



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Tuesday, October 28, 2008, at 7:00 p.m.

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

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

The following were present:

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

Also Present:

- City Manager James R. Borgmann
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Finance Director Leacroft E. Robinson
- Public Works Director Robert T. Williams
- City Planner Richard E. Ventura
- City Clerk Magalí Valls

### **2. Invocation:** Councilman Dotson offered the invocation.

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

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Mayor Bain welcomed County Commissioner Rebeca Sosa, who was a special guest.

Commissioner Sosa stated that it was a pleasure to be in Miami Springs and announced that she secured an allocation of \$96,350 from a Community Development Block Grant (CDBG) for the Miami Springs Senior Center, which she knows is important for the community.

Commissioner Sosa pledged \$1MM from her District 6 GOB Multi Purpose Development Fund for the new Community Center and added that the City would receive \$1.52MM from the County General Obligation Bond.

After discussing the needs of the City with Mayor Bain, Commissioner Sosa said that she is presenting a resolution to the Committee and the Board of County Commissioners for an additional \$1MM from her Multi Purpose Development Fund.

Commissioner Sosa reported that in Fiscal Year 2007/2008, she was very proud to have helped the schools in the community, the Miami Springs Chamber of Commerce, the Women's Club, the Optimist Club, the Springs River Festival, the Senior Center, the Relay for Life, and the Miami Springs Historical Society for a total amount of \$22,547.00. The amount for Fiscal year 2008/2009 was increased to \$113,500, including the allocation of \$96,000 for the Senior Center.

Commissioner Sosa offered her assistance to the City and all residents in the community.

Mayor Bain thanked Commissioner Sosa for helping to begin proceedings with the County for the transfer of the water and sewer systems.

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### **3. Awards & Presentations:**

#### **3A) Officer of the Month Award – Officer Carlos E. Núñez – September 2008**

Chief of Police Peter G. Baan presented the Officer of the Month Award for September 2008 to Officer Carlos E. Núñez.

Sergeant John Mulla summarized his memorandum that he presented to the Awards Committee nominating Officer Núñez for Officer of the Month for his excellent police work that led to several arrests.

Chief of Police Baan said that in the last three years, Officer Núñez was consistently one of the top performers in the Department. He thanked Sergeant Mulla for recognizing outstanding performance on his shift.

Officer Núñez stated that he was very proud to receive the award. He thanked the Mayor and Council.

Mayor Bain recognized the Police Department for their K-9 demonstration at the Halloween event.

#### **4. Open Forum:**

##### **Amendment No. 8**

Village of Miami Shores Councilman Prospero G. Herrera spoke in support of Constitutional Amendment No. 8, a very important issue for the community colleges. It will allow local communities across the State the power to decide through a future referendum how to support their local community colleges. It will not cost the voters one-cent and it will offer the voters a real voice in the future development of their community colleges.

Mr. Herrera stated that Miami-Dade College is vital to the community with 167,000 students attending, and it would give the community the option to support Miami-Dade College with local funding and the chance for a college education to more people in the community.

##### **Thank You**

Bob Schultz of 100 Sunset Way thanked Commissioner Sosa for her support of the local schools.

##### **Miami Springs Middle School**

Bob Schultz, President of the Miami Springs Middle School PTSA stated that over crowding and safety had been a problem at the Middle School in previous years. At their meeting of October 23, 2008, The Education Advisory Board moved to recommend that the City Council support efforts to target the school for a boundary change.

Mr. Schultz said that after reviewing the capacity numbers during the past week, the parents decided not to notify the School District of a proposal for a boundary change before the deadline, which was noon today, because the school parents decided that overcrowding is not as bad as the numbers projected. In addition, Principal Maria Mason and Region Superintendent Dr. Pace are doing a tremendous job to reduce the student population and increase school safety through alternative measures. The parents agreed to wait one year to see the results of their efforts since they are serious about resolving the problem and seem to be moving in the right direction.

##### **Park Restroom Construction**

Dr. Mel Johnson of 109 South Royal Poinciana Boulevard stated that he had requested the final cost on the park restroom construction several times and would like to know when the figures will be available. He will follow up with the City Manager on his request.

