Public Works-Fleet	36,589	(2,544)	35,509	28,960	0.2%	-18.4%
Recreation-Administration	622,363	1,022,292	1,130,308	884,996	7.2%	-21.7%
Recreation-Pool	241,902	315,612	286,639	302,360	2.5%	5.5%
Recreation-Tennis	49,536	79,745	115,573	19,274	0.2%	-83.3%
Recreation-Maintenance	116,118	163,739	134,689	140,635	1.1%	4.4%
<b>Total Expenditures/uses</b>	<b>\$ 10,521,859</b>	<b>\$ 11,371,073</b>	<b>\$ 12,504,511</b>	<b>\$ 12,256,232</b>	<b>100.0%</b>	<b>-2.0%</b>
<b>Excess(Deficit) of revenues over expenditures</b>	<b>\$ 2,646,585</b>	<b>\$ 1,880,193</b>	<b>\$ 245,758</b>	<b>\$ 68,416</b>		
Proceeds from Debt	-	-	-	-		
Hurricane Contingency	-	-	(358,350)	(500,000)		
Transfers Out - Senior Center Fund	(30,497)	(120,000)	(142,716)	(229,713)		
Transfers Out- Golf Course Fund	(437,148)	(127,000)	-	(124,225)		
Transfers Out - Grant Funds	(32,500)	(10,762)	-	-		
Transfer Out - Hurricane Fund	(726,159)	-	-	-		
Transfers Out - Capital Fund	-	-	-	(848,682)		
Transfers Out - Sanitation Fund	(217,002)	(230,000)	-	-		
<b>Total Other Sources &amp; Uses</b>	<b>(1,443,306)</b>	<b>(487,762)</b>	<b>(501,066)</b>	<b>(1,702,620)</b>		
<b>Increase(decrease)in fund balance</b>	<b>\$ 1,203,279</b>	<b>\$ 1,392,431</b>	<b>\$ (255,308)</b>	<b>\$ (1,634,204)</b>		
<b>Ending Fund Balances</b>	<b>\$ 4,218,571</b>	<b>\$ 5,611,002</b>	<b>\$ 5,355,694</b>	<b>\$ 3,721,490</b>		

Note:  
Intergovernmental Revenues excludes estimated \$137,000 pledged per SunTrust Loan

**CITY OF MIAMI SPRINGS**  
**Projected Changes in Fund Balance- General Fund**  
**Workshop # 2 Changes**

The General Fund is used to account for all financial resources of the City, which are not legally required to be accounted for in another fund. It is the chief operating fund of the City.

	Draft #3 FY08-09 Budget	Workshop Changes +(-)	Other Changes +(-)	Draft #4 FY08-09 Budget	Explanation of Change
<b>Beginning Fund Balance</b> .....	\$ 5,355,694	\$ -	\$ -	\$ 5,355,694	Revised Amended Budget
<b>Revenues/Sources</b>					
Taxes.....	6,660,313	-	-	6,660,313	
Franchise Fees.....	974,498	-	-	974,498	
Public service taxes.....	1,663,460	-	-	1,663,460	
Licenses and Fees.....	570,800	-	-	570,800	
Intergovernmental Revenues.....	1,469,337	(67,917)	-	1,401,420	Revised DOR State Revenue Sharing projections-Economic conditions
Charges for Services.....	208,020	-	-	208,020	
Fines and Forfeitures.....	191,700	-	-	191,700	
Interest Income.....	224,400	-	-	224,400	
Miscellaneous.....	143,516	-	(24,000)	119,516	Adjust for Misc. Revenue in General Fund
Interfund Transfers In.....	312,521	-	(2,000)	310,521	Adjust for Managers Office Allocation
Proceeds from debt.....	-	-	-	-	
<b>Total revenues/sources</b> .....	<b>\$ 12,418,565</b>	<b>\$ (67,917)</b>	<b>\$ (26,000)</b>	<b>\$ 12,324,648</b>	
<b>Expenditures/Uses</b>					
Council.....	52,335	-	-	52,335	
City Clerk.....	325,917	-	(1,399)	324,518	Primarily lower Gen. Liability Insurance
City Manager.....	569,945	-	(2,671)	567,274	Primarily lower Gen. Liability Insurance
City Attorney.....	116,500	-	-	116,500	
Human Resources.....	223,241	-	(1,152)	222,089	Primarily lower Gen. Liability Insurance
Finance.....	649,935	-	(4,842)	645,093	Primarily lower Gen. Liability Insurance
IT Department.....	297,145	60,000	(1,556)	355,589	Capital Exp. Communication System. Lower Gen. Liabil. Insurance
Planning.....	197,708	-	(1,317)	196,391	Primarily lower Gen. Liability Insurance
Building & Zoning.....	627,322	39,287	(8,467)	658,142	Add back and fund vacant Building Specialist 1 position & lower insurance
Police.....	5,395,047	-	(27,361)	5,367,686	Primarily lower Gen. Liability, Auto & Property Insurance
Police--School Guards.....	24,317	-	-	24,317	
Non-Departmental.....	303,261	-	(9,114)	294,147	Primarily lower Gen. Liability & Property Insurance
Public Works-Administration.....	469,424	(5,000)	(20,237)	444,187	Reduction to Travel & Per-Diem plus lower Gen. Auto, & Prop. Insurance
Public Works-Streets.....	357,032	(20,000)	(554)	336,478	Removing of tree planting expenditure. Lower Gen. Liab., Auto, Prop. Ins.
Public Works-Properties.....	986,183	29,629	(4,226)	1,011,586	Add Maint. Worker 1 requested by PW Director. Lower Insurance costs
Public Works-Bldg Maintenance.....	293,752	(50,000)	19,923	263,675	Removal of Capital Projects - Automated Security Fence \$35,000, Exterior Painting PW Buildings \$15,000. Lower Gen. Liab. & Prop. Insurance. \$21,141
Public Works-Fleet.....	28,960	-	-	28,960	Capital Improvement Windows to City Hall added.
Recreation-Administration.....	1,046,201	(142,289)	(18,916)	884,996	Adjust for salaries of Rec. Dir & Sports Superv. \$65,289. Furnigation \$18,000, Fireworks \$25,000, New Machinery & Equip. \$34,000
Recreation-Pool.....	352,937	(46,723)	(3,854)	302,360	Removal of Aquatics Div. Supervisor and lower Gen. Liability Insurance

	Draft #3 FY08-09 Budget	Workshop Changes +(-)	Other Changes +(-)	Draft #4 FY08-09 Budget	Explanation of Change
Recreation-Tennis.....	19,274	-	-	19,274	
Recreation-Maintenance.....	143,763	-	(3,128)	140,635	Primarily lower Gen. Liability Insurance
<b>Total Expenditures/uses.....</b>	<b>\$ 12,480,199</b>	<b>\$(135,096)</b>	<b>\$(88,871)</b>	<b>\$ 12,256,232</b>	
<b>Excess(Deficit) of revenues over expenditures.....</b>	<b>\$ (61,634)</b>	<b>\$ 67,179</b>	<b>\$ 62,871</b>	<b>\$ 68,416</b>	
Proceeds from Debt.....	-	-	-	-	
Contingency.....	(500,000)	-	-	(500,000)	Designated Hurricane Contingency
Transfers Out - Senior Center Fund.....	(230,965)	-	(1,252)	(229,713)	Primarily lower Gen. Liability, Auto & Property Insurance
Transfers Out - Golf Course Fund.....	(151,310)	-	(27,085)	(124,225)	Primarily lower Gen. Liability & Property Insurance
Transfers Out - Grant Funds.....	-	-	-	-	
Transfer Out - Hurricane Fund.....	-	-	-	-	
Transfers Out - Capital Fund.....	-	(848,682)	-	(848,682)	Skateboard Park \$150k, TRANE sound barrier \$100k, Jogging Path \$60k, Linear park Project \$538,682
Transfers Out - Sanitation Fund.....	-	-	-	-	
<b>Total Other Sources &amp; Uses.....</b>	<b>(882,275)</b>	<b>(848,682)</b>	<b>(28,337)</b>	<b>\$(1,702,620)</b>	
<b>Increase(decrease)in fund balance</b>	<b>\$ (943,909)</b>	<b>\$(781,503)</b>	<b>\$ 34,534</b>	<b>\$ (1,634,204)</b>	
<b>Ending Fund Balances.....</b>	<b>\$ 4,411,785</b>	<b>\$(781,503)</b>	<b>\$ 34,534</b>	<b>\$ 3,721,490</b>	

**CITY OF MIAMI SPRINGS**  
**BUDGET SUMMARY FY 2008-09**

	<u>Actual</u> <u>FY06-07</u>	<u>Amended</u> <u>Budget</u> <u>FY07-08</u>	<u>Tentative</u> <u>Budget</u> <u>FY08-09</u>	<u>% Increase</u> <u>(Decrease)</u> <u>From FY 07-08</u> <u>Budget</u>
<b><u>General Fund:</u></b>				
Budgeted Revenues	\$ 13,251,266	\$ 12,750,269	\$ 12,324,648	-7.0%
Budgeted Expenditures	(11,858,835)	(13,005,577)	(13,958,852)	17.7%
Excess(deficit) revenues over exp	1,392,431	(255,308)	(1,634,204)	
Decrease(increase)in fund balance	(1,392,431)	255,308	1,634,204	-217.4%
	\$ -	\$ -	\$ -	
<b><u>Law Enforcement</u></b>				
Budgeted Revenues	\$ 56,103	\$ 298,912	\$ 30,500	-45.6%
Budgeted Expenditures	(259,871)	(293,922)	(136,108)	-47.6%
Excess revenues over exp	\$ (203,768)	\$ 4,990	\$ (105,608)	
<b><u>Road &amp; Transportation</u></b>				
Budgeted Revenues	\$ 665,644	\$607,597	\$ 1,241,838	86.6%
Budgeted Expenditures	(188,037)	(\$662,265)	(1,795,297)	854.8%
Excess(deficit) revenues over exp	\$ 477,607	\$ (54,668)	\$ (553,459)	
<b><u>Elderly Services</u></b>				
Budgeted Revenues	\$ 318,865	\$348,132	\$ 531,227	66.6%
Budgeted Expenditures	(332,424)	(\$348,130)	(531,227)	59.8%
Excess(deficit) revenues over exp	\$ (13,559)	\$ 2	\$ -	
<b><u>Golf Course</u></b>				
Budgeted Revenues	\$ 1,540,907	\$1,571,821	\$ 1,621,945	5.3%
Budgeted Expenditures	(1,555,942)	(\$1,560,462)	(1,621,945)	4.2%
Excess(deficit) revenues over exp	\$ (15,035)	\$ 11,359	\$ -	
<b><u>Debt Service</u></b>				
Budgeted Revenues	\$ 409,798	\$398,275	\$ 401,971	-1.9%
Budgeted Expenditures	(398,896)	(\$398,275)	(401,971)	0.8%
Excess(deficit) revenues over exp	\$ 10,902	\$ -	\$ -	
<b><u>Capital Projects Fund</u></b>				
Budgeted Revenues	\$ 37,725	\$ 3,605,000	\$ 1,029,432	100.0%
Budgeted Expenditures	(37,725)	(3,605,000)	(985,682)	100.0%
Excess(deficit) revenues over exp	\$ -	\$ -	\$ 43,750	
<b><u>Total Governmental</u></b>				
Budgeted Revenues	\$ 16,280,308	\$ 19,580,006	\$ 17,181,561	5.5%
Budgeted Expenditures	(14,631,730)	(19,873,631)	(19,431,082)	32.8%
Excess(deficit) revenues over exp	1,648,578	(293,625)	(2,249,521)	-236.5%

**CITY OF MIAMI SPRINGS**  
**ENTERPRISE FUND BUDGET SUMMARY FY 2008-2009**

	Actual FY06-07	Amended Budget FY07-08	Tentative Budget FY08-09	% Increase (Decrease) From FY 07-08 Budget
<b><u>Water &amp; Sewer Fund</u></b>				
Revenues/Sources	\$ 6,085,729	\$ 6,262,100	\$ -	-100%
Operating Expenses	(4,440,818)	(4,808,703)	-	-100%
Operating Profit(Loss)	1,644,911	1,453,397	-	-100%
Admin fees paid to general fund	(347,780)	(440,000)	(133,704)	-70%
Depreciation & Amortization	(614,039)	(622,600)	-	-100%
Net Income(loss)	<u>\$ 683,092</u>	<u>\$ 390,797</u>	<u>\$ (133,704)</u>	-134%
<b><u>Sanitation</u></b>				
Revenues/Sources	\$ 2,059,610	\$ 2,200,000	\$ 2,253,008	2%
Operating Expenses	(1,737,008)	(1,875,490)	(1,904,780)	2%
Operating Profit(Loss)	322,602	324,510	348,228	7%
Admin fees paid to general fund	(97,000)	(124,000)	(138,043)	11%
Depreciation	(120,722)	(124,000)	(124,000)	0%
Net Income(loss)	<u>\$ 104,880</u>	<u>\$ 76,510</u>	<u>\$ 86,185</u>	13%
<b><u>Stormwater</u></b>				
Revenues/Sources	\$ 334,511	\$ 363,500	\$ 305,800	-16%
Operating Expenses	(137,054)	(157,403)	(147,480)	-6%
Operating Profit(Loss)	197,457	206,097	158,320	-23%
Admin fees paid to general fund	(18,002)	(20,000)	(35,087)	100%
Depreciation	(137,243)	(137,000)	(137,000)	0%
Net Income(loss)	<u>\$ 42,212</u>	<u>\$ 49,097</u>	<u>\$ (13,767)</u>	-128%
<b><u>Total Enterprise</u></b>				
Revenues/Sources	\$ 8,479,850	\$ 8,825,600	\$ 2,558,808	-71%
Operating Expenses	(6,314,880)	(6,841,596)	(2,052,260)	-70%
Operating Profit(Loss)	2,164,970	1,984,004	506,548	-74%
Admin fees paid to general fund	(462,782)	(584,000)	(306,834)	-47%
Depreciation	(872,004)	(883,600)	(261,000)	-70%
Net Income(loss)	<u>\$ 830,184</u>	<u>\$ 516,404</u>	<u>\$ (61,286)</u>	-112%

Note:

Excludes Capital Expenses and Principal payments on Debt Service

**CITY OF MIAMI SPRINGS**  
**CAPITAL EXPENDITURE SUMMARY-ALL FUNDS**

Department	Total Budgeted	Description of expenditure	
<b>City Manager</b>	\$ 2,100	Replacement of office equipment	2,100
			<u>2,100</u>
<b>Building &amp; Code</b>	\$ 3,000	Replacement of office equipment	3,000
			<u>3,000</u>
<b>Information Technology</b>	\$ 60,000	Telephone System	60,000
			<u>60,000</u>
<b>Police</b>	\$ 144,650	Three marked patrol units @ \$26,000/each	78,000
		One patrol K-9 Ford Explorer	28,000
		K-9 Vehicle Temperature Monitor/Bail-Out System	4,200
		Three sets of new LED lightbar with siren controller and LED lights	9,450
		Computer equipment (replacement)	15,000
		Two AED machines	10,000
			<u>144,650</u>
<b>Law Enforcement Trust</b>	\$ 2,000	Replacement of office equipment	2,000
			<u>2,000</u>
<b>Public Services</b>	\$ 98,621	Grapple Bucket attachment for backhoe - Streets & Street Lights	17,480
		Replacement of an existing truck - Old one to Rec. Center - PP	20,000
		Repair steel columns - front windows of City Hall	21,141
		Interior painting of City Hall -build. Maint.	40,000
			<u>98,621</u>
<b>Recreation</b>	\$ 1,500	Replacement of equipment	1,500
			<u>1,500</u>
<b>Road &amp; Transportation</b>	\$ 1,417,000	Bike Path Project - Paving to Concrete and Lighting - Ludlum	567,000
		Bike Path Lighting Project - N. Royal Poinciana Blvd and Curtiss PW	800,000
		Bobcat and F150 Pickup Truck	50,000
			<u>1,417,000</u>
<b>Elderly services</b>	\$ 176,776	Construct cabinet around air handler	2,500
		Replace flooring & acoustical ceiling throughout facility	131,526
		Install cover over new ramp & walkway to entrance of facility	38,000
		Steam table, new PC and peripherals	4,750
			<u>176,776</u>
<b>Golf Course</b>	\$ 68,157	Toro Reelmaster 5610 midweight fairway mower	44,365
		Toro Workman 2110 mid-duty Utility vehicle 16hp	9,387
		Toro Workman 3100 max-duty Utility vehicle 23hp	14,405
			<u>68,157</u>
<b>Sanitation</b>	\$ 20,000	New F150 to replace vehicle going to Rec. Center	20,000
			<u>20,000</u>
<b>Stormwater</b>	\$ 740,000	General repairs to stormwater drains - 50% funded by SFWMD	740,000
			<u>740,000</u>
<b>Capital Projects</b>	\$ 848,682	New Skateboard Park	150,000
		Canal Street Linear Park Project - Phase 1	538,682
		Sound barrier for TRANE A/C Unit on roof of City Hall	100,000
		Replace jogging path around Stafford Park	60,000
			<u>848,682</u>
<b>Total</b>	<b>\$ 3,582,486</b>	<b>Total</b>	<b>\$ 3,582,486</b>

**CITY OF MIAMI SPRINGS**  
**CAPITAL EXPENDITURE SUMMARY-ALL FUNDS**

Below is a summary of all capital expenditures included in the budget for FY 2008-09:

BY FUND		BY DEPARTMENT		BY CATEGORY	
General	\$ 309,871	City Manager	2,100	Vehicles	196,000
		Building & Code	3,000		
Road & Transportation	1,417,000	Information Technology	60,000	Technology	79,750
		Police	144,650		
Elderly services	176,776	LETf	2,000	Machinery & Equipment	117,887
		Public Services	98,621		
Golf Course	68,157	Recreation	1,500	Improvements O/T	
		Road & Transportation	1,417,000	Buildings	3,188,849
Sanitation	20,000	Elderly services	176,776		
		Golf Course	68,157	Buildings	-
Stormwater	740,000	Sanitation	20,000		
		Stormwater	740,000		
LETf	2,000	Capital Projects	848,682		
Capital Projects	848,682				
<b>Total</b>	<b>\$ 3,582,486</b>	<b>Total</b>	<b>\$ 3,582,486</b>	<b>Total</b>	<b>\$ 3,582,486</b>

**CITY OF MIAMI SPRINGS  
CAPITAL IMPROVEMENT PLAN (5 YEARS)**

	SOURCE OF FUNDING	2009-2010	2010-11	2011-12	2012-13	2013-2014	Totals
<b>ADMINISTRATIVE SERVICES</b>							
Computer Equipment-City Clerk	Revenues	-	1,000	-	-	-	1,000
Telephone system							-
<b>GENERAL GOVERNMENT-REAL PROPERTY</b>							
Linear Park - Phase II and III	Grant	135,611	135,611	-	-	-	271,222
	City Match-Revenues	411,643	411,643	-	-	-	823,286
<b>POLICE</b>							
Police Cars	Revenues	109,000	112,300	115,700	119,200	125,200	581,400
Motorcycles	Revenues	25,500	-	26,300	-	27,600	79,400
Police radars	Revenues	2,600	-	2,700	-	3,000	8,300
Computer Equipment	Revenues	15,000	15,000	15,000	15,000	15,000	75,000
Vehicle Light Bars	Revenues	2,122	2,185	2,251	2,320	2,440	11,318
<b>GOLF COURSE</b>							
Maintenance Equipment	Revenues	80,000	127,000	100,000	100,000	100,000	507,000
Irrigation System Golf Course	Revenues		1,700,000				1,700,000
Golf Course Improvements	Revenues	90,000	75,000	75,000	90,000	90,000	420,000
<b>INFORMATION TECHNOLOGY</b>							
Computer Equipment	Revenues	12,000	3,000	3,000	3,000	3,000	24,000
<b>RECREATION</b>							
Office Equipment	Revenues						-
Field Improvement	Grant						-
Computer Equipment	Revenues						-
Resurface tennis courts	Revenues		30,000				30,000
<b>PUBLIC WORKS</b>							
pickup trucks	Revenues	21,000	22,000	23,000			66,000
Reroof City Hall	Revenues	-	20,000				20,000
Reroof of Senior center	Revenues						-
Reroof of Golf Course Clubhouse	Revenues	40,000					40,000
<b>TOTAL GENERAL FUND</b>		<b>944,476</b>	<b>2,654,739</b>	<b>362,951</b>	<b>329,520</b>		<b>4,657,926</b>
<b>ELDERLY SERVICES</b>							
Vehicles	Revenues	50,000					50,000
New Building	Bond/Grant	-	1,500,000				1,500,000
<b>TOTAL SENIOR CENTER</b>		<b>50,000</b>	<b>1,500,000</b>	<b>-</b>			<b>1,550,000</b>
<b>ROAD AND TRANSPORTATION</b>							
streetlight improvements	CITT Funds	100,000	100,000	100,000	100,000	100,000	400,000
street/sidewalk milling and resurfacing	CITT Funds	60,000	60,000	60,000	60,000	60,000	240,000
<b>TOTAL ROAD &amp; TRANS.</b>		<b>160,000</b>	<b>160,000</b>	<b>160,000</b>	<b>160,000</b>	<b>160,000</b>	<b>640,000</b>
<b>SANITATION</b>							
New Sanitation Vehicles	Revenues	150,000				70,000	150,000
crane	Revenues	117,000	-	60,000			177,000
<b>STORMWATER</b>							
vaccon truck	Revenues				180,000		180,000
drainage/pump station improvements	Grant/Revenues	300,000	300,000	300,000	300,000	300,000	1,200,000
<b>TOTAL ENTERPRISE FUNDS</b>		<b>567,000</b>	<b>300,000</b>	<b>360,000</b>	<b>480,000</b>	<b>370,000</b>	<b>1,707,000</b>
<b>TOTAL ALL FUNDS</b>		<b>1,721,476</b>	<b>4,614,739</b>	<b>882,951</b>	<b>969,520</b>	<b>530,000</b>	<b>8,554,926</b>



The City of Miami Springs  
 Summary of Monthly Attorney Invoice  
 Orshan, Lithman, Seiden, Ramos, Hatton & Huesmann, LLLP

September 4, 2008

<u>General Fund Departments</u>	<u>Cost</u>	<u>Hours</u>
Office of the City Clerk		0.00
Human Resources Department	137.50	1.25
Risk Management	181.50	1.65
Finance Department	192.50	1.75
Building, Zoning & Code Enforcement Department	357.50	3.25
Planning	407.00	3.70
Police Department	258.50	2.35
Public Works Department	143.00	1.30
Recreation Department	1,061.50	9.65
General - Administrative Work	3,195.50	29.05
<b>Sub-total - General Fund</b>	<b>\$5,934.50</b>	<b>53.95</b>
<u>Enterprise Fund Divisions</u>		
Sewer Operations Fund	1776.50	16.15
Water Operations Fund	1776.50	16.15
Sanitation Fund	440.00	0.00
Stormwater Fund		0.00
<b>Sub-total - Enterprise Funds</b>	<b>\$3,993.00</b>	<b>32.30</b>
<u>Special Revenue, Trust &amp; Agency Funds</u>		
Golf Course Operations	-	0.00
L.E.T.F.		0.00
Due from Pension Funds		0.00
<b>Sub-total - Special Funds</b>	<b>\$0.00</b>	<b>0.00</b>
<b>GRAND TOTAL: ALL FUNDS</b>	<b>\$9,927.50</b>	<b>86.25</b>

Agenda Item No.