##### **Municipal Pool**

Dr. Mel Johnson stated that the municipal swimming pool is losing more than \$300,000 this year. There are approximately six kids on the swimming team, which does not justify leaving the pool open year-round when there are nearby pools they could utilize and save the City \$200,000.

## **City Expenses**

Dr. Mel Johnson would like to know what the City is doing to reduce expenses during this time of recession because \$80,000 or \$100,000 was added to the budget for a Recreation Director and he sees that expenses are going up, not down.

### **5. Approval of Council Minutes:**

#### **5A) 10/13/2008 – Regular Meeting**

Minutes of the October 13, 2008 Regular Meeting were approved as written.

**Councilman Best moved the item. Vice Mayor Youngs seconded the motion, which was unanimously carried on voice vote.**

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

#### **6A) 10/01/2008 – Architectural Review Board – Cancellation Notice**

Cancellation Notice of the October 1, 2008 Architectural Review Board meeting was received for information without comment.

#### **6B) 10/07/2008 – Code Enforcement Board – Cancellation Notice**

Cancellation Notice of the October 7, 2008 Code Enforcement Board meeting was received for information without comment.

#### **6C) 10/08/2008 – Golf and Country Club Advisory Board – Minutes**

Minutes of the October 8, 2008 Golf and Country Club Advisory Board meeting were received for information without comment.

#### **6D) 10/13/2008 – Board of Appeals – Minutes**

Minutes of the October 13, 2008 Board of Appeals meeting were received for information without comment.

#### **6E) 10/14/2008 – Recreation Commission – Minutes**

Minutes of the October 14, 2008 Recreation Commission meeting were received for information without comment.

**6F) 10/16/2008 – Historic Preservation Board – Minutes**

Minutes of the October 16, 2008 Historic Preservation Board meeting were received for information without comment.

**6G) 10/23/2008 – Code Review Board – Cancellation Notice**

Cancellation Notice of the October 23, 2008 Code Review Board meeting was received for information without comment.

**6H) 11/11/2008 – Recreation Commission – Rescheduling Notice**

Rescheduling Notice of the November 11, 2008 Recreation Commission meeting was received for information without comment.

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Vice Mayor Youngs reported that due to the fact that the community and the Miami Springs Middle School PTA did not submit a petition to target the Middle School for a boundary change it means that there will be no boundary change this year. The Education Advisory Board asked the City Council to pass a resolution supporting the boundary change request if submitted by the PTA. The North Central Region Office determined that they did not want to put the Middle School on targeted status and the request would have to come from the community, which the PTA decided not to do.  
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**7. Public Hearings:**

**7A) Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Sections 150-070, CBD, Central Business District and 150-071, NBD, Neighborhood Business District; by Providing New Subsections Within Each District Prohibiting the Use of Shutters, Awnings, Gates, Panels or Sheets, or any Other Device Meant to Provide for Off-Hours Premise Security; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 10/13/2008 – Advertised: 10/15/2008)**

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

Attorney Seiden stated that the ordinance places restrictions for the types of uses described in the ordinance and places it in Section 150 of the City Code so that individual cases can be judged to be meritorious for variances or not. The provisions are consistent with the recommendations of the Architectural Review Board.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

**Councilman Best moved to adopt the ordinance. Councilman Garcia seconded the motion.**

Councilman Dotson asked what would be considered “other devices”.

City Attorney Seiden said that the clear intent of the ordinance is to address any device that closes or blocks the property.

Councilman Dotson thought that people with security issues could develop a range of possible solutions to protect their property. He asked about metal screening or transparent plastic panels.

City Attorney Seiden responded that screening would be allowed if it does not change the nature of the appearance of the building or make it look like it is locked down. If someone wanted to put translucent film on the windows it would not fall within the intent of the ordinance, the same as an internal security system.

To answer Councilman Dotson’s question, City Attorney Seiden clarified that anything that essentially closes the building down or changes the appearance from being open would be subject to a variance.

Councilman Best commented that the ordinance would protect the character of the business district and allow the granting of variances in cases meriting special relief.

Attorney Seiden said that the owners of the former 7-11 property on South Royal Poinciana Boulevard prompted the drafting of the ordinance. In their situation, since the property sits outside the Downtown area, they might have a cause to come forward to qualify for a variance.

City Attorney Seiden added that it has been the intent of Council to encourage the business development of the Circle and closing the buildings would be counterproductive to the intent. The idea of the ordinance is to provide a process of review and Council would have the final decision.

**The motion was carried 5-0 on roll call vote (Ordinance No. 972-2008).**

**8. Consent Agenda: (All items approved with one motion)**

**8A) Recommendation that Council Waive the Competitive Bid Process as Provided in Section 31.11 (E) (6) (c) of the City Code Pertaining to the Contract and Approve an Expenditure of, not to Exceed \$50,000 to AMA Consulting & Construction for the Annual Costs of Building and Roofing Inspections**

City Manager Borgmann stated that items 8A through 8D all refer to the part-time inspectors that are used in the Building Department. He read the titles of the consent items.

Councilman Dotson noted that last year actual expenditures for building and roofing inspections were \$35,950 and \$50,000 is being requested, which is a 40% increase. He would like to be more conservative by projecting a 5% to 10% increase over last year.

Councilman Dotson suggested reducing the amounts to \$40,000 for 8A, \$25,000 for 8B, \$8,000 for 8C and \$4,500 for 8D. He would like to set tight guidelines that can always be increased by Council if needed.

To answer Councilman Garcia's question, City Manager Borgmann clarified that Assistant City Manager Gorland developed the numbers, but he could not be present tonight. He referred to the charts that were provided for each item showing the amounts budgeted last year, actual expenses incurred and the 2008-2009 request. He said that the inspections are based on the Building Department revenue and the permit fees cover the expense.

Vice Mayor Youngs commented that Councilman Dotson wants to authorize a smaller amount at this point and once the amount has been spent, the City Manager could request Council approval for additional funds. This would exercise control, even though the funds are included in the budget. He personally would be comfortable with authorizing the full amount now because the expenses are controlled by the permit activity.

Councilman Best felt that the Administration is showing control because they had presented lower figures than last year for the four items.

Councilman Garcia stated that he would like to trim the budget in order to allow more funding for City projects, but these particular items are not applicable.

City Manager Borgmann clarified that it would not be a good policy to reduce the budgets for the inspection services. He explained that late in August or September next year there might be opportunities to cut back and transfer funds to cover expenses in other areas.

**Councilman Garcia moved the item. Councilman Best seconded the motion which was carried 4-1 on roll call vote, with Councilman Dotson casting the dissenting vote.**

**8B) Recommendation that Council Waive the Competitive Bid Process as Provided in Section 31.11 (E) (6) (c) of the City Code Pertaining to the Contract and Approve an Expenditure of, not to Exceed \$30,000 to Lonsdale Associates for the Annual Costs of Structural Plan Reviews**

There was no discussion regarding this item.

**Councilman Garcia moved the item. Councilman Best seconded the motion which was carried 4-1 on roll call vote, with Councilman Dotson casting the dissenting vote.**

**8C) Recommendation that Council Waive the Competitive Bid Process as Provided in Section 31.11 (E) (6) (c) of the City Code Pertaining to the Contract and Approve an Expenditure of, not to Exceed \$10,000 to M. Jurado & Assoc. for the Annual Costs of Mechanical Plan Reviews and Inspections**

There was no discussion regarding this item.

**Councilman Garcia moved the item. Councilman Best seconded the motion which was carried 4-1 on roll call vote, with Councilman Dotson casting the dissenting vote.**

**8D) Recommendation that Council Waive the Competitive Bid Process as Provided in Section 31.11 (E) (6) (c) of the City Code Pertaining to the Contract and Approve an Expenditure of, not to Exceed \$7,000 to Oasis Plbg., Gas & Plan Processing for the Annual Costs of Alternate Plumbing Plan Reviews and Inspections**

There was no discussion regarding this item.