City Council Meeting of:

SEPT 8, 2008



RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE CITY OF MIAMI SPRINGS, FLORIDA; AUTHORIZING THE ISSUANCE OF CITY OF MIAMI SPRINGS, FLORIDA CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2008 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,500,000 TO FINANCE THE COST OF THE PROJECT; PROVIDING THAT SUCH NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM PLEDGED REVENUES AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF SUCH NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; DESIGNATING THE NOTE FOR THE EXCEPTION FOR CERTAIN TAX-EXEMPT OBLIGATIONS CONTAINED IN SECTION 265 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

**Section 1. Authority for this Resolution.** This Resolution is adopted pursuant to the provisions of the Constitution of the State of Florida, Chapter 166, Florida Statutes, the Charter of the City of Miami Springs, Florida (the "Issuer"), and other applicable provisions of law.

**Section 2. Definitions.** The following words and phrases shall have the following meanings when used herein including the exhibits attached hereto:

"Act" means the Constitution of the State of Florida, Chapter 166, Florida Statutes, the Charter of the Issuer, and other applicable provisions of law.

"Bond Year" shall mean the period beginning with October 1 and extending for a period of twelve (12) months thereafter.

"Business Day" means any day except any Saturday or Sunday or day on which the Principal Office of the Original Purchaser is closed.

"City Clerk" means the City Clerk of the Issuer or any Deputy City Clerk.

"City Manager" means the duly appointed and acting City Manager of the Issuer, or any duly authorized deputy thereof.

"Closing" means the date of issuance of the Note, August 30, 2008, or such other date as determined by the Issuer and the Original Purchaser.

"Code" means the Internal Revenue Code of 1986, as amended, and any Treasury Regulations, whether temporary, proposed or final, promulgated thereunder or applicable thereto.

"Debt Service Requirement" for any Bond Year shall mean the sum of: (1) the amount required to pay the interest becoming due on the Note and any Additional Debt during such Bond Year and (2) the amount required to pay the principal of such Note and Additional Debt maturing in such Bond Year.

"Fiscal Year" means the period commencing on October 1 of each year and ending on the succeeding September 30.

"Interest Rate" means such rate which is equal to 91.8% of the 30-year Federal Reserve H.15 interest rate swap on the date which is two days prior to Closing.

"Issuer" means the City of Miami Springs, Florida, a municipal corporation of the State of Florida.

"Mayor" means the Mayor of the Issuer or his designee.

"Maximum Debt Service Requirement" means mean, as of a particular date of calculation, the greatest amount of Debt Service Requirement for the then current or any future Bond Year.

"Note" or "Notes" means the Notes of the Issuer authorized by Section 4 hereof.

"Original Purchaser" means SunTrust Bank, a Georgia corporation.

"Owner" or "Owners" means the Person or Persons in whose name or names the Notes shall be registered on the books of the Issuer kept for that purpose in accordance with provisions of this Resolution, including, initially, the Original Purchaser.

"Person" means natural persons, firms, trusts, estates, associations, corporations, partnerships and public bodies.

“Pledged Revenues” means the local government half-cent sales tax and other moneys received by the Issuer from the local government half-cent sales tax clearing trust fund pursuant to Chapter 218, Part VI, Florida Statutes.

“Principal Office” means, with respect to the Original Purchaser, the office located at 777 Brickell Avenue, 4<sup>th</sup> Floor, Miami, Florida 33131, Attention: Institutional and Governmental Banking, or such other office as the Original Purchaser may designate to the Issuer in writing.

“Project” means various capital improvements, including, the construction of a community center.

“Resolution” means this Resolution, pursuant to which the Notes are authorized to be issued.

“State” means the State of Florida.

### **Section 3. Findings.**

(A) For the benefit of its inhabitants, the Issuer finds, determines and declares that it is necessary for the continued preservation of the health, welfare, convenience and safety of the Issuer and its inhabitants to construct the Project. Issuance of the Note to finance the Project satisfies a paramount public purpose.

(B) Debt service on the Note will be payable from Pledged Revenues. The Pledged Revenues will be sufficient to pay the principal and interest on the Note herein authorized, as the same become due, and to make all deposits required by this Resolution.

(C) The Issuer has received an offer from the Original Purchaser to purchase the Note.

(D) In consideration of the purchase and acceptance of the Note authorized to be issued hereunder by those who shall be the Owners thereof from time to time, this Resolution shall constitute a contract between the Issuer and the Owners.

(E) The Issuer desires to qualify the Notes for the exception contained in Section 265(b)(3) of the Code to the provisions contained in Section 265(b) of the Code which deny financial institutions any deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986, and to designate the Note for the purpose of qualifying for such exception.

**Section 4. Authorization of Note.** Subject and pursuant to the provisions of this Resolution, obligations of the Issuer to be known as City of Miami Springs, Florida, Capital

Improvement Revenue Note, Series 2008 is hereby authorized to be issued under and secured by this Resolution, in the aggregate principal amount of not to exceed \$2,500,000, for the purpose of providing funds to pay the costs of the Project and paying the costs of issuing the Note. Because of the characteristics of the Note, prevailing market conditions, and additional savings to be realized from an expeditious sale of the Notes, it is in the best interest of the Issuer to accept the offer of the Original Purchaser to purchase the Note at a private negotiated sale. Prior to the issuance of the Note, the Issuer shall receive from the Original Purchaser a disclosure letter containing the information required by Section 218.385, Florida Statutes.

**Section 5. Description of Note.** The Note shall be issued as one fully registered Note in the principal amount not to exceed \$2,500,000, shall be dated as of the date of its delivery to the Original Purchaser thereof and shall mature twenty years from its date. The Note shall be payable to the Original Purchaser, and shall bear interest equal to the Interest Rate and calculated on the basis of a 360 day year for the actual number of days elapsed, subject to adjustment as provided in Schedule A to the form of the Note included herein. Interest shall be payable monthly on the first day of each month, commencing October 1, 2008 or such other date as agreed upon by the Issuer and the Original Purchaser. Principal shall be payable monthly on the first day of each month, commencing October 1, 2009 or such other date as agreed upon by the Issuer and the Original Purchaser. Said principal and any unpaid interest shall be payable upon maturity or prepayment. The Note shall be payable in any coin or currency of the United States of America which on the respective dates of payment thereof is legal tender for the payment of public and private debts. The interest on the Notes, shall be payable by the Director of Finance, as the paying agent (the "Paying Agent"), to the person appearing on the registration books of the Issuer hereinafter provided for as the registered Owner thereof, by wire, automatic debit payments, or check mailed to such registered Owner at his address as it appears on such registration books. The principal of the Note shall be payable only to the registered Owner or his legal representative at the office of the Issuer (the "Registrar").

The Note is to be in substantially the form set forth on Exhibit A, attached hereto, together with such changes as shall be approved by the Mayor, following review by the City Manager, Director of Finance and City Attorney, such approval to be conclusively evidenced by the execution thereof by the Mayor. The Notes shall be executed on behalf of the Issuer with the manual signature of the Mayor and shall have impressed thereon the official seal of the Issuer, and be attested with the manual signature of the City Clerk, and the Mayor and City Clerk are hereby authorized to execute and attest to the Note on behalf of the Issuer.

**Section 6. Registration and Exchange of Notes; Persons Treated as Owners.** The Note is initially registered to the Original Purchaser. So long as the Note shall remain unpaid, the Issuer will keep books for the registration and transfer of the Note. The Note shall be transferable only upon such registration books.

The Person in whose name the Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of principal and interest on such Note shall be made only to or upon the written order of the Owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

**Section 7. Note Mutilated, Destroyed, Stolen or Lost.** In case a Note shall become mutilated, or be destroyed, stolen or lost, the Issuer shall issue and deliver a new Note of like tenor as the Note so mutilated, destroyed, stolen or lost, in exchange and in substitution for such mutilated Note, or in lieu of and in substitution for the Note destroyed, stolen or lost and upon the Owner furnishing the Issuer proof of ownership thereof and indemnity reasonably satisfactory to the Issuer and complying with such other reasonable regulations and conditions as the Issuer may prescribe and paying such expenses as the Issuer may incur. The Note so surrendered shall be canceled.

**Section 8. Payment of Principal and Interest; Limited Obligation.** The Issuer promises that it will promptly pay the principal of and interest on the Note at the place, on the dates and in the manner provided therein according to the true intent and meaning hereof and thereof. The Note shall not be or constitute general obligations or indebtedness of the Issuer as "bonds" within the meaning of Article VII, Section 12 of the Constitution of Florida, but shall be payable solely from the Pledged Revenues in accordance with the terms hereof. No holder of any Note issued hereunder shall ever have the right to compel the exercise of any ad valorem taxing power to pay such Note, or be entitled to payment of such Note from any funds of the Issuer except from the Pledged Revenues as described herein.

**Section 9. Prepayment.** The Note shall be subject to prepayment at the option of the Issuer in whole or in part on any date at a price equal to the principal amount thereof to be prepaid, plus accrued interest to the date fixed for prepayment without premium upon 10 days notice to the Owner.

**Section 10. Disbursement of and Application of Proceeds of Notes.** At the time of delivery of the Note herein authorized, the proceeds from the sale of the Note shall be delivered to the Issuer to fund the Project.

The Issuer hereby covenants that it will establish and maintain with the Original Purchaser an account (herein called the "Project Account") into which, at the time of delivery of the Note herein authorized, shall be deposited the initial proceeds from the sale of the Note to assure payment in full of the cost of the Project and any costs or expenses incurred by the Issuer in connection with the issuance of the Note, including but not limited to any legal fees and expenses. Upon delivery of such proceeds to the Issuer, the Original Purchaser shall have no further obligation with respect to the use, application, accounting, investment or safeguarding of such proceeds.

Moneys in the Project Account shall be secured in the manner prescribed by the Laws of the State of Florida relating to the securing of public funds. Moneys on deposit in the Project Account may be invested in any investments permitted by applicable law maturing not later than the date on which the moneys therein will be needed. The earnings from any such investment shall be retained in the Project Account.

All moneys deposited in said Project Account shall be and constitute a trust fund created for the purposes stated, and there is hereby created an interest upon such fund in favor of the holders of the Note until the moneys thereof shall have been applied in accordance with this Resolution.

**Section 11. Tax Covenant.** The Issuer covenants to the purchasers of the tax-exempt Note provided for in this Resolution that the Issuer will not make any use of the proceeds of the tax-exempt Note at any time during the term of the tax-exempt Note which, if such use had been reasonably expected on the date the tax-exempt Note was issued, would have caused such tax-exempt Note to be "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended (the "Code"). The Issuer will comply with the requirements of the Code and any valid and applicable rules and regulations promulgated thereunder necessary to ensure the exclusion of interest on the tax-exempt Note from the gross income of the holders thereof for purposes of federal income taxation.

**Section 12. Bank Qualified.** The Issuer hereby designates the Note as "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code. The Issuer and any subordinate entities of the Issuer and any issuer of "tax-exempt" debt that issues "on behalf of" the Issuer do not reasonably expect during the calendar year 2008 to issue more than \$10,000,000 of "tax-exempt" obligations including the tax-exempt Note, exclusive of any private activity bonds as defined in Section 141(a) of the Code (other than qualified 501(c)(3) bonds as defined in Section 145 of the Code).

**Section 13. Sale of Note.** The Note is hereby sold and awarded to SunTrust Bank, the Original Purchaser, at the price of par and the Mayor and the City Clerk are hereby authorized to execute and deliver the Note in the form set forth herein, receive the purchase price therefor and apply the proceeds thereof as hereinafter provided, without further authority from this body. The Mayor and the City Clerk are authorized to make any and all changes on the form of the Note which shall be necessary to conform the same to the commitment of SunTrust Bank. Execution of the Note by the Mayor and the City Clerk shall be conclusive evidence of their approval of the form of the Note.

**Section 14. Impairment of Contract.** The Issuer covenants with the Owner of the Note that it will not, without the written consent of the Owner of the Note, enact any ordinance

or adopt any resolution which repeals, impairs or amends in any manner adverse to the Owner the rights granted to the Owner of the Note hereunder.

The pledging of the Pledge Revenues in the manner provided herein shall not be subject to repeal, modification or impairment by any subsequent ordinance, resolution or other proceedings of the City Council.

The Issuer covenants that it will not impair or adversely affect the power and right of the Issuer to receive the Pledged Revenues. The Issuer will proceed diligently to perform legally and effectively all steps required on its part in the levy and collection of the Pledged Revenues and shall exercise all legally available remedies to enforce such collections now or hereafter available under State law.

**Section 15. Budget and Financial Information.** The Issuer shall provide the Owner of the Note with a copy of its annual budget and such other financial information regarding the Issuer as the Owner of the Note may reasonably request. The Issuer hereby covenants that it shall promptly give written notice to the Owner of the Note of any litigation or proceeding which if determined adversely to the Issuer would adversely affect the security for the payment of the Note. The Issuer shall provide the Owner of the Note with annual financial statements not later than 210 days after the close of such fiscal year and a copy of the final budget for each fiscal year of the Issuer not later than 30 days after adoption. The financial statements shall be prepared in accordance with applicable law and generally accepted accounting principles and audited by an independent certified public accountant. All accounting terms not specifically defined or specified herein shall have the meanings attributed to such terms under generally accepted accounting principles ("GAAP") as in effect from time to time, consistently applied.

**Section 16. Additional Debt.** (a) The Issuer shall issue no bonds or obligations of any kind or nature payable from or enjoying a lien on the Pledged Revenues if such obligations have priority over the Note with respect to payment or lien, nor shall the Issuer create or cause or permit to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to or being on a parity with the lien of the Note upon said Pledged Revenues. However, the Issuer may issue additional debt under the conditions and in the manner provided below. Any obligations issued by the Issuer other than the Note and Additional Debt (as described in subparagraph (b)), which are payable from the Pledged Revenues shall contain an express statement that such obligations are junior and subordinate in all respects to the Note as to lien on and source and security for payment from such Pledged Revenues.

(b) No additional debt, payable on a parity from the Pledged Revenues ("Additional Debt"), shall be issued after the issuance of the Note herein authorized, except upon the conditions and in the manner hereinafter provided:

(1) The Issuer's Director of Finance shall certify at the time of the issuance of the Additional Debt that the Issuer is not in default of any of the provisions, covenants and agreements hereof.

(2) The Issuer's Director of Finance shall also certify at the time of the issuance of the Additional Debt that the Pledged Revenues received by the Issuer during the Fiscal Year immediately preceding the date of issuance of such Additional Debt for which audited statements are available or for at least 12 consecutive months during the 24 months immediately preceding the date of issuance of such Additional Debt shall equal not less than 1.50 times the Maximum Debt Service Requirement on the outstanding Note and the proposed Additional Debt during any Fiscal Year in which the Additional Debt to be issued will be outstanding.

**Section 17. Events of Default; Remedies of Noteholder.** The following shall constitute Events of Default: (i) if the Issuer fails to pay any payment of principal of or interest on any Note as the same becomes due and payable; (ii) if the Issuer defaults in the performance or observance of any covenant or agreement contained in this Resolution or the Note (other than set forth in (i) above) and fails to cure the same within thirty (30) days; or (iii) filing of a petition by or against the Issuer relating to bankruptcy, reorganization, arrangement or readjustment of debt of the Issuer or for any other relief relating to the Issuer under the United States Bankruptcy Code, as amended, or any other insolvency act or law now or hereafter existing, or the involuntary appointment of a receiver or trustee for the Issuer, and the continuance of any such event for 90 days undismissed or undischarged.

Upon the occurrence and during the continuation of any Event of Default, the Owner of the Notes may, in addition to any other remedies set forth in this Resolution or either Note, either at law or in equity, by suit, action, mandamus or other proceeding in any court of competent jurisdiction, protect and enforce any and all rights under the laws of the State of Florida, or granted or contained in this Resolution, and may enforce and compel the performance of all duties required by this Resolution, or by any applicable statutes to be performed by the Issuer or by any officer thereof.

**Section 18. Limitation of Rights.** With the exception of any rights herein expressly conferred, nothing expressed or mentioned in or to be implied from this Resolution or the Note is intended or shall be construed to give to any Person other than the Issuer and the Owner any legal or equitable right, remedy or claim under or with respect to this Resolution or any covenants, conditions and provisions herein contained; this Resolution and all of the covenants, conditions and provisions hereof being intended to be and being for the sole and exclusive benefit of the Issuer and the Owner.

**Section 19. Amendment.** This Resolution shall not be modified or amended in any respect subsequent to the issuance of the Note except with the written consent of the Owner of the Note.

**Section 20. City Council Members of the Issuer Exempt from Personal Liability.**

No recourse under or upon any obligation, covenant or agreement of this Resolution or the Notes or for any claim based thereon or otherwise in respect thereof, shall be had against any City Council members, as such, of the Issuer, past, present or future, either directly or through the Issuer it being expressly understood (a) that no personal liability whatsoever shall attach to, or is or shall be incurred by, the City Council members of the Issuer, as such, under or by reason of the obligations, covenants or agreements contained in this Resolution or implied therefrom, and (b) that any and all such personal liability, either at common law or in equity or by constitution or statute, of, and any and all such rights and claims against, every such City Council member of the Issuer, as such, are waived and released as a condition of, and as a consideration for, the execution of this Resolution and the issuance of the Note, on the part of the Issuer.

**Section 21. Authorizations.** The Mayor and any member of the City Council, the City Manager, the City Attorney, the City Clerk and such other officials and employees of the Issuer as may be designated by the Issuer are each designated as agents of the Issuer in connection with the issuance and delivery of the Note and are authorized and empowered, collectively or individually, to take all action and steps and to execute all instruments, documents, and contracts on behalf of the Issuer that are necessary or desirable in connection with the execution and delivery of the Note, and which are specifically authorized or are not inconsistent with the terms and provisions of this Resolution.

**Section 22. Business Days.** In any case where the due date of interest on or principal of the Notes is not a Business Day, then payment of such principal or interest need not be made on such date but may be made on the next succeeding Business Day, provided that credit for payments made shall not be given until the payment is actually received by the Owner.

**Section 23. Applicable Provisions of Law.** This Resolution shall be governed by and construed in accordance with the laws of the State.

**Section 24. Rules of Interpretation.** Unless expressly indicated otherwise, references to sections or articles are to be construed as references to sections or articles of this instrument as originally executed. Use of the words "herein," "hereby," "hereunder," "hereof," "hereinbefore," "hereinafter" and other equivalent words refer to this Resolution and not solely to the particular portion in which any such word is used.

**Section 25. Captions.** The captions and headings in this Resolution are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Resolution.

**Section 26. Severability.** If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable in any context, the same shall not affect any other provision herein or render any other provision (or such provision in any other context) invalid, inoperative or unenforceable to any extent whatever.

**Section 27. Repealer.** All resolutions or parts thereof in conflict herewith are hereby repealed.

**Section 28. No Third Party Beneficiaries.** Except such other persons as may be expressly described in this Resolution or in the Notes, nothing in this Resolution or in the Note, expressed or implied, is intended or shall be construed to confer upon any person, other than the Issuer and the holders, any right, remedy or claim, legal or equitable, under and by reason of this Resolution, or any provision thereof, or of the Note, all provisions thereof being intended to be and being for the sole and exclusive benefit of the Issuer and the persons who shall from time to time be the holders.

**Section 29. Effective Date.** This Resolution shall be in full force and take effect immediately upon its passage and adoption.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs, Florida, on this \_\_\_\_\_ day of August, 2008.

ATTEST:

APPROVED:

CITY OF MIAMI SPRINGS, FLORIDA

By: \_\_\_\_\_  
Name:  
Title: City Clerk

By: \_\_\_\_\_  
Name:  
Title: Mayor

**EXHIBIT A**  
**FORM OF NOTE**

ANY HOLDER SHALL, PRIOR TO BECOMING A HOLDER, EXECUTE A PURCHASER'S CERTIFICATE CERTIFYING, AMONG OTHER THINGS, THAT SUCH HOLDER IS AN "ACCREDITED INVESTOR" AS SUCH TERM IS DEFINED IN THE SECURITIES ACT OF 1933, AS AMENDED, AND REGULATION D THEREUNDER.

R-1 \$2,500,000

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE  
CITY OF MIAMI SPRINGS, FLORIDA  
CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2008

<u>Dated Date</u>	<u>Maturity Date</u>	<u>Interest Rate</u>
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The City of Miami Springs, Florida (the "Issuer"), a municipal corporation created and existing pursuant to the Constitution and the laws of the State of Florida, for value received, promises to pay from the sources hereinafter provided, to the order of SunTrust Bank or registered assigns (hereinafter, the "Owner"), the principal sum of \$2,500,000 together with interest on the principal balance at the Interest Rate (as the same may be adjusted pursuant to Schedule A) based upon a year of 360 days. Interest shall be payable monthly on the first day of each month, commencing October 1, 2008. Principal shall be payable monthly on the first day of each month, commencing October 1, 2009. Said principal and any unpaid interest shall be payable on the Maturity Date or upon earlier prepayment.

Principal of and interest on this Note is payable in lawful money of the United States of America at such place as the Owner may designate to the Issuer in writing. If any date for the payment of principal and interest hereon shall fall on a day which is not a Business Day (as defined in the Resolution (hereinafter defined)) the payment due on such date shall be due on the next succeeding day which is a Business Day, but the Issuer shall not receive credit for the payment until it is actually received by the Owner.