**Councilman Garcia moved the item. Councilman Best seconded the motion which was carried 4-1 on roll call vote, with Councilman Dotson casting the dissenting vote.**

**8E) Recommendation that Council Approve an Open Purchase Order in the Amount of \$300,000.00 to Waste Management Services, to Dispose of Residential Trash, on an “As Needed Basis”**

City Manager Borgmann stated that utilizing this particular location for trash disposal saved almost \$50,000 last year over the normal dumping costs.

To answer Councilman Dotson’s question, City Manager Borgmann clarified that this is an alternate dumpsite that is less expensive than the County’s dumpsite. There is no bidding involved because the price is set and there are no alternative sites. The City saved approximately \$49,000 last year by disposing clean trash at this site.

Public Works Director Robert Williams clarified that the City spent \$210,000 last year for Waste Management.

**Councilman Garcia moved the item. Councilman Best seconded the motion which was carried 4-1 on roll call vote, with Councilman Dotson casting the dissenting vote.**

**8F) Recommendation that Council Waive the Competitive Bid Process, as provided in Section 31.11 (E) (6) (g) of the City Code, and Approve an Expenditure of \$21,528.00 to South Florida Maintenance Services, Inc. to Execute the Option to Renew the Street Sweeping Services Contract # 12-06/07**

City Manager Borgmann stated that South Florida Maintenance had provided satisfactory service and this is a request to execute the renewal option for one year.

**Councilman Garcia moved the item. Councilman Best seconded the motion which was carried 4-1 on roll call vote, with Councilman Dotson casting the dissenting vote.**

**8G) Recommendation that Council Approve a One-year Extension of a Contract with Computer Electric**

City Manager Borgmann stated that the City eliminated a full-time electrician from staff several years ago and decided to outsource this particular service. The bid was awarded to Computer Electric, which should have been renewed last February for an additional year. This approval would be retroactive to February 2008 and extend to February 2009, at which time the services will be put out for bid.

**Councilman Garcia moved the item. Councilman Best seconded the motion which was carried 4-1 on roll call vote, with Councilman Dotson casting the dissenting vote.**

Item to be **re-bid** in February 2009.

**9. Old Business:**

**9A) Approval of Contract with Link**

City Manager Borgmann stated that the Administration met with the attorney that was hired to review the contract with Link.

City Attorney Seiden felt that it was a very productive meeting with the attorney who is an expert on AIA contracts. She is developing additional protective language and is very confident that a deal will be made soon. They are proposing to receive a revised contract within the next week that will be submitted to Link for their review.

City Attorney Seiden explained that the plan is for Architect Manuel Perez-Vichot to review the design phase of the project; there will be a Request for Proposals (RFP) for a Construction Project Supervisor who would be at the site every day to oversee the project. The City will be appointing a threshold inspector, which is usually an independent engineer that coordinates the inspections as the work is done. Building Official Edwin "Skip" Reed will have the final approval.

Attorney Seiden stated that AIA contracts are very complex and the City hired an expert to review the contract in an expeditious manner.

**To be scheduled as an agenda item for the next Regular Meeting of November 10, 2008.**

**9B) Appointment to the Police & Firefighters' Retirement System for a Full 2-Year Term Ending on September 30, 2010 (Greg Cates' seat)**

City Manager Borgmann stated that Greg Cates is unable to continue to serve on the Police & Firefighters' Retirement System board due to scheduling conflicts with his job.

Chief Baan explained that the Florida Statutes provides for two elected members by the bargaining unit, two appointed members by Council and those four members select a fifth member.

**Vice Mayor Youngs moved to appoint Peter G. Baan. Councilman Dotson seconded the motion which was carried 5-0 on roll call vote.**

**9C) Appointments to Advisory Boards by the Mayor and Council Members**

Councilman Dotson **confirmed the reappointment** of John Bankston to the Code Enforcement Board for a full 3-year term ending on September 30, 2011.

**9D) Request for Council Consideration of Bike Path Lighting Design Scenarios as Presented by Computer Electric, Inc. of Miami Springs in Keeping with Construction Project Deadlines as Set by the Florida Department of Transportation's (FDOT) Transportation Enhancement Program**

City Manager Borgmann stated that Council had requested different types of considerations for the Royal Poinciana Bike Path lighting versus the continuation of the lighting on Curtiss Parkway. The City contracted with Computer Electric, Inc. and their representative will make a report.

City Planner Richard E. Ventura stated that an \$800,000 grant was awarded by the Florida Department of Transportation (FDOT) under the Transportation Enhancement Program (TEP) in the fall of 2007. Under the TEP, several deadlines must be met in order to receive compensation for the funds that are spent during the course of the project. One is the completion of a LAP agreement that was approved by Council on August 11, 2008 and forwarded to the FDOT District Six office.

City Planner Ventura said that the LAP Checklist for Construction Contracts – Federal Requirements is a mandated spreadsheet that lists various requirements imposed by FDOT. Mr. Jon Johnson, who completed the LAP checklist for the Curtiss Mansion has agreed to work on the City's checklist and submit it to FDOT before the December 2008 deadline.

City Planner Ventura added that Mark Chandler indicated that he could complete final design work within two weeks based on Council's decision this evening and Mr. Johnson indicated that the two week time frame would work with his schedule for the completion of the LAP checklist. He explained that Mr. Chandler would present various scenarios for types of lighting to be installed. He is asking to reach a consensus on the type of lighting.

Mayor Bain commented that the same lighting for the Curtiss Parkway bike path would continue to the Golf Course. The issue tonight is the lighting for North Royal Poinciana Boulevard.

Mark Chandler with Computer Electric stated that the greatest choice is the level of security as well as aesthetics. The bollard lights on Curtiss Parkway are adequate for walking and the consideration for North Royal is the level of security and the amount of light that projects onto the roadway and the residential area. The coach lights provide a good amount of light and are aesthetically pleasing, which can be spread out to give a certain candle level that can be adjusted high or low.

The night vision photograph shows the shadow casting as well as the light intensity. The second photograph gives a better perception of the lightness and darkness. The coach lights can be provided with tinted lenses on the residential side as an add-on that can be purchased later based on complaints from the residents. Security is another consideration and there should be provisions for empty conduits for cameras or emergency call boxes.

To answer Councilman Garcia's question, Mr. Chandler recommended the coach lighting that will provide a minimum of .25 foot candles and .50 maximum.

City Manager Borgmann clarified that Mr. Chandler's recommendation is the 200 watt coach light mounted on a 15-foot pole with a 50-foot spread for a total of 96 lights.

Mr. Chandler said that the light will be bright under the fixture and the spread can be adjusted based on a computer simulation to get an exact light spread. He added that another issue is the empty conduit as part of the design and the request for proposal for future call boxes or cameras.

Vice Mayor Youngs asked about the cost differential and what can be done within the grant.

Mr. Chandler explained that the design was not complete, but he did not expect the cost to go over \$800,000. The coach lights are the most expensive option and they would probably be the most energy efficient. He said that the lighting would be identical to the city lights that are currently within the residential areas.

To answer Councilman Dotson's question, Mr. Chandler clarified that the \$2,795.00 additional cost per pole is over and above the bollard cost, for a total of \$3,995.00 per pole. There is a discount of \$122,400 for the 196 bollards that would have been installed.

Councilman Dotson asked about the adjustment to job cost totaling \$145,920.00.

Mr. Chandler responded that if the job costs \$500,000 for bollard lighting on North Royal as well as Curtiss Parkway it would cost an additional \$145,000 or \$645,000 for the total job instead of \$500,000. The bollards will match the existing ones on Curtiss Parkway and they are one option for North Royal Poinciana.

Vice Mayor Youngs was in favor of the 200 watt coach mounted lights.

**Vice Mayor Youngs moved to approve the coach mounted 200 watt lights for North Royal Poinciana Boulevard and the bollard lighting on Curtiss Parkway. Councilman Garcia seconded the motion.**

To answer Councilman Dotson's question, Mr. Chandler confirmed that the coach lighting would be for North Royal Poinciana and the bollard lighting would extend from where they end on Curtiss Parkway to the Golf Course parking lot.