All payments by the Issuer pursuant to this Note shall apply first to accrued interest, then to other charges due the Owner, and the balance thereof shall apply to principal.

This Note shall be subject to optional prepayment in whole or in part on any date, without premium. Prepayments of principal shall be applied to the scheduled payments of principal in the inverse order of their due dates. The Issuer shall give notice to the Owner at least 10 days in advance of any prepayment, which notice may be revocable by the Issuer.

In case of an Event of Default (as defined in the hereinafter defined Resolution), the Owner may declare the entire debt then remaining unpaid hereunder immediately due and payable; and in any such default and acceleration, the Issuer shall also be obligated to pay as part of the indebtedness evidenced by this Note, all costs of collection and enforcement hereof, including such reasonable legal fees and expenses as may be incurred, including on appeal or incurred in any proceeding under bankruptcy laws as they now or hereafter exist. Upon the occurrence of and during the continuation of an Event of Default, the interest rate on this Note shall be increased to the lesser of 25% per annum or the maximum rate permitted by law.

The Issuer to the extent permitted by law hereby waives presentment, demand, protest and notice of dishonor.

THIS NOTE DOES NOT CONSTITUTE A GENERAL INDEBTEDNESS OF THE ISSUER WITHIN THE MEANING OF ANY CONSTITUTIONAL, STATUTORY OR CHARTER PROVISION OR LIMITATION, AND IT IS EXPRESSLY AGREED BY THE HOLDER OF THIS NOTE THAT SUCH NOTEHOLDER SHALL NEVER HAVE THE RIGHT TO REQUIRE OR COMPEL THE EXERCISE OF THE AD VALOREM TAXING POWER OF THE ISSUER OR TAXATION OF ANY REAL OR PERSONAL PROPERTY THEREIN FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THIS NOTE OR THE MAKING OF ANY OTHER PAYMENTS PROVIDED FOR IN THE RESOLUTION, OR BE ENTITLED TO PAYMENT OF SUCH NOTE FROM ANY FUNDS OF THE ISSUER EXCEPT FROM THE PLEDGED REVENUES.

This Note is issued pursuant to the Constitution of the State of Florida, Chapter 166, Florida Statutes, the Charter of the Issuer and a Resolution duly adopted by the Issuer on August \_\_\_\_, 2008, as from time to time amended and supplemented (herein referred to as the "Resolution"), and is subject to all the terms and conditions of the Resolution. All terms, conditions and provisions of the Resolution including without limitation remedies in the Event of Default are by this reference thereto incorporated herein as a part of this Note. Payment of the Note is secured by the Pledged Revenues of the Issuer. Terms used herein in capitalized form and not otherwise defined herein shall have the meanings ascribed thereto in the Resolution.

This Note may be exchanged or transferred by the Owner hereof but only upon the registration books maintained by the Issuer and in the manner provided in the Resolution.

It is hereby certified, recited and declared that all acts, conditions and prerequisites required to exist, happen and be performed precedent to and in the execution, delivery and the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by law, and that the issuance of this Note is in full compliance with and does not exceed or violate any constitutional or statutory limitation.

THE ISSUER, AND THE OWNER, BY ACCEPTANCE OF THIS NOTE, AGREE TO WAIVE TRIAL BY JURY IN ANY CONTROVERSY OR CLAIM BETWEEN THE PARTIES HERETO INCLUDING BUT NOT LIMITED TO THOSE ARISING OUT OF OR RELATING TO THIS AGREEMENT OR ANY RELATED INSTRUMENTS, AGREEMENTS OR DOCUMENTS.

IN WITNESS WHEREOF, the City of Miami Springs, Florida has caused this Note to be executed in its name by the manual signature of its Mayor and attested by the manual signature of its City Clerk, and its seal to be impressed hereon, all this \_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF MIAMI SPRINGS, FLORIDA

[SEAL]

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

CERTIFICATE OF AUTHENTICATION

This Note is one of the Notes issued under the provisions of the within mentioned Resolution.

\_\_\_\_\_  
Registrar, as Authenticating Agent

Date of Authentication:

\_\_\_\_\_

By (Manual Signature) \_\_\_\_\_  
Authorized Officer

ASSIGNMENT AND TRANSFER

For value received the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_

\_\_\_\_\_  
(Please insert Social Security or other identifying number of transferee) the attached Note of the City of Miami Springs, Florida, and does hereby constitute and appoint \_\_\_\_\_, attorney, to transfer the said Note on the books kept for registration thereof, with full power of substitution in the premises.

Date: \_\_\_\_\_

By: \_\_\_\_\_ (manual signature)

Title: \_\_\_\_\_

NOTICE: No transfer will be registered and no new Note will be issued in the name of the Transferee, unless the signature to this assignment corresponds with the name as it appears upon the face of the within Note every particular, without alteration or enlargement or any change whatever and the Social Security or Federal Employer Identification Number of the Transferee is supplied.

Signature Guaranteed by

\_\_\_\_\_  
[member firm of the New York Stock Exchange or a commercial bank or a trust company.]

SCHEDULE A

In order to protect the Owner's taxable equivalent yield on the Note, the interest rate may be adjusted by the Owner at its discretion as of the effective date of any change in the Maximum Corporate Tax Rate or in the Preference Reduction Rate. In addition, if it should be determined that the Note is not a Qualified Tax-Exempt Obligation as of the date of issuance thereof or if the Note at any time subsequent to the date of issuance thereof no longer qualify as a Qualified Tax-Exempt Obligation, the Interest Rate shall be adjusted as of the date of issuance of the Note or as of such subsequent date, as appropriate, on the basis of the new Preference Reduction Rate. In no event shall the Interest Rate as so adjusted exceed the Taxable Rate. Such adjustments to the Interest Rate shall be made in accordance with the following formula:

$$H = G \times \frac{[A \times (1-C)] + [D \times C \times F]}{[A \times (1-B)] + [D \times B \times E]}$$

- Where:
- "A" is the Taxable Rate on \_\_\_\_\_ 1, 2008;
  - "B" is the Maximum Corporate Tax Rate on the date of issuance of the Note (i.e., 35%);
  - "C" is the Maximum Corporate Tax Rate at the time of the change;
  - "D" is the Cost of Funds on the date of the adjustment;
  - "E" is the Preference Reduction Rate on the date of issuance of the Note (i.e., 20%);
  - "F" is the Preference Reduction Rate at the time of the change;
  - "G" is the Interest Rate prior to adjustment; and
  - "H" is the adjusted interest rate rounded to the fourth (4<sup>th</sup>) decimal place.

"Determination of Taxability" shall mean the circumstance that shall have occurred if interest paid or payable on the tax-exempt Note becomes includable for federal income tax purposes in the gross income of the tax-exempt Owner as a consequence of any act, omission or event whatsoever, and regardless of whether the same was within ~~or beyond~~ the control of the Issuer or caused by the Issuer. A Determination of Taxability will be deemed to have occurred upon (a) the receipt by the Issuer or an Owner of an original or a copy of an Internal Revenue Service Technical Advice Memorandum or Statutory Notice of Deficiency which holds that any interest payable on the tax-exempt Note is includable in the gross income of the Owner for

federal income tax purposes; or (b) the issuance of any public or private ruling of the Internal Revenue Service that any interest payable on the tax-exempt Note is includable in the gross income of an Owner for federal income tax purposes; or (c) receipt by the Issuer or the Owner of the opinion of Bond Counsel to the effect that any interest on the tax-exempt Note has become includable in the gross income of the Owner for federal income tax purposes. For all purposes of this definition, a Determination of Taxability will be deemed to occur on the date as of which the interest on the tax-exempt Note is deemed includable in the gross income of the Owner. A Determination of Taxability shall not occur in the event such interest is taken into account in determining adjusted current earnings for the purpose of the alternative minimum tax imposed on corporations.

“Maximum Corporate Tax Rate” shall mean (a) on the date of issuance of the Note, 35% and (b) thereafter, the maximum marginal rate of income tax imposed on corporations under Section 11 of the Code.

“Preference Reduction Rate” shall mean (a) on the date of issuance of the Note, twenty percent (20%) and (b) thereafter, the percentage reduction to be applied to the amount allowable as a deduction under Chapter I of the Code with respect to any financial institution preference item (as such term is defined in Section 291(e) of the Code).

If a Determination of Taxability shall occur, the Note will bear interest from the earliest effective date on which such Determination of Taxability is deemed to have occurred at a floating interest rate per annum equal to the Taxable Rate. The Issuer will also pay the holder of the Note or assigns any penalties and any interest owed by the holder of the Note due to the failure of the holder of the Note to include interest on the Note in its gross income for federal income tax purposes and any arrears in interest resulting from a Determination of Taxability, and any penalties in the form of interest or otherwise shall be paid by the Issuer on the next succeeding interest payment date.

The adjustments to the interest rate shall not apply to any Owner other than a bank. If the Note is transferred by the Owner to any entity other than a bank, the interest adjustment provisions set forth in this paragraph shall be deemed deleted from this Note and the rights of the Owner and any non-bank transferee to any further payments on account of any interest adjustment theretofore completed shall terminate on the date of transfer. Notwithstanding the foregoing, the Owner shall have the right to any additional interest that it would have been entitled to receive for any period during which it held the Note if it should be determined that the Note was not a Qualified Tax-Exempt Obligation from the date of issuance thereof.

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Format changed	0
Total changes	2

CITY OF MIAMI SPRINGS, FLORIDA  
CAPITAL IMPROVEMENT REVENUE NOTE,  
SERIES 2008

September \_\_, 2008

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CLOSING DOCUMENTS

1. Opinion of Bryant Miller Olive P.A., Note Counsel
2. Opinion of Orshan, Lithman, Seiden, Ramos, Hatton & Huesmann, LLP, Issuer's Counsel
3. Tax Certificate as to Arbitrage
4. Certificate of Delivery and Payment
5. Receipt for Note
6. Certificate as to Public Meetings and No Conflict of Interest
7. Certificate of City as to Signatures, No Litigation and Other Matters
8. Certificate of Incumbency
9. Resolution No. \_\_\_\_\_ adopted on September \_\_, 2008
10.
  - (a) Disclosure Letter of SunTrust Bank
  - (b) Purchaser's Certificate
  - (c) Commitment Letter
11. Specimen Note
12. IRS Form 8038-G
13.
  - (a) Notice of Sale to Division of Bond Finance
  - (b) Bond Finance Forms 2003 and 2004-B
14. Certificate re: Interest Rate
15. Election re: Cost of Carry on Notes

[16. Closing Transfer Memorandum]

Distribution:

- (2) City of Miami Springs, Florida
- (1) Bryant Miller Olive P.A.
- (1) SunTrust Bank
- (1) Orshan, Lithman, Seiden, Ramos, Hatton & Huesmann, LLP

September \_\_, 2008

City Council  
City of Miami Springs  
Miami Springs, Florida

SunTrust Bank  
Miami, Florida

\$2,500,000  
CITY OF MIAMI SPRINGS, FLORIDA  
CAPITAL IMPROVEMENT REVENUE NOTE,  
SERIES 2008

Ladies and Gentlemen:

We have acted as bond counsel in connection with the issuance by the City of Miami Springs, Florida (the "Issuer") of its \$2,500,000 in aggregate principal amount of Capital Improvement Revenue Note, Series 2008 (the "Note"), pursuant to the Constitution and laws of the State of Florida, Chapter 166, Part II, Florida Statutes, the Charter of the Issuer, and other applicable provisions of law and the Resolution duly adopted by the City Council of the Issuer on September \_\_, 2008 (the "Resolution"). Any capitalized terms used herein not otherwise defined shall have the meaning set forth in the Resolution.

As to questions of fact material to our opinion, we have relied upon representations of the Issuer contained in the Resolution and in the certified proceedings and other certifications of public officials furnished to us, without undertaking to verify the same by independent investigation. We have not undertaken an independent audit, examination, investigation or inspection of such matters and have relied solely on the facts, estimates and circumstances described in such proceedings and certifications. We have assumed the genuineness of signatures on all documents and instruments, the authenticity of documents submitted as originals and the conformity to originals of documents submitted as copies.

In rendering this opinion, we have examined and relied upon the opinion of even date herewith of Orshan, Lithman, Seiden, Ramos, Hatton & Huesmann, LLP, Counsel to the Issuer, as to the due creation and valid existence of the Issuer, the due adoption of the Resolution and the due execution and delivery of the Note.

The Note is payable solely from and secured by the Pledged Revenues as that term is defined in the Resolution.

The Note does not constitute a general obligation or indebtedness of the Issuer within the meaning of any constitutional, statutory or other limitation of indebtedness and the holders thereof shall never have the right to compel the exercise of any ad valorem taxing power of the Issuer or taxation in any form of any real or personal property for the payment of the principal of or interest on the Note.

The opinions set forth below are expressly limited to, and we opine only with respect to, the laws of the State of Florida and the federal income tax laws of the United States of America.

Based on our examination, we are of the opinion, as of the date hereof, as follows:

1. The Resolution constitutes a valid and binding obligation of the Issuer enforceable upon the Issuer in accordance with its terms.

2. The Note has been duly authorized, executed and delivered by the Issuer and is valid and binding special obligations of the Issuer enforceable in accordance with its terms, payable solely from the source provided therefor in the Resolution.

3. The Internal Revenue Code of 1986, as amended (the "Code"), establishes certain requirements which must be met subsequent to the issuance and delivery of the Note in order that interest on the Note be and remain excluded from gross income for purposes of federal income taxation. Non-compliance may cause interest on the Note to be included in federal gross income retroactive to the date of issuance of the Note, regardless of the date on which such non-compliance occurs or is ascertained. The Issuer has covenanted in the Resolution to comply with such requirements in order to maintain the exclusion from federal gross income of the interest on the Note.

Subject to compliance by the Issuer with the aforementioned covenants, (a) interest on the Note is excluded from gross income for purposes of federal income taxation, and (b) interest on the Note is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted current earnings for the purpose of computing the alternative minimum tax imposed on such

City Council  
City of Miami Springs  
SunTrust Bank  
September \_\_, 2008  
Page 3

corporations. We express no opinion regarding other federal tax consequences arising with respect to the Note.

4. The Issuer has designated the Note as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

It is to be understood that the rights of the owners of the Note and the enforceability thereof may be subject to the exercise of judicial discretion in accordance with general principles of equity, to the valid exercise of the sovereign police powers of the State of Florida and of the constitutional powers of the United States of America and to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted.

We have not passed upon any matters relating to the business affairs or condition (financial or otherwise) of the Issuer, and no inference should be drawn that we have expressed any opinion on matters relating to the ability of the Issuer to perform its obligations under the Note and the Resolution.

Our opinions expressed herein are predicated upon present law, facts and circumstances, and we assume no affirmative obligation to update the opinions expressed herein if such laws, facts or circumstances change after the date hereof.

Very truly yours,

BRYANT MILLER OLIVE P.A.

[Letterhead of City Attorney]

September \_\_\_\_, 2008

City Council  
City of Miami Springs  
Miami Springs, Florida

Bryant Miller Olive P.A.  
Miami, Florida

SunTrust Bank  
Miami, Florida

Re: \$2,500,000 City of Miami Springs, Florida  
Capital Improvement Revenue Note, Series 2008

Ladies and Gentlemen:

We have acted as counsel to the City of Miami Springs, Florida (the "City"), in connection with the issuance by the City of its \$2,500,000 City of Miami Springs, Florida Capital Improvement Revenue Note, Series 2008 (the "Note") pursuant to the Constitution and laws of the State of Florida, Chapter 166, Part II, Florida Statutes, the municipal charter of the City, and other applicable provisions of law (collectively, the "Act") and Resolution No. \_\_\_\_\_ adopted by the City Council of the City on September \_\_\_\_, 2008 (the "Resolution"). Any capitalized undefined terms used herein shall have the meaning set forth in the Resolution.

In my opinion:

1. The City is a municipal corporation of the State of Florida (the "State") duly created, organized and existing under the laws of the State, specifically the Act, and has full legal right, power and authority under the Act and the Resolution (A) to adopt the Resolution and to enter into, execute and deliver the Note by the City and all documents required thereunder to be executed and delivered by the City, (B) to sell, issue and deliver the Note to the original purchaser, and (C) to carry out and consummate the transactions contemplated by the Resolution, and the City has complied, and as of the date hereof is in compliance in all respects, with the terms of the Act and the Note as they pertain to such transactions.

2. The City has duly authorized all necessary action to be taken by it for (A) the adoption of the Resolution and the issuance and sale of the Note, (B) the approval, execution and delivery of, and the performance by the City of the obligations on its part, contained in the

City Council  
City of Miami Springs, Florida  
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September \_\_\_\_\_, 2008  
Page 2

Note, and (C) the consummation by it of all other transactions contemplated by the Note and any and all such other agreements and documents as may be required to be executed, delivered and/or received by the City in order to carry out, give effect to, and consummate the transactions contemplated in the Resolution.

3. The Resolution was duly and validly adopted by the City and is in full force and effect; the Resolution and all other proceedings pertinent to the validity and enforceability of the Note and the collection, levying and receipt of the Pledged Revenues have been duly and validly adopted or undertaken in compliance with all applicable procedural requirements of the City and in compliance with the Constitution and laws of the State, including the Act.

4. The Note has been duly authorized, executed and delivered by the City, and constitutes a legal, valid and binding obligation of the City enforceable against the City in accordance with its terms, except to the extent limited by bankruptcy, insolvency, reorganization, moratorium or other similar laws and equitable principles of general application relating to or affecting the enforcement of creditors' rights; and the Note, when issued, delivered and paid for, in accordance with the Resolution, will constitute a legal, valid and binding obligation of the City enforceable in accordance with its terms, subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws and principles of equity relating to or affecting the enforcement of creditors' rights; upon the issuance and delivery of the Note as aforesaid, the Resolution will provide, for the benefit of the holders, from time to time, of the Note, the legally valid and binding pledge of and lien it purports to create as set forth in the Resolution.

5. All authorizations, approvals, licenses, permits, consents and orders of any governmental authority, legislative body, board, agency or commission having jurisdiction of the matter which are required for the due authorization of, which would constitute a condition precedent to, or the absence of which would materially adversely affect the due performance by the City of its obligations under the Note have been obtained.

6. There is no legislation, action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, government agency, public board or body, pending or, to the best of our knowledge after due inquiry, threatened against the City, affecting the corporate existence of the City or the titles of its officers to their respective offices, or affecting or seeking to prohibit, restrain or enjoin the sale, issuance or delivery of the Note or the levying, receipt and collection of the Pledged Revenues pursuant to the Resolution or in any way contesting or

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City of Miami Springs, Florida  
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September \_\_\_\_\_, 2008  
Page 3

affecting the validity or enforceability of the Note, or contesting the exclusion from gross income of interest on the Note for federal income tax purposes, or contesting the powers of the City or any authority for the issuance of the Note, the adoption of the Resolution or the execution and delivery of the Note, nor, to the best of our knowledge, is there any basis therefor, wherein an unfavorable decision, ruling or finding would materially adversely affect the validity or enforceability of the Note.

7. The execution and delivery of the Note and compliance by the City with the provisions thereof, under the circumstances contemplated therein, will not conflict with or constitute on the part of the City a material breach of or a default under any agreement or instrument to which the City is a party, or violate any existing law, administrative regulation, court order, or consent decree to which the City is subject.

8. All conditions precedent to the issuance of the Note contained in resolutions or ordinances of the City have been complied with.

Very truly yours,

\$2,500,000  
CITY OF MIAMI SPRINGS, FLORIDA  
CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2008

The undersigned are the Mayor and Finance Director of the City of Miami Springs, Florida (the "Issuer"), being duly charged, with others, with the responsibility for issuing the City's \$2,500,000 Capital Improvement Revenue Note, Series 2008 (the "Note"), HEREBY CERTIFY, pursuant to Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and Sections 1.148-0 through 1.148-11 of the Income Tax Regulations (the "Regulations"), as follows:

1. The Note is being issued pursuant to the Constitution and laws of the State of Florida, including particularly Chapter 166, Florida Statutes, the Charter of the Issuer, and a resolution of the City Council of the Issuer adopted on September \_\_\_\_, 2008, (the "Resolution") and is being purchased by SunTrust Bank (the "Bank"). Unless otherwise specifically defined, all capitalized terms used in this Certificate shall have the meanings as those set forth in the Resolution. The proceeds of the Note will be used for the following purposes:

(a) to finance the construction of a community center, as more fully described legally in detail on materials on file with the Issuer's Clerk (the "Project"), and

(b) to pay the costs of issuing the Note (the "Issuance Expenses").

2. On the basis of the facts, estimates and circumstances in existence on the date hereof, we reasonably expect the following with respect to the Note being issued this day and as to the use of the proceeds thereof:

(a) \$\_\_\_\_\_ of said proceeds will be used to pay the Issuance Expenses.

(b) \$\_\_\_\_\_ of said proceeds will be used to pay the costs of the Project.

(c) The total Sale Proceeds to be received from the sale of the Note to the Bank do not exceed the amount necessary for the purposes described above.

(d) The Issuer does not expect to sell or otherwise dispose of any property comprising a part of the Project financed with the proceeds of the Note prior to the final maturity date of the Note, unless the Issuer uses such sale proceeds to reduce and prepay the corresponding amount of the Note.

3. The Resolution provides that the Issuer will utilize Pledged Revenues on each payment date of the Note sufficient to pay principal of and interest on the Note. No separate

funds or accounts will be held or reserved by the Issuer from which payments of principal and interest on the Note will be made.

4. There are no funds or accounts established pursuant to the Resolution or otherwise which are reasonably expected to be used to pay debt service on the Note, or which are pledged as collateral for the Note (or subject to a negative pledge) and for which there is a reasonable assurance on the part of the Bank that amounts therein will be available to pay debt service on the Note if the Issuer encounters financial difficulties.

5. In the event that amounts drawn under the Note are not immediately used to pay or reimburse costs of the Project, the following represents the expectations of the Issuer with respect to the investment of such proceeds of the Note:

(a) Proceeds derived from the sale of the Note to be applied to pay Issuance Expenses may be invested at an unrestricted yield for a period not to exceed three years from the date hereof;

(b) The remaining proceeds derived from the sale of the Note will be used to acquire the Project within three (3) months of the issuance of the Note. None of such sale proceeds will be invested by the Issuer except during the less than three month period.

6. For purposes of this Certificate, "yield" means that yield which when used in computing the present worth of all payments of principal and interest to be paid on an obligation produces an amount equal to the purchase price of such obligation. The yield on obligations acquired with the proceeds derived from the sale of the Note and the yield on the Note shall be calculated by the use of the same frequency interval of compounding interest. In the case of the Note, the purchase price is \$2,500,000. The purchase price of the Note and the interest rate thereon were arrived at as a result of an arms length negotiation between the Issuer and the Bank. The Bank is acquiring the Note for its own account, and is not acting as a broker or other intermediary for the purpose of reselling the Note to other investors. Any investments acquired with amounts that may not be invested at an unrestricted yield pursuant to Paragraph 5 above shall be purchased at prevailing market prices and shall be limited to securities for which there is an established market, shall be United States Treasury Obligations - State and Local Government Series, or shall be tax-exempt obligations under 103(a) of the Code the interest on which is not an item of tax preference within the meaning of Section 57(a) (5) of the Code. The Note bears interest at a variable rate, and the yield of the Note will be determined, to the extent necessary, for each Computation Period as set forth in Section 1.148-4(c) of the Regulations.

7. No portion of the proceeds of the Note will be used as a substitute for other moneys of the Issuer which were otherwise to be used pay the cost of the Project and which

have been or will be used to acquire directly or indirectly, obligations producing a yield in excess of the yield on the Note.

8. The Issuer has covenanted in the Resolution that so long as the Note remains outstanding, the moneys on deposit in any fund or account maintained in connection with the Note, will not be used in any manner that would cause the Note to be "arbitrage bonds" within the meaning of Section 148 of the Code or bonds not described under Section 103(a) of the Code and the applicable regulations promulgated from time to time thereunder. The aggregate face amount of all currently outstanding tax-exempt obligations (other than "private activity bonds" as defined in Section 141(a) of the Code) issued by the Issuer (or by any subordinate entities or other entities that issue debt "on behalf of" the Issuer) during calendar year 2008 does not exceed \$10,000,000. The Issuer does not plan and has no reasonable expectation that it will issue in excess of \$10,000,000 of tax-exempt debt during calendar year 2008.

9. Neither the Issuer nor any person related to the Issuer has entered or is expected to enter into any hedging transaction (such as an interest rate swap, cap or collar transaction) with respect to the Note.

10. The weighted average maturity of the Note does not exceed 120 percent of the reasonably expected economic life of the refinanced Project (within the meaning of Section 147(b) of the Code).

11. None of the proceeds of the Note will be used (directly or indirectly) to acquire any property which prior to its acquisition was used (or held for use) by a person other than a state or local governmental unit in connection with an output facility. For purposes of this Certificate, the term "output facility" means electric and gas generation, transmission, and related facilities.

12. None of the proceeds of the Note will be used (directly or indirectly) to make or finance loans to any person.

13. Not more than 10% of the proceeds of the Note will be used (directly or indirectly) in a trade or business (or to finance facilities which are used in a trade or business) carried on by any person other than a governmental unit. Not more than 5% of the proceeds of the Note will be used (directly or indirectly) in trade or business (or to finance facilities which are used in a trade or business) carried on by any person other than a governmental unit which private business use is not related to any governmental use or is disproportionate to governmental use, all as described in Section 141(b)(3) of the Code ("Unrelated or Disproportional Use"). For the purpose of this Paragraph, use by a nongovernmental person as a member of the general public shall not be taken into account.

14. Paragraph 12 shall apply only if the payment of 10% or more (5% or more in the case of Unrelated or Disproportional Use) of the principal of or interest on the Note is (under

the terms of such Note or any underlying arrangement) directly or indirectly secured by any interest in property used or to be used for a private business use or in payments in respect of such property or derived from payments whether or not to the Issuer in respect of property or borrowed money used or to be used for a private business use.

15. The Issuer reasonably expects that the Project will be owned and operated throughout the term of the Note in a manner which complies with the requirements set forth in Paragraph 16. The Issuer will not change the ownership or use of all or any portion of the Project in a manner that fails to comply with Paragraph 16 below, unless it receives an opinion of Bond Counsel that such change of ownership or use will not adversely affect the exclusion of interest on the Note from gross income for federal income tax purposes.

16. The payment of the principal of and interest on the Note is not and will not be guaranteed directly or indirectly by the federal government within the meaning of Section 149(b) of the Code.

17. This Certificate is, in part, to serve as a guideline in implementing the requirements of Sections 141 to 150 of the Code. If regulations, rulings, announcements and notices validly promulgated under the Code contain requirements which differ from those outlined here which must be satisfied for the Note to be tax-exempt or in order to avoid the imposition of penalties under Section 148 of the Code, pursuant to the covenants contained in the Resolution, the Issuer is obligated to take such steps as are necessary to comply with such requirements. If under those pronouncements, compliance with any of the requirements of this Certificate is not necessary to maintain the exclusion of interest on the Note from gross income and alternative minimum taxable income (except to the extent of certain adjustments applicable to corporations) or to avoid the imposition of penalties on the Issuer under Section 148 of the Code, the Issuer shall not be obligated to comply with that requirement. The Issuer has been advised to seek the advice of competent counsel with a nationally recognized expertise in matters affecting exclusion of interest on municipal bonds from gross income in fulfilling its obligations under the Code to take all steps as are necessary to maintain the tax-exempt status of the Note.

[Remainder of page intentionally left blank]

18. To the best of our knowledge, information and belief, the above expectations are reasonable.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_ day of September, 2008.

CITY OF MIAMI SPRINGS, FLORIDA

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Finance Director

CERTIFICATE OF DELIVERY AND PAYMENT

I, the undersigned officer of the City of Miami Springs, Florida (the "Issuer"), DO HEREBY CERTIFY that on the \_\_\_ of September, 2008, I delivered to SunTrust Bank (the "Purchaser"), the following described obligations of the Issuer:

\$2,500,000 City of Miami Springs, Florida Capital Improvement Revenue Note, Series 2008, consisting of one fully registered Note dated September \_\_\_, 2008, bearing interest at a fixed rate of interest of \_\_\_\_\_% and maturing on \_\_\_\_\_ 1, 2028.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this \_\_\_ of September, 2008.

CITY OF MIAMI SPRINGS, FLORIDA

(SEAL)

By: \_\_\_\_\_  
City Manager

RECEIPT FOR NOTE

RECEIPT IS HEREBY ACKNOWLEDGED of the following described obligation of the City of Miami Springs, Florida:

\$2,500,000 City of Miami Springs, Florida Capital Improvement Revenue Note, Series 2008, consisting of one fully registered Note dated September \_\_, 2008, bearing interest at a fixed rate of interest of \_\_\_\_\_% and maturing on \_\_\_\_\_1, 2028.

Dated this \_\_ day of September, 2008.

SUNTRUST BANK

By: \_\_\_\_\_  
Name: Delleperche Joseph  
Title: First Vice President

**CERTIFICATE AS TO PUBLIC MEETINGS  
AND NO CONFLICT OF INTEREST**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Each of the undersigned members of the City Council (the "City Council") of the City of Miami Springs, Florida (the "Issuer"), recognizing that the purchasers of the City of Miami Springs, Florida, \$2,500,000 Capital Improvement Revenue Note, Series 2008 (the "Note"), will have purchased said Note in reliance upon this Certificate, DOES HEREBY CERTIFY:

(1) that he or she has no personal knowledge that any two or more members of the City Council, meeting together, reached any prior conclusion as to whether the actions taken by the City Council, with respect to said Note, the security therefor and the application of the proceeds thereof, should or should not be taken by the City Council or should or should not be recommended as an action to be taken or not to be taken by the City Council, except at public meetings of the City Council held after due notice to the public was given in the ordinary manner required by law and custom of the City Council;

(2) that he or she does not have or hold any employment or contractual relationship with SunTrust Bank which is purchasing the Note from the Issuer.

IN WITNESS WHEREOF, we have hereunto affixed our official signatures as of the \_\_\_\_\_ day of September, 2008.

\_\_\_\_\_  
Billy Bains, Mayor

\_\_\_\_\_  
Zavier Garcia, Vice Mayor

\_\_\_\_\_  
Paul C. Dotson, Councilman

\_\_\_\_\_  
Bob Best, Councilman

\_\_\_\_\_  
Rob Youngs, Councilman

**CERTIFICATE OF CITY AS TO  
SIGNATURES, NO LITIGATION AND OTHER MATTERS**

The undersigned, Billy Bain, Mayor, James R. Borgmann, City Manager and Leacroft Robinson, Finance Director of the City of Miami Springs, Florida (the "City"), in connection with the issuance this day by the City of the following described Note:

\$2,500,000 City of Miami Springs, Florida Capital Improvement Revenue Note, Series 2008, consisting of one fully registered Note dated September \_\_, 2008, bearing interest at a fixed rate of interest of \_\_\_\_% and maturing on \_\_\_\_ 1, 2028.

DO HEREBY CERTIFY to the best of our knowledge, after reasonable investigation, that:

I

The following terms in this Certificate shall have the following meanings (terms not defined herein shall have the meanings set forth in the Resolution):

"Bank" means SunTrust Bank.

"Note" means the obligation described above.

"Resolution" means the Resolution duly adopted by the City Council of the City on September \_\_, 2008.

II

The City is a duly created and validly existing municipality under the Constitution and laws of the State of Florida.

III

The City is not in material breach of or material default under any applicable judgment or decree or any loan agreement, indenture, bond, note, material resolution, material agreement or other material instrument to which the City is a party or to which the City or any of its property or assets is otherwise subject, and no event has occurred and is continuing which with the passage of time or the giving of notice, or both, would constitute a material default or material event of default under any such instrument.

IV

The delivery of the Note, the adoption of the Resolution and compliance with the provisions on the City's part contained therein, will not conflict with or constitute a material

breach of or material default under any judgment, decree, loan agreement, indenture, bond, note, material resolution, material agreement or other material instrument to which the City is a party or to which the City or any of its property or assets is otherwise subject.

V

Except as has otherwise been disclosed to the Bank, no litigation or other proceedings are pending or, to our knowledge, threatened against the City in any court or other tribunal of competent jurisdiction, State or federal, in any way (i) restraining or enjoining the issuance, sale, execution or delivery of the Note, or (ii) questioning or affecting the validity of the Note, the Resolution or the pledge by the City to the Noteholders of any moneys or other security provided under the Resolution, or (iii) questioning or affecting the validity of any of the proceedings for the authorization, sale, execution, issuance or delivery of the Note, or (iv) questioning or affecting the organization or existence of the City or the title to office of the officers thereof, or the ownership and operation of the Project.

VI

The City has complied with all agreements and has satisfied all conditions on its part to be observed or satisfied under the Resolution.

VII

The Resolution has been duly adopted and has not been repealed, revoked, rescinded or altered in any manner.

VIII

The City is not in default, and has not been in default at any time after December 31, 1975, as to principal of and interest on any of its indebtedness.

IX

The Note is signed with the manual signatures of the undersigned Mayor and City Clerk of the City.

X

The seal which has been impressed upon this Certificate is the legally adopted, proper and only official seal of the City and such seal has been imprinted upon said Note.

WITNESS, our hand and said corporate seal this \_\_\_ of September, 2008.

SIGNATURE

OFFICIAL TITLE

\_\_\_\_\_

Mayor  
City of Miami Springs, Florida

\_\_\_\_\_

City Manager  
City of Miami Springs, Florida

\_\_\_\_\_

Finance Director  
City of Miami Springs, Florida

(SEAL)

[Signature Page to Certificate of City]

CERTIFICATE OF INCUMBENCY

I, the undersigned officer of the City of Miami Springs, Florida, DO HEREBY CERTIFY:

1. The following is a correct list of the names of certain officers of the City of Miami Springs, Florida, and of the dates of expiration of their respective terms of office:

<u>OFFICE</u>	<u>OFFICER</u>	<u>EXPIRATION OF TERM</u>
Mayor	Billy Bains	April 2009
Vice Mayor	Zavier Garcia	April 2009
Councilman	Paul C. Dotson	April 2009
Councilman	Bob Best	April 2009
Councilman	Rob Youngs	April 2009
City Manager	James R. Borgmann	At the pleasure of the Council
Finance Director	Leacroft Robinson	At the pleasure of the City Manager
City Clerk	Magali Valls	At the pleasure of the City Council
City Attorney	Jan K. Seiden, Orshan, Lithman, Seiden, Ramos, Hatton & Huesmann, LLP	At the pleasure of the Council

2. The official seal of the City of Miami Springs, Florida, being the only seal used by said City, is the seal an impression of which is impressed opposite my signature on this certificate.

WITNESS my hand and the official seal of the City of Miami Springs, Florida, referred to above, this \_\_\_ day of September, 2008.

(SEAL)

CITY OF MIAMI SPRINGS, FLORIDA

By: \_\_\_\_\_  
City Clerk

CERTIFICATE OF RECORDING OFFICER

I HEREBY CERTIFY THAT:

1. I am the duly appointed, qualified and acting City Clerk of the City of Miami Springs, Florida, and keeper of the records thereof, including the minutes of its proceedings;

2. The annexed Resolution authorizing issuance of the not to exceed \$2,500,000 City of Miami Springs, Florida Capital Improvement Revenue Note, Series 2008 (the "Note") was approved by the Miami Springs City Council at the meeting held on September \_\_\_\_\_, 2008;

3. Said meeting was duly noticed and convened in conformity with all applicable requirements; a proper quorum was present throughout said meeting and the instrument above mentioned was duly proposed, considered and adopted in conformity with applicable requirements; and all other requirements and proceedings incident to the proper adoption of said instrument have been duly fulfilled, carried out and otherwise observed;

4. I am duly authorized to execute this Certificate; and

5. The copy of the instrument annexed hereto entitled:

A RESOLUTION OF THE CITY OF MIAMI SPRINGS, FLORIDA;  
AUTHORIZING THE ISSUANCE OF CITY OF MIAMI SPRINGS,  
FLORIDA CAPITAL IMPROVEMENT REVENUE NOTE, SERIES  
2008 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED  
\$2,500,000 TO FINANCE THE COST OF THE PROJECT;  
PROVIDING THAT SUCH NOTE SHALL BE A LIMITED  
OBLIGATION OF THE CITY PAYABLE FROM PLEDGED  
REVENUES AS PROVIDED HEREIN; PROVIDING FOR THE  
RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF  
SUCH NOTE; MAKING CERTAIN COVENANTS AND  
AGREEMENTS IN CONNECTION THEREWITH;  
DESIGNATING THE NOTE FOR THE EXCEPTION FOR  
CERTAIN TAX-EXEMPT OBLIGATIONS CONTAINED IN  
SECTION 265 OF THE INTERNAL REVENUE CODE OF 1986, AS  
AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE.

is a true, correct and compared copy of the original instrument referred to in said minutes and as finally adopted at said meeting and, to the extent required by law, as thereafter duly signed or approved by the proper officer or officers, which instrument is on file and of record.

DATED this \_\_\_ day of September, 2008.

(SEAL)

CITY OF MIAMI SPRINGS, FLORIDA

By: \_\_\_\_\_

Name: Magali Valls

Title: City Clerk

DISCLOSURE LETTER

The undersigned, as Purchaser, proposes to negotiate with the City of Miami Springs, Florida (the "Issuer") for the private sale of \$2,500,000 in aggregate principal amount of Capital Improvement Revenue Note, Series 2008 (the "Note"). Prior to the award of the Note, the following information is hereby furnished to the Issuer:

1. Set forth is an itemized list of the nature and estimated amounts of expenses to be incurred for services rendered to SunTrust Bank (the "Purchaser") in connection with the issuance of the Note (such expense to be paid by the Issuer):

Legal Fees:  
Bryant Miller Olive P.A.  
\$7,500

2. (a) No other fee, bonus or other compensation is estimated to be paid by the Purchaser in connection with the issuance of the Note to any person not regularly employed or retained by the Purchaser (including any "finder" as defined in Section 218.386(1)(a), Florida Statutes), except as specifically enumerated as expenses to be incurred by the Purchaser, as set forth in paragraph (1) above.

(b) No person has entered into an understanding with the Purchaser, or to the knowledge of the Purchaser, with the Issuer, for any paid or promised compensation or valuable consideration, directly or indirectly, expressly or implied, to act solely as an intermediary between the Issuer and the Purchaser or to exercise or attempt to exercise any influence to effect any transaction in the purchase of the Note.

3. The amount of the spread expected to be realized by the Purchaser is \$0.

4. The Management Fee to be charged by the Purchaser is \$0.

5. Truth-in-Bonding Statement:

The Note is being issued to finance the construction of a recreation center as more fully described legally in detail on materials on file with the Issuer's Clerk, in order to finance certain capital expenditures for the Issuer.

The debt is expected to be repaid over a period of approximately 20 years. The Note being a fixed rate of interest of \_\_\_\_\_% the estimated total interest paid over the life of the Note will be \$\_\_\_\_\_.

The Note will be payable solely from Pledged Revenues as defined in the Resolution adopted by the City Council of the Issuer on September \_\_\_\_, 2008 (the "Resolution"). Issuance of the Note is estimated to result in an average of \$\_\_\_\_ annually of revenues of the Issuer not being available to finance other services of the Issuer during the life of the Note.

6. The name and address of the Purchaser connected with the Note is as follows:

SunTrust Bank  
Mail Code FL-MIA-1042  
777 Brickell Avenue, Suite 400  
Miami, Florida 33131

IN WITNESS WHEREOF, the undersigned has executed this Disclosure Statement on behalf of the Purchaser this \_\_\_\_ day of September, 2008.

SUNTRUST BANK

By: \_\_\_\_\_

Name: Delleperche Joseph, CPA

Title: First Vice President

## PURCHASER'S CERTIFICATE

This is to certify that SunTrust Bank (the "Purchaser") has conducted its own investigation, to the extent it deems satisfactory or sufficient, into matters relating to business affairs or conditions (either financial or otherwise) of the City of Ocoee, Florida (the "Issuer") in connection with the issuance of the \$2,500,000 City of Miami Springs, Florida Capital Improvement Revenue Note, Series 2008 (the "Note"), dated September \_\_, 2008, and no inference should be drawn that the Purchaser, in the acceptance of said Note, is relying on Bond Counsel or Issuer's Counsel as to any such matters other than the legal opinion rendered by Bond Counsel, Bryant Miller Olive P.A. and by Issuer's Counsel, Orshan, Lithman, Seiden, Ramos, Hatton & Huesmann, LLP. Any capitalized undefined terms used herein not otherwise defined shall have the meaning set forth in the Resolution (the "Resolution").

We are aware that investment in the Note involves various risks, that the Note is not a general obligation of the Issuer or payable from ad valorem tax revenues, that the payment of the Note is secured solely from the sources described in the Resolution (the "Pledged Revenues").

We have made such independent investigation of the Pledged Revenues as we, in the exercise of sound business judgment, consider to be appropriate under the circumstances.

We have knowledge and experience in financial and business matters and are capable of evaluating the merits and risks of our investment in the Note and can bear the economic risk of our investment in the Note.

We acknowledge and understand that the Resolution is not being qualified under the Trust Indenture Act of 1939, as amended (the "1939 Act"), and is not being registered in reliance upon the exemption from registration under Section 3(a)(2) of the Securities Act of 1933, Section 517.051(1), Florida Statutes, as amended, and/or Section 517.061(7), Florida Statutes, as amended, and that neither the Issuer, Bond Counsel nor Issuer's Counsel shall have any obligation to effect any such registration or qualification.

We are not acting as a broker or other intermediary, and are purchasing the Note as an investment for our own account and not with a present view to a resale or other distribution to the public. We understand that the Note may not be transferred except to a bank, savings association, insurance company or other "accredited investor" as described below in accordance with the restrictions set forth in the Note.

We are a bank, trust company, savings institution, insurance company, dealer, investment company, pension or profit-sharing trust, or qualified institutional buyer as contemplated by Section 517.061(7), Florida Statutes, as amended. We are not purchasing the Note for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of Chapter 517, Florida Statutes, as amended.

We are an "accredited investor" as such term is defined in the Securities Act of 1933, as amended, and Regulation D thereunder.

Dated this \_\_\_\_ day of September, 2008.

SUNTRUST BANK

By: \_\_\_\_\_

Name: Delleperche Joseph

Title: First Vice President

ANY HOLDER SHALL, PRIOR TO BECOMING A HOLDER, EXECUTE A PURCHASER'S CERTIFICATE CERTIFYING, AMONG OTHER THINGS, THAT SUCH HOLDER IS AN "ACCREDITED INVESTOR" AS SUCH TERM IS DEFINED IN THE SECURITIES ACT OF 1933, AS AMENDED, AND REGULATION D THEREUNDER.

R-1

\$2,500,000

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE  
CITY OF MIAMI SPRINGS, FLORIDA  
CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2008

<u>Dated Date</u>	<u>Maturity Date</u>	<u>Interest Rate</u>
September ____, 2008	_____, 1, 2028	

The City of Miami Springs, Florida (the "Issuer"), a municipal corporation created and existing pursuant to the Constitution and the laws of the State of Florida, for value received, promises to pay from the sources hereinafter provided, to the order of SunTrust Bank or registered assigns (hereinafter, the "Owner"), the principal sum of \$2,500,000 together with interest on the principal balance at the Interest Rate (as the same may be adjusted pursuant to Schedule A) based upon a year of 360 days. Interest shall be payable monthly on the first day of each month, commencing [October 1, 2008]. Principal shall be payable monthly on the first day of each month, commencing [October 1, 2009]. Said principal and any unpaid interest shall be payable on the Maturity Date or upon earlier prepayment.

Principal of and interest on this Note is payable in lawful money of the United States of America at such place as the Owner may designate to the Issuer in writing. If any date for the payment of principal and interest hereon shall fall on a day which is not a Business Day (as defined in the Resolution (hereinafter defined)) the payment due on such date shall be due on the next succeeding day which is a Business Day, but the Issuer shall not receive credit for the payment until it is actually received by the Owner.

All payments by the Issuer pursuant to this Note shall apply first to accrued interest, then to other charges due the Owner, and the balance thereof shall apply to principal.

This Note shall be subject to optional prepayment in whole or in part on any date, without premium. Prepayments of principal shall be applied to the scheduled payments of principal in the inverse order of their due dates. The Issuer shall give notice to the Owner at least 10 days in advance of any prepayment, which notice may be revocable by the Issuer.