**The motion carried 5-0 on roll call vote.**

Mayor Bain said that Council must consider the installation of the conduit for the possible mounting of cameras and call boxes. He asked how many would be appropriate.

Mr. Chandler responded that they would make a recommendation for the cameras or call boxes as part of their design. He would need direction on whether it would be call boxes or cameras because cameras require a larger conduit. The design would include the option for empty conduits and the cameras or call boxes would be an add/alternate option.

City Manager Borgmann explained that when the bids are submitted, if the general bid is within budget then it would be brought to Council. If there are funds to pay for the additional option then a recommendation will be made at that time.

To answer Councilman Best's question, Mr. Chandler said that the difference between the conduit for the cameras and the call boxes is that the cameras would require approximately 20% more conduit.

Councilman Dotson asked about the type of communication that is received from the call boxes.

Mr. Chandler explained that the call box could be a push button device with a noise or scream detector that notifies a central station with audio for communication purposes. He reiterated that the conduit would be listed in the proposal as an add/alternate option.

**Councilman Best moved to approve the installation of the conduit that would satisfy the requirements for the cameras in the future. Councilman Garcia seconded the motion which was carried 5-0 on roll call vote.**

**10. New Business:**

**10A) Site Plan Approval: Case # 06-ZP-08 – Pfeffer and Marin – 641 and 657 Minola Drive (exact site of proposed construction) – 641, 657, 665 Minola Drives; 4767, 4749 N. W. 36th Street; 648 Mokena Drive (total site) – Zoning: AHMBD; Airport, Highway, Marine Business District – Lot size: 27,450 sq. ft. (exact site of proposed construction) – 132,394 sq. ft. (total site) – Applicants are requesting approval of a proposed site plan for a five-story (55 feet in height), 103-room hotel at the above-referenced site**

City Planner Richard E. Ventura stated that the exact site of proposed construction is within a number of parcels at 641 and 657 Minola Drive. The Applicants are requesting approval of a proposed site plan for a five-story, 55-foot high hotel with 103 rooms at the site.

At the June 2, 2008 Board of Adjustment, the Applicants received approval of the following variances:

1. To review a proposed Declaration of Restrictive Covenants in Lieu of Unity and Title.
2. From Code Section 150-158 – Height limitations (A) (1), for a five-story 55-foot hotel where a maximum of a four-story, 55-foot hotel would be allowed.
3. From Code Section 150-016, Off-street parking facilities (E) (6) for 133 parking spaces on-site where 157 on-site spaces would be required.
4. From code Section 150-160, Site planning (B) (3), for a five-foot wide landscaped buffer strip with a six-foot high masonry wall where a ten-foot wide landscaped buffer strip with a six-foot high masonry wall is required.

The Board of Adjustment found that the buffer must be a six-foot high wall on the property line with a seven-foot landscape buffer and a ten-foot buffer at the loading area. Following the granting of the variance, the site plan was presented to the Zoning and Planning Board. The declaration provides for cross parking and cross access to the site. Applicants were requested to submit a traffic study and a landscape sheet, which was done. There are no significant traffic impacts determined by the traffic study and the City Arborist signed off on the landscape sheet.

City Planner Ventura stated that there were two letters from Post, Buckley, Schuh & Jernigan (PBS&J) who conducted the civil engineering review of the proposal. The first letter contains comments to be addressed by the Applicants and the second letter indicates that all comments in the first letter had been addressed.

The homes at 641 and 657 Minola Drive are currently abandoned, according to City Planner Ventura. He said that Staff recommends approval of the site plan proposal for a Days Inn Hotel because it would be an improvement to the Airport Highway Marine Business District. No objections were received to the Applicant's proposal.

City Attorney Seiden stated that it is a ministerial act for Council to review the site plan that has already been reviewed and approved by PBS&J. The Applicant updated the landscape plan as recommended by the Board of Adjustment and the project complies with the Code, according to the engineers and the Building Department.

City Attorney Seiden added that the Applicant's attorney had proposed the required Declaration document and there will be a covenant document attached as an exhibit that will take care of the cross parking and cross hatching easements for the flow of the property. The documents will be executed by the Applicants and the City, if required, and the recording of those instruments are conditions subsequent to approval.