In case of an Event of Default (as defined in the hereinafter defined Resolution), the Owner may declare the entire debt then remaining unpaid hereunder immediately due and payable; and in any such default and acceleration, the Issuer shall also be obligated to pay as part of the indebtedness evidenced by this Note, all costs of collection and enforcement hereof, including such reasonable legal fees and expenses as may be incurred, including on appeal or incurred in any proceeding under bankruptcy laws as they now or hereafter exist. Upon the occurrence of and during the continuation of an Event of Default, the interest rate on this Note shall be increased to the lesser of 25% per annum or the maximum rate permitted by law.

The Issuer to the extent permitted by law hereby waives presentment, demand, protest and notice of dishonor.

THIS NOTE DOES NOT CONSTITUTE A GENERAL INDEBTEDNESS OF THE ISSUER WITHIN THE MEANING OF ANY CONSTITUTIONAL, STATUTORY OR CHARTER PROVISION OR LIMITATION, AND IT IS EXPRESSLY AGREED BY THE HOLDER OF THIS NOTE THAT SUCH NOTEHOLDER SHALL NEVER HAVE THE RIGHT TO REQUIRE OR COMPEL THE EXERCISE OF THE AD VALOREM TAXING POWER OF THE ISSUER OR TAXATION OF ANY REAL OR PERSONAL PROPERTY THEREIN FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THIS NOTE OR THE MAKING OF ANY OTHER PAYMENTS PROVIDED FOR IN THE RESOLUTION, OR BE ENTITLED TO PAYMENT OF SUCH NOTE FROM ANY FUNDS OF THE ISSUER EXCEPT FROM THE PLEDGED REVENUES.

This Note is issued pursuant to the Constitution of the State of Florida, Chapter 166, Florida Statutes, the Charter of the Issuer and a Resolution duly adopted by the Issuer on September \_\_\_\_, 2008, as from time to time amended and supplemented (herein referred to as the "Resolution"), and is subject to all the terms and conditions of the Resolution. All terms, conditions and provisions of the Resolution including without limitation remedies in the Event of Default are by this reference thereto incorporated herein as a part of this Note. Payment of the Note is secured by the Pledged Revenues of the Issuer. Terms used herein in capitalized form and not otherwise defined herein shall have the meanings ascribed thereto in the Resolution.

This Note may be exchanged or transferred by the Owner hereof but only upon the registration books maintained by the Issuer and in the manner provided in the Resolution.

It is hereby certified, recited and declared that all acts, conditions and prerequisites required to exist, happen and be performed precedent to and in the execution, delivery and the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by law, and that the issuance of this Note is in full compliance with and does not exceed or violate any constitutional or statutory limitation.

THE ISSUER, AND THE OWNER, BY ACCEPTANCE OF THIS NOTE, AGREE TO WAIVE TRIAL BY JURY IN ANY CONTROVERSY OR CLAIM BETWEEN THE PARTIES HERETO INCLUDING BUT NOT LIMITED TO THOSE ARISING OUT OF OR RELATING TO THIS AGREEMENT OR ANY RELATED INSTRUMENTS, AGREEMENTS OR DOCUMENTS.

IN WITNESS WHEREOF, the City of Miami Springs, Florida has caused this Note to be executed in its name by the manual signature of its Mayor and attested by the manual signature of its City Clerk, and its seal to be impressed hereon, all this \_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF MIAMI SPRINGS, FLORIDA

[SEAL]

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

CERTIFICATE OF AUTHENTICATION

This Note is one of the Notes issued under the provisions of the within mentioned Resolution.

City Clerk,  
Registrar, as Authenticating Agent

Date of Authentication:

\_\_\_\_\_

By \_\_\_\_\_  
Authorized Officer

ASSIGNMENT AND TRANSFER

For value received the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_

(Please insert Social Security or other identifying number of transferee) the attached Note of the City of Miami Springs, Florida, and does hereby constitute and appoint \_\_\_\_\_, attorney, to transfer the said Note on the books kept for registration thereof, with full power of substitution in the premises.

Date: \_\_\_\_\_

By: \_\_\_\_\_ (manual signature)  
Title: \_\_\_\_\_

NOTICE: No transfer will be registered and no new Note will be issued in the name of the Transferee, unless the signature to this assignment corresponds with the name as it appears upon the face of the within Note every particular, without alteration or enlargement or any change whatever and the Social Security or Federal Employer Identification Number of the Transferee is supplied.

Signature Guaranteed by

\_\_\_\_\_  
[member firm of the New York  
Stock Exchange or a commercial  
bank or a trust company.]

## SCHEDULE A

In order to protect the Owner's taxable equivalent yield on the Note, the interest rate may be adjusted by the Owner at its discretion as of the effective date of any change in the Maximum Corporate Tax Rate or in the Preference Reduction Rate. In addition, if it should be determined that the Note is not a Qualified Tax-Exempt Obligation as of the date of issuance thereof or if the Note at any time subsequent to the date of issuance thereof no longer qualify as a Qualified Tax-Exempt Obligation, the Interest Rate shall be adjusted as of the date of issuance of the Note or as of such subsequent date, as appropriate, on the basis of the new Preference Reduction Rate. In no event shall the Interest Rate as so adjusted exceed the Taxable Rate. Such adjustments to the Interest Rate shall be made in accordance with the following formula:

$$H = G \times \frac{[A \times (1-C)] + [D \times C \times F]}{[A \times (1-B)] + [D \times B \times E]}$$

- Where:
- "A" is the Taxable Rate on \_\_\_\_\_ 1, 2008;
  - "B" is the Maximum Corporate Tax Rate on the date of issuance of the Note (i.e., 35%);
  - "C" is the Maximum Corporate Tax Rate at the time of the change;
  - "D" is the Cost of Funds on the date of the adjustment;
  - "E" is the Preference Reduction Rate on the date of issuance of the Note (i.e., 20%);
  - "F" is the Preference Reduction Rate at the time of the change;
  - "G" is the Interest Rate prior to adjustment; and
  - "H" is the adjusted interest rate rounded to the fourth (4<sup>th</sup>) decimal place.

"Determination of Taxability" shall mean the circumstance that shall have occurred if interest paid or payable on the tax-exempt Note becomes includable for federal income tax purposes in the gross income of the tax-exempt Owner as a consequence of any act, omission or event whatsoever, and regardless of whether the same was within the control of the Issuer or caused by the Issuer. A Determination of Taxability will be deemed to have occurred upon (a) the receipt by the Issuer or an Owner of an original or a copy of an Internal Revenue Service Technical Advice Memorandum or Statutory Notice of Deficiency which holds that any interest payable on the tax-exempt Note is includable in the gross income of the Owner for federal income tax purposes; or (b) the issuance of any public or private ruling of the Internal Revenue

Service that any interest payable on the tax-exempt Note is includable in the gross income of an Owner for federal income tax purposes; or (c) receipt by the Issuer or the Owner of the opinion of Bond Counsel to the effect that any interest on the tax-exempt Note has become includable in the gross income of the Owner for federal income tax purposes. For all purposes of this definition, a Determination of Taxability will be deemed to occur on the date as of which the interest on the tax-exempt Note is deemed includable in the gross income of the Owner. A Determination of Taxability shall not occur in the event such interest is taken into account in determining adjusted current earnings for the purpose of the alternative minimum tax imposed on corporations.

"Maximum Corporate Tax Rate" shall mean (a) on the date of issuance of the Note, 35% and (b) thereafter, the maximum marginal rate of income tax imposed on corporations under Section 11 of the Code.

"Preference Reduction Rate" shall mean (a) on the date of issuance of the Note, twenty percent (20%) and (b) thereafter, the percentage reduction to be applied to the amount allowable as a deduction under Chapter I of the Code with respect to any financial institution preference item (as such term is defined in Section 291(e) of the Code).

If a Determination of Taxability shall occur, the Note will bear interest from the earliest effective date on which such Determination of Taxability is deemed to have occurred at a floating interest rate per annum equal to the Taxable Rate. The Issuer will also pay the holder of the Note or assigns any penalties and any interest owed by the holder of the Note due to the failure of the holder of the Note to include interest on the Note in its gross income for federal income tax purposes and any arrears in interest resulting from a Determination of Taxability, and any penalties in the form of interest or otherwise shall be paid by the Issuer on the next succeeding interest payment date.

The adjustments to the interest rate shall not apply to any Owner other than a bank. If the Note is transferred by the Owner to any entity other than a bank, the interest adjustment provisions set forth in this paragraph shall be deemed deleted from this Note and the rights of the Owner and any non-bank transferee to any further payments on account of any interest adjustment theretofore completed shall terminate on the date of transfer. Notwithstanding the foregoing, the Owner shall have the right to any additional interest that it would have been entitled to receive for any period during which it held the Note if it should be determined that the Note was not a Qualified Tax-Exempt Obligation from the date of issuance thereof.



CERTIFICATE RE: INTEREST RATE

In accordance with the provisions of Section 215.84(3), Florida Statutes, the undersigned official of the City of Miami Springs, Florida, DOES HEREBY CERTIFY that as of the date hereof, the rate of interest on the Note described below is a fixed rate of interest being \_\_\_\_\_% for the Note.

\$2,500,000 City of Miami Springs, Florida Capital Improvement Revenue Note, Series 2008, consisting of one fully registered Note dated September \_\_, 2008, bearing interest at a fixed rate of interest of \_\_\_\_\_% and maturing on \_\_\_\_\_1, 2028.

Executed this \_\_\_\_ of September, 2008.

CITY OF MIAMI SPRINGS, FLORIDA

By: \_\_\_\_\_  
Finance Director





**OFFICE OF THE CITY CLERK  
MEMORANDUM**

**TO:** Honorable Members of the City Council

**FROM:** Magalí Valls, City Clerk

**DATE:** September 2, 2008

**SUBJECT: APPOINTMENT TO THE BOARD OF ADJUSTMENT/  
ZONING AND PLANNING BOARD**

*M. Valls*

\*\*\*\*\*

Mayor Bain has notified me that he will be re-appointing Francisco Fernández to the Board of Adjustment/Zoning and Planning Board.

He will officially confirm the appointment at the September 8, 2008 City Council Regular Meeting.

cc: City Manager James R. Borgmann  
Assistant City Manager Ronald K. Gorland  
City Attorney Jan K. Seiden  
Board of Adjustment Members and Secretary



CITY OF MIAMI SPRINGS  
OFFICE OF THE CITY PLANNER  
MEMORANDUM

TO: Mayor Bain and Members of the City Council

VIA: James R. Borgmann, City Manager *JRB*

FROM: Richard E. Ventura, <sup>RV</sup>AICP, City Planner

DATE: September 2, 2008

**RE: RECOMMENDATION TO AUTHORIZE A GRANT APPLICATION TO  
THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL  
PROTECTION'S FLORIDA RECREATION DEVELOPMENT ASSISTANCE  
PROGRAM TO CONTINUE THE DEVELOPMENT OF A LINEAR PARK  
ALONG THE MIAMI RIVER/CANAL STREET**

The City of Miami Springs is presently seeking a grant from the Florida Recreation Development Assistance Program (FRDAP) in order to continue the development of the Canal St. linear park project. The City is requesting total funding of \$400,000, of which the State will provide 50% (\$200,000) with the City providing the match of 50% (\$200,000). Should Miami Springs be awarded funding, the City will have up to three years from the start of the State's fiscal year in which funds are appropriated to complete this next phase of the project, which will primarily entail the construction of a fishing pier and boat launch and supporting infrastructure for the park.

With regard to the present FRDAP grant, on July 1st of this year Miami Springs was awarded total funding of \$271,222; which consists of \$135,611 from the State and a \$135,611 match from the City. Construction documents are in the final stages of completion and the first phase of the project will be shortly put out for bid. This phase of the project will consist of the construction of the pedestrian pathway and the installation of landscaping.

Staff again recommends authorization to apply for this grant through FRDAP as a means to beautify the northwest area of Canal Street and to provide our residents with a unique recreational opportunity within our City. Funding for our "match" portion may be available from local option gas taxes and the City's part of CITT/PTP) funds.

Agenda Item No.

City Council Meeting of:

SEPT 8, 2008

RESOLUTION NO. 2008-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AUTHORIZING THE CITY'S APPLICATION FOR A MATCHING GRANT FROM THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION'S FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR THE SECOND PHASE OF THE CITY'S DEVELOPMENT OF THE LINEAR PARK ALONG THE MIAMI RIVER CANAL AND CANAL STREET IN THE CITY'S DOWNTOWN AREA; AUTHORIZING THE AMENDMENT OF THE CITY'S CAPITAL IMPROVEMENT PLAN AND BUDGET TO PROVIDE THE REQUIRED GRANT MATCH FUNDING; EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Springs has identified the need to revitalize the downtown area into a pedestrian-friendly environment; and,

**WHEREAS**, the Florida Department of Transportation has completed renovation and reconstruction of the Warren Pony Swing Bridge which provides access to the City over the Miami River Canal onto Curtiss Parkway; and,

**WHEREAS**, it is believed that a linear park along the Miami River Canal and Canal Street in the City's downtown area would provide activities which would be beneficial to the City's revitalization program and attract residents and visitors alike to the downtown area; and,

**WHEREAS**, the Florida Department of Environmental Protection's Florida Recreation Development Assistance Program provides matching grant opportunities to qualified governmental programs which are intended to develop land for public outdoor recreational purposes; and,

**WHEREAS**, the City is desirous of applying for a grant that will provide the City with \$200,000, on the express condition that the City will provide the required match of \$200,000 (i.e., a match rate of 50 percent calculated from total funding of \$400,000); and,

**WHEREAS**, although the City has not budgeted funds to match the aforesaid grant award for the development of the proposed linear park in its current capital improvement plan or budget, the capital improvement plan and the City's budget, either presently or in the future, could be amended to provide the required matching funds; and,

**WHEREAS**, the City has previously applied for and received grant funding for phase one of the proposed project and the City has previously participated in grant programs similar to the one being proposed and has successfully completed both the project and the program as proposed in its initial application to the grant authority:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

**Section 1:** That the City Council of the City of Miami Springs hereby authorizes the proper officers, officials, and representatives of the City to apply for a matching grant of \$200,000 from the State of Florida Department of Environmental Protection's Florida Recreation Development Assistance Program Fund for the second phase of the City's development of the linear park along the Miami River Canal and Canal Street in the City's downtown area.

**Section 2:** That the City Council of the City of Miami Springs hereby authorizes the amendment of the City's capital improvement plan and budget, either presently or in the future, to provide the matching grant funds of \$200,000 that will be required upon the approval of the City's grant application as previously described herein.

**Section 3:** That the provisions of this Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs, Florida, this 8<sup>th</sup> day of September, 2008.

The motion to adopt the foregoing resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, and on roll call the following vote ensued:

Vice Mayor Garcia	“ ”
Councilman Best	“ ”
Councilman Dotson	“ ”
Councilman Youngs	“ ”
Mayor Bain	“ ”

\_\_\_\_\_  
Billy Bain  
Mayor

**ATTEST:**

\_\_\_\_\_  
Magali Valls, CMC  
City Clerk

**APPROVED AS TO LEGALITY AND FORM:**

  
Jan K. Seiden, City Attorney



CITY OF MIAMI SPRINGS  
OFFICE OF THE CITY PLANNER  
MEMORANDUM

TO: Mayor Bain and Members of the City Council

VIA: James R. Borgmann, City Manager 

FROM: Richard E. Ventura, AICP, City Planner 

DATE: September 3, 2008

---

**RE: RECOMMENDATION TO AMEND THE CITY'S FIVE-YEAR CAPITAL IMPROVEMENT PLAN TO INCLUDE THE SECOND PHASE OF THE CANAL STREET LINEAR PARK PROJECT; IN ORDER TO QUALIFY FOR THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM'S 2009 GRANT CYCLE**

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The City of Miami Springs is presently seeking a grant from the Florida Recreation Development Assistance Program (FRDAP) in order to continue the development of the Canal Street linear park project. The City is requesting total funding of \$400,000, of which the State will provide 50% (\$200,000) with the City providing the match of 50% (\$200,000). Should Miami Springs be awarded funding, the City will have up to three years from the start of the State's fiscal year in which funds are appropriated to complete this next phase of the project, which will primarily entail the construction of a fishing pier and boat launch and supporting infrastructure for the park.

As part of the 2009 FRDAP grant application package, the City is required to submit an original and two copies of a fully executed resolution amending the Capital Improvement Plan to include the Canal Street linear park project. The attached resolution reflects the actual construction costs of the park that the City is projected to incur during the entire course of the project.

Agenda Item No.

City Council Meeting of:

SEPT 8, 2008

**RESOLUTION NO. 2008-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AUTHORIZING AND APPROVING THE AMENDMENT OF THE CITY'S FIVE-YEAR BUDGETARY CAPITAL IMPROVEMENT PLAN TO INCLUDE THE DEVELOPMENT OF A LINEAR PARK ALONG THE MIAMI RIVER CANAL AND CANAL STREET IN THE CITY DOWNTOWN AREA; EFFECTIVE DATE.**

**WHEREAS**, by the approval of City Resolution No. 2008-\_\_\_\_\_ on \_\_\_\_\_, 2008, the City Council authorized the City's application for a matching grant from the State of Florida Department of Environmental Protection's Florida Recreation Development Assistance Program; and,

**WHEREAS**, the aforesaid grant was intended to provide funding on a fifty (50%) percent / fifty (50%) percent basis from the State for the development of a linear park along the Miami River Canal and Canal Street in the City's downtown area; and,

**WHEREAS**, in the aforesaid Resolution, it was acknowledged that the City would need to amend its Budgetary Capital Improvement Plan at sometime in the future in order to qualify for the subject grant; and,

**WHEREAS**, it is now necessary to amend the City's five-year Budgetary Capital Improvement Plan to include a "park" line item of \$1,633,190 to be incurred on the aforesaid matching grant basis over a three-year period of \$538,682 for fiscal year 2009-2010, \$547,254 for fiscal year 2010-2011, and \$547,254 for fiscal year 2011-2012; and,

**WHEREAS**, upon approval of the aforesaid budgetary amendment for the City's five-year Capital Improvement Plan, it is the City's intention to apply for the required corresponding grants in fiscal year 2008-2009; and,

**WHEREAS**, the City Council has been previously advised that the City would not be eligible for the aforesaid "park" grant funds without the amendment of the City's five-year Budgetary Capital Improvement Plan:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

**Section 1:** That the City Council of the City of Miami Springs hereby authorizes and approves the amendment of the City's five-year Budgetary Capital Improvement Plan as provided on Exhibit "A" attached hereto.

**Section 2:** That the City Council of the City of Miami Springs hereby authorizes and approves the inclusion of a line item for "park" under the "General Government - Real Property" category of the Capital Improvement Plan in the total amount of \$1,633,190.

**Section 3:** That the provisions of this Resolution shall become effective immediately upon adoption by the City Council.

The motion to adopt the foregoing resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, and on roll call the following vote ensued:

Vice Mayor Garcia	“ _____ ”
Councilman Best	“ _____ ”
Councilman Dotson	“ _____ ”

Councilman Youngs  
Mayor Bain

“    ”  
“    ”

---

Billy Bain  
Mayor

**ATTEST:**

---

Magali Valls, CMC  
City Clerk

**APPROVED AS TO LEGALITY AND FORM:**



Jan K. Seiden, City Attorney

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SEPT 8, 2008

RESOLUTION NO. 2008-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS PROVIDING FOR THE SECOND AMENDMENT TO THE FISCAL YEAR 2007-2008 GENERAL FUND, SPECIAL REVENUE FUND AND ENTERPRISE FUND BUDGETS; AND PROVIDING FOR AN INCREASE IN THE POLICE DEPARTMENT BUDGET WITHIN THE GENERAL FUND; AUTHORIZING FUNDING FOR THE CURRENT YEAR'S GRANTS FUND BUDGET; PROVIDING FOR AN INCREASE IN FUNDING FOR THE ROADS AND TRANSPORTATION SPECIAL REVENUE FUND BUDGET; PROVIDING FOR AN INCREASE IN THE SANITATION BUDGET; FINDING THE APPROPRIATENESS OF THE BUDGETARY AMENDMENTS SET FORTH HEREIN; EFFECTIVE DATE.**

**WHEREAS,** the City Council has determined that the current fiscal year Police Department Budget within the City's General Fund needs to be increased, as provided in Exhibit "A" attached hereto, in order to fully fund the purchase of thirteen .223 caliber semi-automatic patrol carbines, related equipment, ammunition and training expenses; and,

**WHEREAS,** the City Council has further determined that the current fiscal year Grants Fund Budget is in need of funding, as provided in Exhibit "A" attached hereto, to cover hurricane replacement tree planting in accordance with the provisions of the Urban and Community Forestry Grant Memorandum of Agreement; and,

**WHEREAS,** the City Council has been advised that it should increase the current fiscal year funding in the Roads and Transportation Budget, as provided in Exhibit "A" attached hereto, in order to cover the cost of completing the construction documents for the proposed Linear Park along the Miami Canal adjacent to Canal Street; and,

**WHEREAS**, the City Council has been requested to increase the current fiscal year Sanitation Budget, as provided in Exhibit "A" attached hereto, in order to fund the needs of the fleet maintenance account to provide for additional repairs to older vehicles; and,

**WHEREAS**, the City Charter prohibits any City Department from incurring expenditures in excess of the Department's approved budget for any current fiscal year; and,

**WHEREAS**, the City Council has determined that the aforesaid budgetary amendments are required for compliance with the City Charter and the current operational needs of the City:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

**Section 1:** That the City Council of the City of Miami Springs hereby authorizes and approves the increase in the budgetary appropriate for the current fiscal year Police Department Budget, as provided in Exhibit "A" attached hereto, in order to fully fund the purchase of thirteen .223 caliber semi-automatic patrol carbines, related equipment, ammunition and training expenses.

**Section 2:** That the City Council of the City of Miami Springs hereby authorizes and approves funding, as provided in Exhibit "A" attached hereto, for the current fiscal year Grants Fund Budget to cover hurricane replacement tree planting in accordance with the provisions of the City's Urban and Community Forestry Grant Memorandum of Agreement.

**Section 3:** That the City Council of the City of Miami Springs hereby authorizes and approves the increase in funding, as provided in Exhibit "A" attached hereto, in the current fiscal year Roads and Transportation Budget in order to cover the cost of completing the construction documents for the proposed Linear Park along the Miami Canal adjacent to Canal Street.

**Section 4:** That the City Council of the City of Miami Springs hereby authorizes and approves an increase in the current fiscal year Sanitation Budget, as provided in Exhibit "A" attached hereto, in order to fund the needs of the fleet maintenance account to provide repairs to older vehicles.

**Section 5:** That the City Council of the City of Miami Springs has determined that the aforesaid amendments to the City's General Fund, Special Revenue Fund and Enterprise Fund budgets are proper and appropriate and in compliance with the requirements of the City Charter

**Section 6:** That the provisions of this Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs, Florida, this 8<sup>th</sup> day of September, 2008.

The motion to adopt the foregoing resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_, and on roll call the following vote ensued:

Vice Mayor Garcia           “    ”  
Councilman Best             “    ”

Councilman Dotson  
Councilman Youngs  
Mayor Bain

“ ”  
“ ”  
“ ”  
—

\_\_\_\_\_  
Billy Bain  
Mayor

**ATTEST:**

\_\_\_\_\_  
Magali Valls, CMC  
City Clerk

**APPROVED AS TO LEGALITY AND FORM:**

Jan K. Seiden, City Attorney

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Resolution No. 2008-\_\_\_\_\_

**City of Miami Springs**  
**FY 2007-2008 Budget Amendment**  
**All Operating Funds**

8/27/2008

Fund/Classification	Adopted Budget	Amendment No. 1	Amendment No. 2	Ref	Amended Budget
<b>General Fund</b>					
<b>Revenues</b>					
Taxes	\$6,661,055				\$6,661,055
Excise Taxes	2,471,374				2,471,374
Licenses & Permits	537,343				537,343
Intergovernmental Fees	1,705,825				1,705,825
Charges for Services	207,870				207,870
Fines & Forfeitures	163,573				163,573
Miscellaneous	419,229		29,630	1	448,859
Proceeds from debt	-				-
Interfund Transfers-In	584,000				584,000
Fund Balance	498,319	498,319			996,638
<b>Total General Fund</b>	<b>\$13,248,588</b>	<b>\$498,319</b>	<b>\$29,630</b>		<b>\$13,776,538</b>
<b>Expenditures</b>					
General Government	3,047,010	\$102,599			\$3,149,609
Public Safety	5,240,015	28,144	29,630	1	5,297,789
Public Services	2,069,491	33,402			2,102,893
Recreation & Culture	1,667,209	334,174			2,001,383
Non-Departmental	1,002,977				1,002,977
Transfers to other funds	5,000				5,000
Reserve to Fund Balance	216,886				216,886
<b>Total General Fund</b>	<b>13,248,588</b>	<b>498,319</b>	<b>29,630</b>		<b>13,776,537</b>
Water & Sewer Operations	6,902,669	\$640,569			7,543,238
Sanitation Operations	2,214,241	14,241	26,500	4	2,254,986
Stormwater Operations	369,078	5,578			374,656
<b>Total Enterprise Funds</b>	<b>\$9,485,988</b>	<b>\$660,388</b>	<b>\$26,500</b>		<b>\$10,172,880</b>
<b>Special Revenue</b>					
Road & Transportation	607,597	\$12,814	\$97,700	2	\$718,111
Elderly Services	348,132	6,613			\$354,745
Golf Course Operations	1,571,823	80,168			\$1,651,991
Law Enforcement Trust	298,912	147,912			446,824
Grants			20,000	3	20,000
<b>Total Special Funds</b>	<b>\$2,826,464</b>	<b>\$247,507</b>	<b>\$117,700</b>		<b>\$3,191,671</b>
G.O. Bonds - Series 1997	398,275				398,275
<b>Total Debt Service</b>	<b>\$398,275</b>	<b>\$0</b>	<b>\$0</b>		<b>\$398,275</b>
Capital Projects Fund	3,605,000				3,605,000
<b>Total Capital Projects Fund</b>	<b>3,605,000</b>	<b>0</b>	<b>0</b>		<b>\$3,605,000</b>
<b>GRAND TOTAL ALL FUNDS</b>	<b>\$29,564,315</b>	<b>\$1,406,214</b>	<b>\$173,830</b>		<b>\$31,144,363</b>

**Legend:**

- 1) To record the purchase of thirteen .223 caliber semi-automatic patrol carbines, related equipment, ammunition and training expenses. This purchase is to be reimbursed from the Monroe County Sheriff's Office, Sharing of Federally Forfeited Property.
- 2) To record Canal Street Linear Park, Award Bid # 03-06/07
- 3) To establish a budget for the Grants Fund to account for the forestry grants received by the City.  
 appropriate funds for the sanitation fleet maintenance acct. overdrawn due to older trucks needing more repairs.



# 1

**CITY OF MIAMI SPRINGS, FLORIDA  
MEMORANDUM**

**DATE:** October 15, 2007  
**TO:** The Honorable Mayor Bain and Members of the City Council  
**VIA:** James R. Borgmann, City Manager  
**FROM:** H. Randall Dilling Chief of Police *HRD*  
**REQUEST:** Recommendation that Council Approve an Expenditure of, not to Exceed \$29,630.00, to Various Vendors, as Provided in Section 31.11 (C)(1) of the City Code.

\*\*\*\*\*

**REASON:** Purchase of thirteen (13) .223 caliber semi-automatic patrol carbines, related equipment, ammunition and training expenses, as provided for in Section 31.11 (C)(1) of the City Code.

**COST:** \$ 29,630.00\*

**FUNDING:**

Police Salaries/Overtime, Account 001-2001-521.14-00	\$8,500.00
Police/Operating Supplies, Account 001-2001-521.52-00	11,380.00
Police/Machinery & Equipment, Account 001-2001-521.62-00	9,750.00

*\*All purchases to be reimbursed from the South Florida Law Enforcement Asset Forfeiture Fund.*

**DOCUMENTS:** 1) Letter from Captain Peter Baan to the South Florida HIDTA Director; 2) Application to Monroe County Sheriff's Office, Sharing of Federally Forfeited Property; 3) Product Information Sheet for Bushmaster M4 Type Patrolman's Carbines (specifications); 4) Four Miami Herald online newspaper articles.



*City of  
Miami Springs  
Florida*

POLICE DEPARTMENT  
201 WESTWARD DRIVE  
MIAMI SPRINGS, FL 33166

TELEPHONE  
(305)888-9711

Timothy D. Wagner, Director  
South Florida HIDTA  
3101 Commerce Parkway  
Miramar, FL 33025

September 18<sup>th</sup>, 2007

Dear Mr. Wagner,

The Miami Springs Police Department currently does not utilize Police Patrol carbines in its inventory of firearms. In considering the outcome of several recent local incidents in which high powered assault rifles were utilized by the criminal element, the administration of the Department has decided to acquire police patrol carbines to be utilized by patrol and investigative units. The carbine provides officers with a weapon system that can be exceptionally accurate and increases the effective combat range for law enforcement. The utilization of this weapon will significantly enhance the officer's ability to deal with the increasing threat of criminals with high powered weapons.

Initially, The Miami Springs Police Department intends to purchase thirteen .223 caliber semi-automatic patrol carbines. Below is a chart including the cost of the carbines, related equipment, ammunition and training. Due to manpower constraints within the Department, it is anticipated that 30% of the 41 sworn officers currently on the Department will have to be trained on overtime.

• 13 police patrol carbines @ \$750.00 each	\$9,750.00
• 40 magazines @ \$20.00 each	\$800.00
• 13 nylon gun cases @\$60.00 each	\$780.00
• 13 vehicle trunk racks @ \$100.00	\$1,300.00
• 12,000 rds. training ammunition	\$3,600.00
• 2,400 rds. issue ammunition	\$2,400.00
• Supplies (targets, training aids, gun maint., etc)	\$2,500.00
• Training overtime	\$8,500.00

**Total: \$29,630.00**

I request that \$29,630.00 be appropriated from the South Florida Law Enforcement Asset Forfeiture Fund in order to fund a Police Patrol Carbine Program for the Miami Springs Police Department. Funding for this program is not available in the Miami Springs Police Department Budget. I also request that the Forfeiture Fund Committee consider this expenditure as soon as possible in order to expedite the implementation of the program.

Sincerely,

A handwritten signature in cursive script, appearing to read "Peter G. Baan".

Captain Peter G. Baan

cc: Chief H. Randall Dilling  
James R. Borgmann, City Manager

# MONROE COUNTY SHERIFF'S OFFICE

## SHARING OF FEDERALLY FORFEITED PROPERTY

Name of Organization: Miami Springs Police Department	Address: 201 Westward Drive Miami Springs, FL 33166	Phone Number: 305-888-9711  Fax Number: 305-884-2384
Contact Name: Captain Peter G. Baan		

<b>Type Of Entity:</b> State, County, or Local Government Department or Agency	Check One <input checked="" type="checkbox"/> [ X ]
Private, nonprofit organization, pursuant to 26 U.S.C. 501(c)(3) or (4)	<input type="checkbox"/> [ ]
Other (Please describe): _____	<input type="checkbox"/> [ ]

**Activity/Mission of Entity (i.e., drug abuse treatment, drug and crime prevention, providing housing, providing job skills, etc). Please be as descriptive as possible:**

In considering the outcome of several recent local incidents in which high powered assault rifles were utilized by the criminal element, the administration of the Department has decided to acquire police patrol carbines to be utilized by patrol and investigative units.

**Detail of Request for Shared Funds (must include breakdown of initiatives to be accomplished with shared monies, costs, and timeframes for completion):**

• 13 police patrol carbines @ \$750.00 each	\$9,750.00
• 40 magazines @ \$20.00 each	\$800.00
• 13 nylon gun cases @\$60.00 each	\$780.00
• 13 vehicle trunk racks @ \$100.00	\$1,300.00
• 12,000 rds. training ammunition	\$3,600.00
• 2,400 rds. issue ammunition	\$2,400.00
• Supplies (targets, training aids, gun maint., etc)	\$2,500.00
• Training overtime	\$8,500.00
<b>Total:</b>	<b>\$29,630.00</b>

**Detail activity's connection to furthering law enforcement efforts. For example, direct connection (paying for information), preventative connection (drug awareness program), or developmental connection (funding law enforcement awareness in a youth program).**

The carbine provides officers with a weapon system that can be exceptionally accurate and increases the effective combat range for law enforcement. The utilization of this weapon will significantly enhance the officer's ability to deal with the increasing threat of criminals with high powered weapons

**Will the grant monies requested be used as matching funds for another grant.**

NO

**Detail funding sources explored for this initiative (this explanation should include the requestor's existing budget and all other options).**

Funding for this program is not available in the Miami Springs Police Department Budget.

**Certification by Applicant:**

I hereby certify:

1. All information included in this application is true.
2. A separate accounting of all shared funds received will be maintained subject to accounting requirements and practices employed under state and local law for recipients of federal, state, or local funds.
3. Compliance with Federal Civil Rights laws.
4. Compliance with all federal laws that apply to the applicant.
5. No officer, director, trustee, fiduciary of the applicant has been:
  - a) convicted of a felony offense under federal or state law; or
  - b) convicted of any drug offense.
6. No shared benefits will be used for political or personal purposes.
7. No shared benefit will be used for any purpose that would constitute an improper or illegal use under the laws, rules, regulations, or orders of the state or local jurisdiction in which the applicant is located or operates.
- 8.

**I agree to comply with the following Additional South Florida Asset Sharing Fund requirements :**

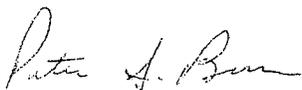
Funds are provided on a reimbursable basis.

Reimbursement claims must be submitted within two months of an expenditure

Grants are for one year (364 days) only. After the grant period ends, unexpended funds will be forfeited. (Returned to the South Florida Asset Sharing Fund).

I agree to report enforcement results achieved with the use of any awarded funds in the manner prescribed by the South Florida Asset Sharing Fund Board of Directors.

Applicant's Signature:



Applicant's Name (Printed): Captain Peter G. Baan

South Florida Asset Sharing Fund Board : \_\_\_\_\_ Date: \_\_\_\_\_

Approval [  ] Denial [  ]

Comments Regarding Decision

**Portion Below To Be Completed By MCSO Personnel**

General Counsel: \_\_\_\_\_ Date: \_\_\_\_\_

Approval [  ] Denial [  ]

Comments Regarding Decision:

Finance Director: \_\_\_\_\_ Date: \_\_\_\_\_

Approval [  ] Denial [  ]

Comments Regarding Decision:

**Committee Approvals and Statement:**

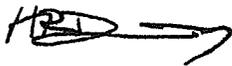
Signature: \_\_\_\_\_ Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Comments:

Statement By Chief Law Enforcement Officer:

The Miami Springs Police Department currently does not utilize Police Patrol carbines in its inventory of firearms. In considering the outcome of several recent local incidents in which high powered assault rifles were utilized by the criminal element, the administration of the Department has decided to acquire police patrol carbines to be utilized by patrol and investigative units. The carbine provides officers with a weapon system that can be exceptionally accurate and increases the effective combat range for law enforcement. The utilization of his weapon will significantly enhance the officer's ability to deal with the increasing threat of criminals with high powered weapons.

Initially, The Miami Springs Police Department intends to purchase thirteen .223 caliber semi-automatic patrol carbines. Below is a chart including the cost of the carbines, related equipment, ammunition and training. Due to manpower constraints within the Department, it is anticipated that 30% of the 41 sworn officers currently on the Department will have to be trained on overtime.



Signature:

Date 09/18/2007

H. Randall Dilling, Chief of Police



SHOPPING CART

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PRODUCT CATALOG THE WORLD OF BUSHMASTER MEDIA CENTER CUSTOMER SUPPORT PARTNERS HOME

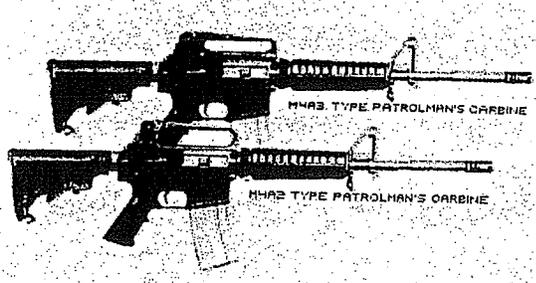
PRODUCT CATALOG



**PLEASE NOTE: A Federal Firearms License is REQUIRED for the purchase of any Complete Weapon or Lower Receiver. Your order will not be processed without it. See the FFL Dealer Locator for your nearest Bushmaster Dealer. Any other firearms parts or accessories shown in this website may be purchased directly.**

**Bushmaster M4 Type Patrolman's Carbines**

[Back to Product List](#)



[View Larger](#)

**Product Description:**

One of our most popular Carbine models, the M4 Type features a distinctive Military Barrel Profile and Six Position Telescope – great for 3 Gun Match Shooting, Home Defense and Law Enforcement use.

The Bushmaster A2 & A3 Type Patrolman's Carbines are modeled after our M4 Type Carbines, but with additional barrel length to make them legal for sale to individual officers (semi-automatic configuration with 16" barrel).

The 5.56mm/.223 Rem. caliber 16" barrel is chrome lined in both bore and chamber for long wear life and ease of maintenance. For control of muzzle flash and muzzle rise in rapid fire, a "birdcage" type suppressor is factory installed. A mil. spec. manganese phosphate outer coating insures protection against corrosion or rust on the barrel and all critical steel parts of the weapon.

Depending upon customer preference, the Patrolman's Carbine is available in three modes of fire operation: (1) Safe/Semi-Auto; (2) Safe/Semi-Auto/Full-Auto or (3) Safe/Semi-Auto/Three-Shot Burst. Forged, lightweight 7075T6 aircraft quality aluminum receivers are designed for simplicity of maintenance and reliability of operation and they incorporate all M16A2 design improvements including cartridge case deflector, bolt catch assembly and raised ribs for protection against accidental magazine release. A six position telescoping buttstock offers light weight, carrying ease and quick handling.

The telescope, pistol grip and two piece handguards are all molded of strong black thermoset composite material. The handguards are internally shielded against barrel heat build-up. The dual aperture M16A2 rear sight system on these carbines offer both windage and elevation adjustment calibrated in meters.

On the A2 Type - with fixed carry handle, adjustment range is from from 300 to 800 meters (1 Minute of Adjustment elevation and 1/2 M.o.A. windage). The A3 Type Patrolman's Carbine includes a Removable Carry Handle - adjustment range is from from 300 to 600 meters (1/2 M.o.A. elevation and 1/2 M.o.A. windage).

Once the Carry Handle is removed, a wide variety of scopes, red dot or holographic sights, or night vision equipment may be mounted on the Upper Receiver's integral Picatinny rail. Iron sight zero is completely repeatable when the handle is reattached by means of its knurled knobs.

The Bushmaster A2/A3 Type Patrolman's Carbines are shipped complete with 30 round magazine, safety and operational manual, and carrying sling.

Sugg. Retail Price: \$1230.00

Part No: BCWA3F 16M4

Quantity: 1

Options: A2 Model (\$1125.00)

[Add To Cart](#)

Your Shopping Cart is Empty

Features & Specifications  
(Metric in brackets)

Caliber: 5.56mm or .223 Rem.

Magazine Capacity: 30 Rounds (accepts all M16 type)

Overall Length: 34.75" [88.27 cm]

Length - Stock Retracted: 32.5" [82.55 cm]

Barrel Length: 16" [40.6 cm]

Rifling: 1 turn in 9" [22.8 cm] R.H. Twist / P. grooves & lands

Weight w/o magazine A2 Type: 6.35 lbs. [2.88 kg]

Weight w/o magazine A3 Type: 6.7 lbs. [3.04 kg]

Weight of empty magazine: .25 lbs. [.11 kg]

Weight of loaded magazine: 1.25 lbs. [.57 kg]

Mode of Operation: Gas Operated

Cyclic rate of Fire: 700 - 950 rounds per minute  
45 - 90 in Semi-Automatic

Mode of Operation: Semi-Automatic; or Semi-Auto / Full Auto; or Semi-Auto / 3 Shot Burst

Muzzle Velocity: 3130 ft./sec.  
M193 - 65 grain [954m./sec.]

M855/SS109/C77 - 62 grain 2990 ft./sec. [912m./sec.]

Muzzle Energy: 1200 ft.lbs. [166 kg-m]  
M193 - 65 grain  
M855/SS109/C77 - 62 grain 1230 ft.lbs. [170 kg-m]

**Bushmaster Safety Tips**

Always treat any firearm as if it was loaded. If someone hands you a firearm, always check to see if it is loaded with the muzzle pointed in a safe direction

Sep 15, 5:32 AM EDT

## Assault-Weapon Attacks on Rise in Miami

By MATT SEDENSKY  
Associated Press Writer



AP Photo

MIAMI (AP) -- The spray of bullets that killed a police officer and hurt three others this week came from something increasingly common on this city's streets: a high-powered assault weapon, fast becoming the gun of choice for gang members and violent criminals.

And when the guns, once found solely in the hands of soldiers, are aimed at officers, "little authorities can do to escape."

"It's almost like we have water pistols going up against these high-powered rifles," said John Rivera, president of the Dade County Police Benevolent Association. "Our weaponry and our bulletproof vests don't match up to any of those types of weapons."

Federal officials don't compile statistics on the number of crimes involving assault weapons like the AK-47, and municipalities' numbers across the country are patchwork. But in Miami, at least, there are signs it is becoming a major problem.

In 2005, the Miami-Dade Police Department reported two homicides involving an assault rifle; last year there were 10. That agency covers numerous unincorporated areas in the nation's eighth-largest county, but not its biggest cities, which have their own police forces.

The Miami Police Department said 15 of its 79 homicides last year involved assault weapons, up from the year before. This year, already 12 of the 60 homicides have involved the high-power guns.

"We've noticed an increase in the amount of assault weapons that we've seen on the street, and certainly the amount that have been used in murders and other shootings," said Detective Delrish Moss. "And it seems to be increasing every year."

Police do not yet know where the 25-year-old suspect in Thursday's shooting of the Miami-Dade officers got his weapon. Shawn Sherwin Labeet was found hours later and 30 miles from the crime scene. Police said they shot and killed him after he refused to drop his firearm.

On Friday, officers arrested four people accused of aiding Labeet. Alba Bello, 47; her son, Alain Gonzalez, 24; and Bello's boyfriend, Lazaro Guardiola, 35, were charged with accessory after the fact on suspicion of harboring the killer. Labeet's girlfriend, Renee Dangelo, 26, was charged with giving police false information.

Later Friday, Labeet's brother, Shane Labeet, 32, was charged with aiding his brother's flight. Also arrested was Shawn Labeet's nephew Jaleel Torres, 22, who was charged with resisting an officer with violence as investigators tried to question him about his uncle's whereabouts.

Labeet is also the stepbrother of the U.S. Virgin Islands' most wanted criminal, Ishmael Ali LaBeet, said Miami-Dade police Cmdr. Linda O'Brien.

Three decades ago, Ishmael Ali LaBeet and four accomplices opened fire during a robbery on St. Croix, killing eight people. They were caught and convicted of murder, but LaBeet escaped and hijacked an American Airlines jet to Cuba in 1985.

The rising number of deaths by assault weapons reflects growing availability of the weapons and their elevation to a status symbol among gang members, said Carlos Baixauli, an agent with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

"In the early '80s to '90s, it was more common to have a handgun in your waistband and the bigger the caliber, the more powerful you were," Baixauli said. "Now it's escalated to the assault weapons."

Another issue potentially at play is the 2004 expiration of the federal assault weapons ban, 10 years after its passage. The legislation outlawed 19 types of guns, including the semiautomatic AK-47.

The guns are readily available on streets, Baixauli said, or can be ordered by mail for under \$200.

Shootings involving assault weapons were among the reasons U.S. Attorney R. Alexander Acosta set up an anti-gang task force of federal, state and local law enforcement officials this year. He assigned 15 federal prosecutors, led by Assistant U.S. Attorney Ben Greenberg, to the effort.

"These bullets are very powerful: they go through walls, they go through cars, and if you just spray the general vicinity you're going to get innocent bystanders," Acosta said. "A shooting that might have been an injury previously is now a death."

Kevin Morison of the National Law Enforcement Officers Memorial Fund said his organization is considering tracking when assault weapons are involved in police shootings. Officer shootings had been on a downturn until this year.

More U.S. police officers were killed while on duty in the first six months of 2007 - 101 - than during any such period since 1978, according to the organization.

To date, there have been 132 officer fatalities this year, compared with 97 at the same time last year.

Rivera pleaded for leaders to allow police to carry higher-power weapons - though not necessarily as strong as some already on the street - and provide stronger protective vests.

"Give us a fighting chance," he said.

Police officials said they were bogged down with the aftermath of the shootings and unable to respond to Rivera's comments.

They did say they were trying to cope with the loss of Officer Jose Somohano.

The Miami-Dade department was helping to plan the funeral, and Officer Jody Wright was recovering from a gunshot wound to the right leg, O'Brien said. The other two officers were treated and released.

"Anytime a fellow officer has been killed, it destroys us," O'Brien said. "It's almost got no words to it. Your blood just runs cold."

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MiamiHerald.com

Posted on Sun, Sep. 16, 2007

## Miami to give officers assault weapons

By JESSICA GRESKO

Patrol officers will have the option of carrying assault rifles as police try to combat the rise in the use of similar weapons by criminals, Miami's police chief said Sunday.

Police Chief John Timoney approved the new policy last week, before a Miami-Dade police officer was killed in a shootout with an assault rifle-wielding suspect on Thursday.

"This is something we do not do with any relish. We do this reluctantly," Timoney said.

The policy had been under review for about a year due to officers seeing an increase in the weapons, Timoney said.

Officers interested in the guns will have to undergo two days of training and be certified to use the weapons. The police department doesn't yet have money to purchase the guns, and if officers want to use them now, they will have to pay for them, Timoney said.

Years ago, law enforcement specialists like SWAT teams were the only officers to carry assault weapons, but now even small town police agencies are expanding access to the AR-15, a civilian version of the military M-16 rifle.

Patrol officers in Danbury, Conn., have been allowed to carry the weapons since 2003. Police departments in Merced, Calif., and Waterloo, Iowa, have deployed them in all patrol vehicles for several years. In Stillwater, Okla., about 70 miles west of Tulsa, every police patrol officer is issued an AR-15.

Officers in Los Angeles have been equipped with the weapons even longer, soon after a 1997 gunfight outside a bank where police faced a man armed with an AK-47. Officers in that situation had to go to a nearby gun store to get high-velocity weapons.

Timoney said it has become apparent over the last year that Miami officers need the option of more powerful weapons.

The Miami Police Department said 15 of its 79 homicides last year involved assault weapons. This year, 12 of the 60 homicides have involved the high-power guns.

On Thursday, a gunman opened fire on four Miami-Dade County police officers with an assault rifle during a traffic stop, killing one and injuring the other three. Police killed the suspect hours later.

Officers using the weapons in Miami will shoot "frangible" bullets, which shatter after they've hit something to avoid striking bystanders or other unintended targets.

Not all officers may choose to carry the new weapon. But, said Timoney: "If I was a police officer out there in a tough neighborhood, I would want to have that in the car."

Regular patrol officers who want the weapons must receive clearance on a "case by case basis," Miami-Dade police spokesman Roy Rutland said on Friday. After clearance and specialized training, they have to buy the guns themselves.

But union president Rivera said Friday that he had never heard of the policy allowing regular patrol officers to arm themselves with assault rifles. Other current and former Miami-Dade police officers officers echoed that point.

"The only thing this department will give you is a .38 six shot," said Rivera, who noted that officers have to pay for their own semiautomatic hand guns.

Miami Herald staff writers Jay Weaver, David Ovalle and Casey Woods contributed to this report.

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Posted on Fri, Oct. 12, 2007

## Brinks truck robbers elude dragnet in Miami Springs

A trio of bold bandits slipped through a dragnet Thursday morning after robbing an armored truck behind a Miami Springs credit union.

Heavily armed police officers flooded the area after finding the getaway car -- a gray Buick Century with its doors flung open -- outside an apartment building at 309 Royal Poinciana Blvd.

The robbers slipped through the officers' grasp.

The Brinks truck was at the back of the Eastern Financial Credit Union at 700 Royal Poinciana when the bandits struck at 9:40 a.m. A guard with the armored truck said one robber stuck a rifle into the small of his back and ordered him to give up the money.

No one was hurt. An undisclosed amount of money was taken.

The gunman and his accomplices jumped into the Buick and drove several blocks before bailing out at the apartment complex. Police from at least four jurisdictions -- Miami Springs, Virginia Gardens, Hialeah and Miami-Dade -- took part in the search, which used police dogs and a helicopter. It was no use.

"They are not in the area," Miami Springs police spokesman Ray Tamargo said an hour later as officers broke down the perimeter that had been set up.

Crime scene technicians were going over the Brinks truck and the Buick for clues.

Thursday morning's robbery was the fifth time an armored truck has been hit in South Florida this past year.

Late last month, a pair of gunmen ambushed a Brinks driver as he pulled his truck into a Publix Supermarket in Miami Shores. The robbers made off with more than \$1.3 million, authorities said.

The FBI and Miami-Dade police later arrested six people in connection with the robbery. A seventh is still being sought.

### RELATED VIDEO



#2

Feb 1 2007 \$68,000



re-evaluated of project elements such as sea walls and paving & drainage reflected in attached July 25th memo for an additional \$29,700

**CITY OF MIAMI SPRINGS, FLORIDA  
MEMORANDUM**

**DATE:** August 6, 2007  
**TO:** The Honorable Mayor Bain and Members of the City Council  
**VIA:** James R. Borgmann, City Manager  
**FROM:** Richard E. Ventura, City Planner  
**RE:** **RECOMMENDATION THAT COUNCIL AWARD BID # 03-06/07 TO SOUTHEAST DESIGN ASSOCIATES, INC., IN THE AMOUNT OF \$97,700; AS PROVIDED IN SECTION 31.11 (E) (1) OF THE CITY CODE FOR COMPLETION OF CONSTRUCTION DOCUMENTS FOR THE PROPOSED LINEAR PARK ALONG THE MIAMI CANAL AT CANAL STREET.**

\*\*\*\*\*

**REASON:** Completion of construction documents for the proposed linear park along the Miami Canal at Canal Street. Necessary in order to commence actual construction.

**COST:** The cost of construction drawing services as specified in Southeast Design Associates' attached original *Standard Form of Agreement*, dated Feb. 1, 2007, is quoted at \$68,000.00. However, there has been an increase in the Feb. 1st quote due to a re-evaluation of the project elements as listed in the attached *Additional Cost Break Down*, Southeast Design Associates, Inc., dated July 25, 2007.  
68000  
29700  
\$97700

**FUNDING:** \$ 97,700 from the City's portion of Peoples Transportation Plan (PTP) funds.

**ATTACHED DOCUMENTS:** *Additional Cost Break Down*, Southeast Design Associates, Inc., dated July 25, 2007.

Feb. 26, 2007 City Council Agenda Item 10. 1) packet; including *Standard Form of Agreement*, Southeast Design Associates, Inc., dated February 1, 2007.

# Canal Street Linear Park & Streetscape Improvements

## Estimate of Probable Costs

Prepared for the City of Miami Springs, Florida

August 28, 2006

### Design Development - \*Cost Estimate

\*Cost Estimate is for the project area between the Miami Canal and Canal Street and includes the streetscape enhancements west of Canal Street

Bidder agrees to perform all the work described including pro-rata share of overhead & profit and all associated installation costs for the following base bid items and total lump sum:

Item	Description	Units	Unit Price	Quantity	Item Total
1.	Mobilization	Lump Sum	\$25,000.00	1	\$25,000.00
2.	Demolition, Clearing & Grubbing	Lump Sum	\$7,500.00	1	\$7,500.00
3.	Earthwork	Lump Sum	\$15,000.00	1	\$15,000.00
4.	Site Concrete/Brick Pavers/Specialty Surfaces				
	A. 8' Wide Brick Paver Walks w/ Concrete Headers	Sq. Ft.	\$6.50	25,836	\$167,934.00
	B. FDOT TYPE 'F' Curb & Gutter	Linear Ft.	\$14.00	2,672	\$37,408.00
	C. 1" Asphalt Overlay	Sq. Ft.	\$3.50	51,000	\$178,500.00
5.	18" High Concrete Seawall w/ Capstone	Linear Ft.	\$225.00	1,370	\$308,250.00
	A. 15" High Concrete Seawall w/ Capstone	Linear Ft.	\$175.00	536	\$93,800.00
6.	Water Distribution System	Lump Sum	\$3,500.00	1	\$3,500.00
7.	Drainage System and Structure	Lump Sum	\$5,000.00	1	\$5,000.00
8.	Electrical				
	A. 15' Area Lights	Each	\$2,500.00	70	\$175,000.00
	B. 30' Parking Area Lights	Each	\$3,500.00	18	\$63,000.00
	C. Bollard Accent Light	Each	\$850.00	25	\$21,250.00
	D. Pavilion Shelter Lights	Each	\$250.00	8	\$2,000.00
	E. Inground Landscape Up Light	Each	\$250.00	25	\$6,250.00
	F. Inground Sign Up Lights	Each	\$250.00	4	\$1,000.00
	G. Utility Bollard w/ electrical outlets	Each	\$1,000.00	4	\$4,000.00
	H. Distribution & Conduit for all utilities	Lump Sum	\$12,000.00	1	\$12,000.00
9.	Irrigation System	Lump Sum	\$15,000.00	1	\$15,000.00
10.	Site Structures				
	A. Small Picnic Pavilion (10'x10')	Lump Sum	\$10,000.00	8	\$80,000.00
	B. Drinking Fountains	Each	\$3,000.00	1	\$3,000.00
	C. Bike Racks	Each	\$740.00	4	\$2,960.00
	D. Trash Receptacles w/ 2'x2' concrete slab 12" depth	Each	\$650.00	12	\$7,800.00
	E. Benches w/ 2'x7' concrete slab 6" depth	Each	\$1,000.00	24	\$24,000.00
	F. Picnic Table w/ 7'x7'-Concrete Slab 6" Depth	Each	\$1,000.00	8	\$8,000.00
11.	Signs	Lump Sum	\$5,000.00	2	\$10,000.00
12.	Landscape				
	A. Canopy Trees	Each	\$450.00	75	\$33,750.00
	B. Palm Trees	Each	\$750.00	12	\$9,000.00
	C. Shrubs	Each	\$20.00	1,000	\$20,000.00
	D. Groundcovers	Each	\$12.00	1,000	\$12,000.00
13.	Sod				
	A. St. Augustine / Floratum Sod	Sq. Ft.	\$0.45	20,200	\$9,090.00

Subtotal

\$1,360,992.00

#538,682

### TOTAL ESTIMATE OF PROBABLE COSTS

CONTINGENCY 20% (+/-)

GRAND TOTAL

\$1,360,992.00

\$272,198.40

\$1,633,190.40

#83,84

#15,00

#431,3

#8,50

$$\begin{array}{r} \#1,633,190 \\ - 538,682 \\ \hline 1,094,508 \\ \hline 1,094,508 \\ \div 2 \\ \hline 547,254 \end{array}$$

Phase I (pathway): #538,682  
 Phase II (fishing pier/boat launch): #547,254  
 Phase III (picnic area): #547,254

Current grant: #135,611

#135,611 x 3-PHASE PROJECT

$$\frac{\#406,833}{1,633,190} = .249 \text{ or } 25\% \text{ of}$$

EA (design) #27,500 (#22,500 PROAP; #5,000 CITT)  
 Mary Vera (survey) 5,000 (CITT)  
 Mary Perez (const) 97,700 (CITT)  
 Adarse (soil bor) 2,860 (CITT)

OFFICE OF CITY MANAGER  
201 WESTWARD DRIVE  
MIAMI SPRINGS, FL 33166



*City of*  
**MIAMI SPRINGS**  
*Florida*

TELEPHONE  
(305) 805-5010  
FAX:  
(305) 805-5040

#3

August 14, 2008

Ms. Kelly Boutwell  
Division of Forestry  
Forest Management Bureau  
3125 Conner Blvd. / C25  
Tallahassee, FL 32399-1650

RE: Contract Number 13981

Dear Ms. Boutwell:

Enclosed are two original signed copies of the Urban and Community Forestry (U&CF) Grant Memorandum of Agreement between the Florida Department of Agriculture and Consumer Services and the City of Miami Springs.

Sincerely,

James R. Borgmann  
City Manager

cc: Magali Valls, City Clerk  
Leacroft Robinson, Finance Director  
Carol Foster, Grant Writer  
Robert Williams, Public Works Director

This Agreement, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, State of Florida, hereinafter called the "Department" and the City of Miami Springs, hereinafter called the "Contractor."

WITNESSETH

WHEREAS, the Department desires to increase the application of the principles of urban and community forestry by awarding funds to the Contractor for the specific project set forth in grant application Number 06H-59, included herein as Exhibit A and by reference made a part hereof:

WHEREAS, the Catalog of Federal Domestic Assistance (CFDA) number is 10.664;

WHEREAS, the six digit Department of Management Services' class/group code commodity catalog control number is 991-365.

WHEREAS, the Department and the Contractor are of the opinion that the citizens of the state would benefit from the implementation of urban and community forestry projects that improve our communities through the proper care of trees and related plant materials;

WHEREAS, the Contractor by Resolution No. 2008-3396, dated April 28, 2008, has indicated its support of the grant application and authorized its officers to execute this Agreement on its behalf; agree as follows:

- A. Failure by the Contractor to sign and return this agreement, within 60 days upon receipt of the agreement, shall constitute forfeiture of the award.
- B. The contract is valid upon execution through September 30, 2008.
- C. The Contractor has estimated the project cost to be \$20,000 as shown on the grant application budget sheet attached as Exhibit B. The Department agrees to reimburse to the Contractor the total sum of \$15,000 or fifty percent (75%) of the final approved project costs, whichever is less (the "Grant Amount"). The Grant Amount is limited to only those items which are directly related to this project as described in Exhibits "A" and "B". Project costs for which the applicant has already received reimbursement from any other source are not eligible for funding under this grant.
- D. The Contractor agrees to maintain plant materials established as a part of the project for a period of three years and enter into an agreement which designates and sets forth the duties and responsibilities of the parties in maintaining the project.
- E. The project to be performed by the Contractor shall be subject to periodic inspections by the Department. The Contractor shall not change or deviate from the project without written approval by the Department.
- F. The Contractor agrees to submit to the Department an interim report on project accomplishments **quarterly** (September 30, 2008, etc.). Failure to submit a required report or submission of an unsatisfactory report is sufficient grounds for termination of this agreement.

Additional Funding Request July 2008

**EXHIBIT B**

Activity: **Hurricane Replacement Tree Planting**

Specific Description: Westward Dr./Bluebird Ave. & Ludlum Dr./Lenape Dr. Blocks; Miami River Canal west bank on Canal Street

SUMMARY OF COSTS

(A 75/25 match on behalf of the Proposer is required)

	REQUESTED GRANT \$	LOCAL MATCH \$
	I	II
Contractual costs	_____	_____
Personnel costs	_____	\$3,520
Travel costs	_____	_____
Equipment costs	_____	_____
Supplies costs	_____	\$1,512 1480
Operating costs	_____	_____
Tree costs	\$14,995 15,000	_____
Overhead costs	_____	_____
Total Requested Grant (I)	\$14,995 15,000	_____
Total Matching Costs (II)	_____	\$5,032 5000
Total Program Costs (III)	\$20,027 20,000	
Add columns I and II for total III (100%)		
<b>75</b>	<b>25</b>	
70% Grant request	30% Local match	

**A BUDGET, DETAILING ALL COSTS IDENTIFIED ABOVE MUST BE ATTACHED.**

PROJECT LOCATION INFORMATION (Please print or type - Complete where applicable)

County: **Miami-Dade**

Describe the Specific Location of the Project: **Miami Springs, FL**

Who has responsibility for overseeing Project implementation (name and title):

**City Public Works Director Robert T. Williams and Operations Supervisor/Arborist Thomas W. Nash**

Who has maintenance responsibility for the Project after completion:

**Operations Supervisor/Arborist Thomas W. Nash**

Is the Land Ownership Public or Private?: **Public**

Name of Landowner: **City of Miami Springs**

Project Title: **Miami River Urban Forestry Hurricane Reforestation**

Applicant Name: **City of Miami Springs**

**ATTACHMENT E (CONTINUED)**

**BUDGET**

**Additional Funding Request July 2008**

**Please note:** All proposals must include a detailed itemized budget summary which lists all anticipated expenditures and explains all project costs. Proposals for site specific demonstration tree planting projects must list the quantity, species, and approximate size (container size, or caliper and height) of trees to be planted.

**IMPORTANT: THIS FORM MUST BE USED. PROPOSERS NOT USING THIS FORM WILL BE RULED INELIGIBLE**

Cost Items	Quantity (#)	Rate or Price (\$)	Grant Cost (\$)	Match Cost (\$)
<u>Contractual</u> (Description)				
<u>Personnel</u> (list titles or positions)  Certified Arborist (Thomas Nash)	Supervision/Planning/ Follow up/ Supervisory Visits: 88 hrs.	@\$40/hr		\$3520.00
<u>Travel</u>				
<u>Equipment</u> (list items)				

Cost Items	Quantity (#)	Rate or Price (\$)	Grant Cost (\$)	Match Cost (\$)
<b>Supplies*</b> (list items)				
Interpretive Sign	1 Sign	\$1512		<del>\$1512.00</del> 1400

Operating Costs (list)				
<b>Trees</b> (list species and size)				
Mahogany trees 14-16 OH 4"DBH	8	\$328 ea.	\$2,624	} 15,000
Florida Royal Palms 8' GW	10	\$330 ea.	\$3,300	
Florida Pinewood Privet 8'-9'	15	\$345 ea.	\$5,175	
Gumbo Limbo	4	\$350 ea.	\$1,440	
Live Oaks	8	\$307 ea.	<del>\$2,456</del> \$14,995	
Overhead** Indirect costs (administrative, i.e. inventory, bid/quote preparation, billing, reports,etc.)				
<b>Total</b>			\$14,995 <del>\$ 15,000</del>	\$5,032.00 \$ 5,000

**RESOLUTION NO. 2008-3396**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY; EFFECTIVE DATE**

**WHEREAS**, trees are an important part of our community; and,

**WHEREAS**, the City of Miami Springs desires to apply for an Urban and Community Forestry Grant which would provide monies in which to help fund our tree planting program; and

**WHEREAS**, the City of Miami Springs wishes to enter into an Urban and Community Forestry Grant Memorandum of Agreement between the City of Miami Springs, Florida and the Florida Department of Agriculture and Consumer Services:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:**

Section 1: That the City Council of the City of Miami Springs hereby supports the continuation of the City's tree planting program.

Section 2: That the City Council of the City of Miami Springs hereby authorizes the City Manager to enter into an Urban and Community Forestry Grant Memorandum of Agreement that includes a minimum of three years' maintenance between the City of Miami Springs, Florida and the Florida Department of Agriculture and Consumer Services.

Resolution No. 2008-3396

Section 3: That the provisions of this Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs, Florida, this 28<sup>th</sup> day of April 2008.

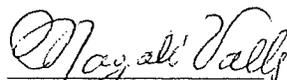
The motion to adopt the foregoing resolution was offered by Councilman Best, seconded by Councilman Dotson, and on roll call the following vote ensued:

Vice Mayor Garcia	"absent"
Councilman Best	"aye"
Councilman Dotson	"aye"
Councilman Youngs	"aye"
Mayor Bain	"aye"

  
Billy Bain  
Mayor



**ATTEST:**

  
Magali Valls, CMC  
City Clerk

**APPROVED AS TO LEGALITY AND FORM:**

  
Jan K. Seiden, City Attorney

Resolution No. 2008-3396



## **CITY OF MIAMI SPRINGS, FLORIDA**

The **Board of Parks and Parkways** met in Regular Session at 7:03 p.m., on Thursday, April 10, 2008 in the Council Chambers at City Hall.

### **1. Call to Order/Roll Call**

The following were present:

Chair Eric Richey  
Vice Chair Jean Ansbaugh  
Board Member Tammy Johnston  
Board Member Irene Priess

Also present:

Operations Superintendent/Arborist Tom Nash  
Board Secretary Aly Paz

Absent:

Board Member Donna Hernandez

### **2. Approval of Minutes**

Minutes of the January 10, 2008 were approved as written.

**Board member Irene Priess moved to approve the minutes as written. Board member Jean Ansbaugh seconded the motion which was carried unanimously by voice vote.**

### **3. Old Business**

None

### **4. New Business**

#### **a. 2008 Urban & Community Forestry Grant Program**

Tom Nash informed the board members he was at this meeting on the behalf of Carol Foster, Grant Writer for the City of Miami Springs. The new rule through the Urban and Forestry Commission is that any applications for grants must be discussed before a board or through some type of public meeting and this board was chosen to present it to.

There is a 2008 Urban & Community Forestry Grant Program available right now. We are applying for this grant for planting of trees in the area on Canal Street from the incoming bridge to S. Esplanade Drive as part of the Recreational Trails Program.

Five letters of support are required for this project for the grant and we are asking the Board of Parks & Parkways to submit one. Ms. Foster already has two letters and is also requesting one from the Ecology Board. The letters are needed by Tuesday, April, 15, 2008.

Mr. Nash informed the board members of the goals and objectives of this project. They are going to try to plant ten Florida royal palms, eight mahoganies and fifteen of the Florida pinewood privets. These were chosen from a study done by the Florida National Areas Inventory list. If possible, we will strive to obtain more items to plant.

Vice chair Jean Ansbaugh presented a motion to submit a letter of support. The motion was seconded by Board member Irene Priess and was carried unanimously by voice vote.

**b. Arbor Day Celebration**

Tom Nash brought up the issue of an Arbor Day celebration. Due to the Springs River Festival on April 18 through April 20, he suggests we hold the event in early May. An Arbor Day celebration program is required to apply for the Tree City and the Growth Awards in October. Jean Ansbaugh suggested Rio Vista Park, due to the space available there.

Mr. Nash will be contacting the board for a date in the near future.

**5. Adjournment**

There being no further business to be discussed, the meeting was adjourned at 7:17 p.m.

Respectfully submitted,



Aly Paz  
Board Secretary

Approved as \_\_\_\_\_ during meeting of: \_\_\_\_\_

\*\*\*\*\*  
"The comments, discussion, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council."  
\*\*\*\*\*



CITY OF MIAMI SPRINGS

2008 AUG 28 PM 3:13

August 28th, 2008

Via U.S. MAIL, E-mail and Hand Delivery

Ms. Magali Valls  
City Clerk and Miami Springs Supervisor of Elections  
Miami Springs City Hall  
201 Westward Drive  
Miami Springs, Fl 33166

Re: Charter Amendment Procedures

Dear Ms. Valls:

The undersigned Miami Springs citizens and registered voters submit to you, as the City of Miami Springs City Clerk and Supervisor of Elections, that it is our intent to commence with the process of amending the Miami Springs City Charter via citizen petition pursuant to the Miami-Dade County Home-Rule Charter. Attached is the proposed petition.

The 5 citizens who have signed this letter agree to constitute the petitioner's committee regarding this Charter Amendment effort.

According to the circuit court in Elza, et al. v. City of Miami Springs, et al, the Miami-Dade County Home Rule Charter provides the "exclusive process" of amending municipal charters (including the charter of the City of Miami Springs) in Miami-Dade County.

The Miami Springs Charter has no language regarding the processing of city charter amendments. It only includes language regulating city ordinance amendments. Because of this lack of direction in the city's charter and the explicit language in the court order that the Miami-Dade Home-Rule Charter is the governing document in processing municipal charter amendments, we seek to circulate the attached petition for signatures to place the proposed charter amendment before the voters of the city of Miami Springs.

In our effort to have the proposed Charter Amendment petition circulated and the amendment placed before the Miami Springs voters as quickly as possible, we now seek the expeditious processing as to sufficiency of our petition form.

Therefore, without giving up any of our rights and without acknowledging the legal correctness of the application of Article 6 of the municipal charter to the amendment by petition of the Miami Springs charter, we enclose the proposed charter amendment petition for the review as to form by the appropriate authority.

The attached petition form is based on the county elections department's form, which was approved by the city attorney and commission and used in the recent Miami Springs Charter Amendment effort. Because of this we expect that this review will be completed within five days of the petition form's receipt. Upon our receipt of notice that the petition is correct as to form, we will begin with the collection of signatures.

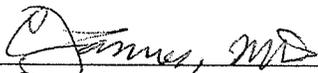
Below see the complete contact information with signatures of the 5 members which shall constitute our petitioners committee.

Please forward all communications concerning this matter by way of certified mail to the address of Dr. Charles James as set forth below.

Should you see a problem with our request of any kind, please immediately notify the committee with a complete and detailed written explanation.

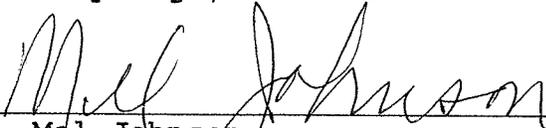
We look forward to your prompt response.

Sincerely,



---

Dr. Charles James  
790 Morningside Drive  
Miami Springs, Fl 33166



---

Dr. Mel Johnson  
109 S. Royal Poinciana Blvd  
Miami Springs, Fl 33166



---

Donna Rivera Harris  
769 Pinecrest Dr  
Miami Springs, Fl 33166

*Maria Mikluscak*

---

Maria Mikluscak  
208 Carlisle Dr  
Miami Springs, Fl 33166

*James Llewellyn*

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James Llewellyn  
81 Carlisle Dr  
Miami Springs, Fl 33166

cc: City Manager  
City Attorney - Jan K. Seiden  
Miami Springs City Council

**Petition to Amend the Miami Springs City Charter**

WE THE UNDERSIGNED registered voters of the City of Miami Springs, Florida do hereby present this petition to amend the City Charter of Miami Springs and request that the following charter amendment question be submitted to the registered voters of the City of Miami Springs for a "yes" or "no" vote:

**Annexation amendment**

Shall the Charter of the City of Miami Springs be amended to read as follows:

"The City of Miami Springs shall not Annex any lands outside of the existing boundaries of The City of Miami Springs, without first being approved and authorized by a majority of qualified city electors voting in a election to consider any such action."

Print name Escriba su nombre en letra de molde Ekri non an gwo lèt	Residence address Domicilio Adrès kay	Date of birth or Registration # Fecha de nacimiento o número de inscripción Dat nesans oswa nimewo enskripsyon	Signature Firma Siyati
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Date/Fecha/Dat:	↪ Check if change of address/Marque aquí si cambiò de domicilio /Make si se chanjman adrès		
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**STATEMENT OF CIRCULATOR**

I, (*print name*) \_\_\_\_\_ residing at (*residence address*) \_\_\_\_\_ am the circulator of the forgoing paper containing \_\_\_\_\_ petition signatures obtained between the dates of \_\_\_\_\_ and \_\_\_\_\_. I personally circulated this petition, witnessed each signature as it was being written, and that to the best of my belief and information each signature is the genuine signature of the person whose name it purports to be, and that each signor had the opportunity to read the full text of the amendment being initiated. I certify to the truthfulness and the correctness of this statement as set forth herein under penalty of perjury under the laws of the State of Florida on this date \_\_\_\_\_ and at this notary location \_\_\_\_\_.

(Signature of Circulator) \_\_\_\_\_

**STATEMENT OF NOTARY**

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by \_\_\_\_\_ who is personally known \_\_\_\_\_ OR produced identification the following type of identification \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public-State of Florida

Notary Seal &  
Name of Notary Typed, Printed, or Stamped

# CHARTER AMENDMENT PROCESS

## 1. MIAMI-DADE COUNTY CHARTER SECTION 5.03 - MUNICIPAL CHARTERS

- Petition of 10% of qualified electors of the municipality.
- Draft provision for submission to voters.
- Election not less than 60 days nor more than 120 days.
- Copy of proposal available to voters 30 days before election.
- Alternative proposals may be submitted.
- Effective as provided in proposal or upon adoption.

## 2. MIAMI-DADE COUNTY CHARTER SECTION 7.01- INITIATIVE AND REFERENDUM

- \*Person (citizen) proposes ballot language and petition for City Council approval - as to form.
- After City Council form approval - 60 days to obtain signatures on petition.
- Filing of petitions with City Council within 60 days - City Council has 30 days ***to order*** a canvass of the signatures to determine sufficiency.
- If signatures are insufficient or other deficiency in petition or process, City Council shall notify person filing petition.
- City Council may, within 30 days of submission of a sufficient petition, propose the initiative proposal as its own for submission to the voters or authorize the initiative proposal for inclusion on a ballot for voter consideration. (Not less 60 days nor more than 120 days for election to be held).

3. **MIAMI-DADE COUNTY CHARTER SECTION 8.07 - AMENDMENTS**

- Charter Amendments may be proposed by City Council action or by initiative petitions of 10% of the electors of the municipality.
- Initiatory petitions for Charter Amendments shall be certified in the manner required for ordinance initiatory petitions.
- Initiatory petition elections shall be called by the City Council not less than 60 nor more than 120 days of when a certified petition is presented back to the City Council.

4. **MIAMI-DADE COUNTY CHARTER SECTION 12-23 - INITIATIVE, REFERENDUM AND RECALL PETITIONS - - VERIFICATION OF SIGNATURES; DISQUALIFICATION OF NON-COMPLYING PETITIONS**

- The provisions contained in this Section shall be utilized to determine proper petition form, disqualification of forms, and disqualification of signatures.
- The Miami-Dade County Supervisor of Elections is charged with the responsibility of the verification or disqualification of petition formats and petition signatures.

CITY OF MIAMI  
2006 MAY 26 AM 11:29





## City of Miami Springs Interoffice Memo

DATE: September 4, 2008

TO: The Honorable Mayor Billy Bain and Members of the City Council

FROM: James R. Borgmann, City Manager 

RE: Request to Waive the Competitive Bid Process and Award an Agreement for Services to PBS&J to provide Construction Drawings for Additional Storm Drains as Established in the Stormwater Master Plan.

---

The City of Miami Springs received a grant from the South Florida Water Management District in the amount of \$150,000 two years ago. After observation of the areas, the projects that were designated under the terms of that grant were determined not to be the best use of these funds. We saved hundreds of thousands of dollars by not spending the money at that time. Council was made aware of that fact last year and agreed with the decision.

In recent discussions with the Mayor and representatives of the SFWMD, we were informed that we would still receive \$120,000 of that money if we could quickly identify and commence another project. We decided that the last project in our plan, which was the most expensive of the remaining projects, would be the best one to pursue. The bad news was that we stand to lose this \$120,000 if we do not commence the project soon.

As PBS&J has been the sole consultant to the city as far as our stormwater utility is concerned, and time being of the essence, we went directly to them for a quote. The amount they have quoted for creating the documents and construction drawings needed to bid out the actual construction is \$106,720. While the entire grant itself cannot be used for these "soft costs", we do have funds available in our stormwater utility to cover this expense. Then this grant will be used towards the construction of the new drainage. If we delay, SFWMD was very emphatic that they would have to pull the grant. Recall also that we are receiving another \$250,000 from the State budget for drainage that will also be pledged toward this project. The total construction cost was estimated by PBS&J last year at \$691,875 for new drains on the southern section of Huntinglodge Drive, from Curtiss Parkway west to "NW 59<sup>th</sup> Avenue" and north through the golf course to the canal running through the course.

Therefore, in accordance with Section 31-11 (E) (6) (g) of the City Code, I hereby request a waiver of the competitive bid process and recommend the award of this project to prepare bid specs and drawings for additional stormwater drains to PBS&J in the amount of \$106,720 to be paid for from the Stormwater Utility Fund, which has a current balance of \$834,000. The quote and description of the work to be performed is attached.

Agenda Item No.

City Council Meeting of:

SEPT 8, 2008

Transmitted Via: U.S. Mail/Facsimile

September 3, 2008

Mr. Robert Williams  
Public Services Director  
City of Miami Springs  
345 N. Royal Poinciana Blvd.  
Miami Springs, FL 33166

RE: City of Miami Springs Stormwater Basin 35 Improvements

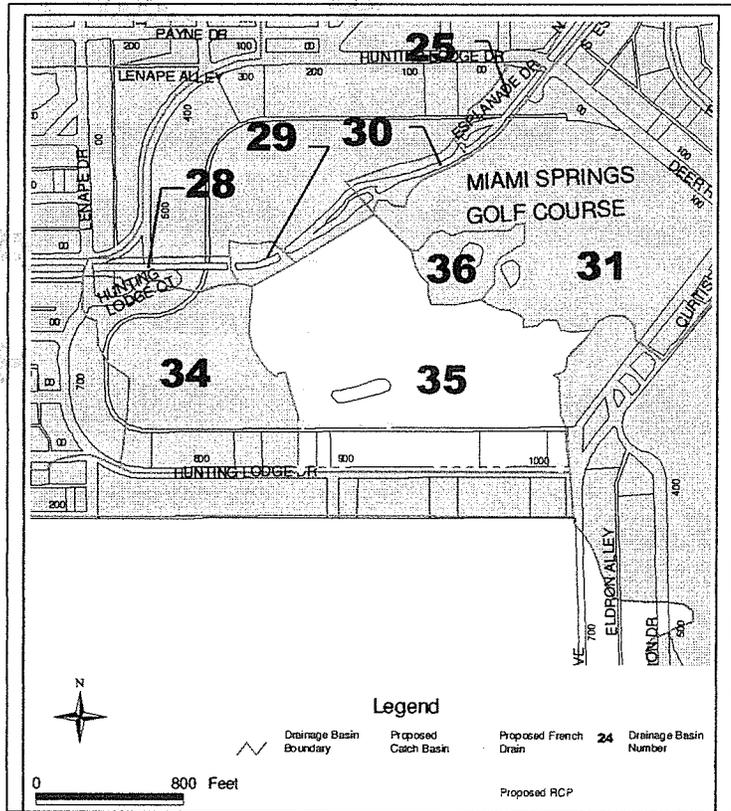
Dear Mr. Williams:

As per your request, we are submitting our scope and fee proposal to provide Professional Services for the design of stormwater improvements for Basin 35.

As outlined in the Stormwater Management Master Plan Update (SMP) prepared by PBS&J in April 2001, Basin 35 is mainly a part of the Miami Spring Golf Course it is bounded by Hunting Lodge Drive to the south, a canal to the north and the golf course on the east and west.

The proposed improvements include catch basins, manholes, solid pipe, and french drain in the golf course and french drain along Hunting Lodge Drive. The SMP planning level estimate for construction cost was \$691,875 (update in 2007).

Specifically, PBS&J is proposing the following be completed:



## Scope of Work

### ***Task 1 Project Management***

#### Task 1.1 Project Meetings

PBS&J anticipates holding three meetings with the City through the duration of the project including a project kick-off meeting, a 50% review meeting, and a 95% review meeting. PBS&J also anticipates holding a meeting with DERM to review the proposed design.

#### Task 1.2 Design Reviews

PBS&J will provide the Plans and Specifications at 50% and 95% design for review by the City. Design review meetings will be held approximately one week after each submittal.

### ***Task 2 Geotechnical Investigation***

PBS&J will prepare a sketch illustrating the locations of the desired permeability tests. A subconsultant will prepare and submit a soils investigation report that identifies the subsurface soil characteristics and permeability. It is anticipated that 5 15-foot deep percolation tests will be required to support the design work. The results of this report, along with the information included in the SMP, will be used in the design of the drainage improvement systems.

### ***Task 3 Survey***

PBS&J will perform a specific purpose survey of the area. The survey will:

- Recover all existing control points (section corners, block corners, etc.) to properly establish right of way lines.
- Set baseline control points along survey route.
- Obtain topographic information within right-of-way lines of the roadways in which drainage improvements are proposed.
- Obtain roadway cross-sections at 100 foot intervals including low and high points, grate, rim, and invert elevations on all existing sanitary sewer, water and drainage structures as well as above ground utilities in roadways in which structures are proposed. The City will assist PBS&J by cleaning debris within structures if required for access. Cross-section will include elevations taken at the centerline, edges of pavement, bottom of swales, front and back of sidewalk and the right-of-way line.

- Set vertical control and bench marks for construction along survey route.
- Obtain all survey data with electronic field books and prepare final drawings in AutoCAD.
- Input "As-Built" information from the various utility companies in AutoCAD files.

#### ***Task 4 Engineering Design***

PBS&J will prepare engineering design plans and technical specifications for the proposed improvements within Basin 35. It is anticipated that the new drainage system design will be an isolated exfiltration drain system on Hunting Lodge Drive and a combination of exfiltration drain system and.

PBS&J will submit 50% engineering drawings to the City in order to solicit comments prior to proceeding to the final engineering stage. PBS&J will also submit 95% drawings for a final review before providing the City with a final set of plans.

The final submittal package will include finalized engineering drawings, which will include the technical specifications, and the construction cost estimate. PBS&J will prepare construction contract documents for bid packages.

#### ***Task 5 Permitting Assistance***

PBS&J will prepare and submit a stormwater management permit application to DERM. It is anticipated that this project will require a Class II permit. This task includes meeting with DERM to negotiate permit requirements and conditions. PBS&J will address permit review comments from DERM for the application to be submitted. The City will pay for all review and permitting fees.

#### ***Task 6 Pre-Bid and Bidding Services***

PBS&J will attend one pre-bid conference, respond to pre-bid RFIs as required, prepare addenda, tabulate, and evaluate bids.

#### ***Task 7 Engineering Services During Construction***

It is assumed, herein, that overall field construction management services for the project are not part

of this contract. It is further assumed that the City will assign a field Construction Manager who will be the primary and sole point of contact with the Contractor and that PBS&J will only provide engineering services during construction as follows.

**Task 7.1 Shop Drawings**

It is assumed, herein, that the Construction Manager will receive and log shop drawings submitted by the Contractor and will forward them to PBS&J for review. PBS&J will review and return submittals to the Construction Manager within 10 working days of receipt. The review will be in accordance with PBS&J specifications and for conformance with the design concept and compliance with the Contract Documents.

**Task 7.2 Request for Information (RFI)**

PBS&J will issue technical interpretations and clarifications of the Contract Documents, along with associated support materials, as requested by the Construction Manager. These interpretations will be rendered and a response prepared and submitted to the Construction Manager within one week.

**Task 7.3 Site Visits**

PBS&J will visit the project at intervals appropriate to the various stages of construction, up to once every two weeks for the duration of the project, to observe the progress and quality of work. It is assumed, herein, that PBS&J will not provide daily inspection or construction oversight.

**Deliverables**

Task 4	Plans and Specifications	11 Copies: 2-50%, 2-95%, 2-Permitting, 5-Final
	Construction Cost Estimate	1 Digital Copy, 1 Hard Copy
Task 5	Permitting Assistance	Approved Dry-Run Plans, and Permit Applications

**Schedule and Budget**

***Schedule***

PBS&J is proposing the following schedule for this project:

<u>Task Description</u>	<u>Approximate Duration</u>
Task 2 Geotechnical Investigation	3 weeks
Task 3 Survey	4 weeks
Task 4 50% Plans and Specifications	9 weeks
50% Design Review	1 week

Mr. Robert Williams  
City of Miami Springs  
Page 5  
September 3, 2008

	50% Design Review Revisions	6 weeks
	95% Design Review	1 week
	95% Design Review Revisions	4 weeks
	Construction Cost Estimate (with Final Design Submittal)	
Task 5	Permitting Assistance	<u>5 weeks</u>
		<b>26 weeks</b>

**Total Pre-Construction** (Tasks 2 and 3 to occur concurrently, permitting assistance will start after the 95% Design Review)

### ***Budget***

PBS&J is proposing a Lump Sum Fee of \$106,720.00 to complete the tasks discussed above. A schedule of fees showing a breakdown of the fee per task is attached for your review.

### **Exceptions**

At this time, it can not be determined if DERM will require an Environmental Resource Permit. Therefore the fee for the preparation of such a permit application is not included. The following are also not included in this proposal:

- Deviations from the design
- Construction Management Services
- As-built or record drawings for this project (to be the responsibility of the Contractor)
- Public Hearings
- Extended construction observation required for Construction Certification
- Capital Financing Plan
- Environmental Assessments

We appreciate the opportunity to submit, and look forward to meeting with you to discuss, this draft proposal. If you have any questions, please call me at (305) 514-3218.

Sincerely,

PBS&J

Grethe McLaughlin  
Senior Group Manager  
GLM/avd





## City of Miami Springs Interoffice Memo

DATE: September 4, 2008

TO: The Honorable Mayor Billy Bain and Members of the City Council

FROM: James R. Borgmann, City Manager *JRB*

RE: Discussion Regarding the Definition of Garage Sales

---

Councilman Dotson has asked that a discussion be initiated on this agenda regarding the definition of garage sales. I have included a copy of the existing code sections as information and a starting point for your discussion.

Agenda Item No.

City Council Meeting of:

SEPT 8, 2008

- (2) In addition, current copies of the "schedule for civil penalties" shall be maintained by the City public works department and made available for inspection, review and copying.

(Ord. 813-94, passed 9-12-94)

### **Sec. 93-50. Garage sales**

(A) A *garage sale* is defined as a sale of personal property from a City residentially zoned property, upon which a structure is located, which is intended solely for the sale of previously owned and unwanted tangible items at reduced prices, as an alternative to continued storage within the structure on the premises or the removal of such articles by appropriate solid waste disposal provider.

(B) For the purposes of this section, garage sales are not intended to be *flea markets* or *bazaar sales* which often offer personal property of other third-parties and new merchandise for sale along with the usual used and unwanted articles of personal property belonging to the person conducting the sale.

(C) The owner or lessee of the property upon which a garage sale is to be conducted shall be required to provide advance written notice of the sale to the City code enforcement department.

(D) No garage sales shall be conducted in the City unless such sales are in compliance with the following regulations, restrictions and conditions:

- (1) Garage sales shall only be conducted in the residential zoning districts of the City.
- (2) No business entities of any kind may conduct garage sales in the residential zoning districts of the City.
- (3) No owner or lessee of residentially zoned property may conduct garage sales for the purpose of selling new merchandise or personal property or merchandise sold in bulk (such as in a wholesale or retail business operation) which is owned by the property owner, lessee, or any other person or business entity.
- (4) Only used and unwanted items of tangible personal property, owned by the permittee and family members residing on the permit premises, and usual to a household and those residing therein, may be sold at a properly permitted garage sale.
- (5) Garage sales may only be held between the hours of 7:00 o'clock a.m. and 5:00 o'clock p.m.
- (6) No garage sale shall be permitted to extend more than two consecutive days.
- (7) No more than three garage sales may be held and permitted on the same property within any calendar year, and there shall be at least a 30-day period between garage sales. However, the required interval between garage sales may be waived by the City for owners or lessees who can establish, to the satisfaction of the City, that they are

imminently moving to a different location within the City or out of the City. Additionally, at the discretion of the City, a garage sale that was "rained out" will not count against the number of such sales permitted for any residential property.

- (8) All sale property shall be exhibited and displayed within the existing front setback area established for the property and within the residence or any carport or garage area existing on the property.
  - (9) Although the current City sign ordinance does not permit "garage sale" signs, one sign, not exceeding 100 square inches in size, may be displayed on the property where the sale is being conducted. Such sign shall be placed in a location on the property that will not create a vision or other safety hazard, and shall be removed immediately upon the termination of the sale.
  - (10) The placement of other signs in other areas of the City which are intended to give notice or advertise any garage sale are strictly prohibited.
- (E) The provisions of this section shall not apply to the following:
- (1) Sales of personal property conducted pursuant to an appropriate court order or other civil process issued by a court of competent jurisdiction.
  - (2) Any owner or lessee of property selling or advertising for sale an item or items of personal property in a newspaper, magazine, periodical, or other commercially printed media, which are specifically named or described in the advertisement, and which do not exceed five in number.

(F) If a violation of the foregoing provisions is observed by an authorized code enforcement department official, the owner or lessee of the property upon which the garage sale is being conducted shall be immediately advised of the violation and, if susceptible to correction, be provided a reasonable time in which to remedy the violation. If, however, the violation is not susceptible to correction, or is not remedied within the time provided by the code enforcement department official, the garage sale shall then be immediately terminated by order of the code enforcement department official. Any failure to timely comply with the termination order for the garage sale shall constitute a City code violation to be prosecuted in accordance with the provisions of Code of Ordinance chapter 101, and the code enforcement department official may solicit the assistance of the City police department should the situation warrant such intervention.

(Ord. No. 843-98, passed 3-9-98; amend Ord. 856-99, 10-11-99; amend. Ord. 902-03, passed 9-22-03)

**Sec. 93-99. Penalty.**

(A) Any person, firm, or corporation violating any of the provisions of this chapter for which no other penalty is provided shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be punished by fine not exceeding \$500.00 or imprisonment in the county jail not