Councilman Dotson stated that there would be 133 parking spaces where 157 are required. He said that it was noted that clients normally do not arrive by car because of the close proximity to the airport, but some will arrive in rental cars and have a need for parking.

City Attorney Seiden clarified that the parking issue had been resolved through the variance process.

Attorney Brian Adler with the law offices of Bilzin Sumberg Baena Price & Axelrod at 200 South Biscayne Boulevard, Suite 2500 explained that Attorney Stanley Price presented the application to the Board of Adjustment and a similar application to Council in 2002. He introduced the Applicants and Architect Ramon Collado and Elissa Solorzano from David Plummer and Associates.

In 2002, when the application was approved there was one additional hotel room and one less parking space, according to Attorney Adler. The Code requires 157 parking spaces based on the number of hotel rooms and accessory uses within the hotel, which are the coffee shop and the lounge that normally do not bring in outside users. Since there are twenty-two spaces calculated solely for the coffee shop and lounge, subtracting those spaces would mean that they are seeking 133 spaces when 135 would otherwise be required.

Attorney Adler explained that a transportation shuttle service runs 24-hours a day to transport hotel residents to and from the airport and they have a contract with the cruise companies to transfer hotel guests to the cruise lines. In addition, a utilization study of the current site determined that the current parking is under utilized. He showed various photographs of the parking lot at various times over the course of three days.

Mayor Bain commented that the hotel would accommodate the customers parking needs. He said that he is satisfied with the proposed site plan, the variances were approved and the plan met the approval of PBS&J and the Building Department.

Vice Mayor Youngs stated that he is satisfied that the parking is sufficient. He appreciates the analysis of the number of spaces for the coffee shop and lounge.

Councilman Garcia thanked the owner/applicants for investing in the improvement of the property, which will help the N. W. 36<sup>th</sup> Street business district. He asked what the value of the building would be in order to determine the tax benefit to the City.

Mr. Adler offered to provide the property value information when it is available.

Councilman Garcia commented that he passes by the site on a daily basis and the parking lot is normally empty so he hopes that the hotel will have an influx of business in the future. He knows that it is a big investment for the property owner and it will be wonderful for the City of Miami Springs.

Mayor Bain stated that it would be a different situation if the property was being developed for condominiums. The hotel is a transit situation and he understands why the parking variance was approved.

**Councilman Garcia moved to approve the site plan. Councilman Best seconded the motion which was carried 5-0 on roll call vote.**

**10B) Recommendation that Council Approve an Expenditure of \$52,747.00 to Alan Jay Import Center, Utilizing Florida Sheriffs Association Bid Award # 08-16-0908, as provided in Section 31.11 (E) (5) of the City Code to Purchase Two New Toyota Prius Hybrid Sedans, and \$1,300 to Various Vendors, as provided in Section 31.11 (E) (C) (1) of the City Code to Purchase Equipment for the Prius Hybrid Sedans**

City Manager Borgmann read the title of the award.

Chief of Police Peter G. Baan stated that the hybrid sedans would be utilized by one of the Public Service Aids and the other would be an investigative undercover vehicle that will be tested to see how it works for the Department. Based on the figures, one car might save \$1,000 in gasoline in one year. Many government entities are using the Toyota Prius as a fleet vehicle, including Miami-Dade County.

Chief of Police Baan explained that the vehicle is proven to be reliable and cost effective. The City will purchase a 75,000 mile, 5-year extended warranty on the entire vehicle and the hybrid components are under warranty for eight years or 100,000 miles.

City Manager Borgmann added that the expense would be paid from the Law Enforcement Trust Fund.

Mayor Bain commented that the City of Miami Springs is only 3.1 square miles and \$52,000 is a lot to spend for two small cars.

Chief of Police Baan stated that the cars are projected to get 48 miles per gallon in the City, while other hybrid models only get 27 miles per gallon. He said that the City could keep the cars for eight or ten years because they will be administrative vehicles. He explained that the cost is the same as a full size car, but the expense is related to the high-tech hybrid components. The fuel savings will offset the purchase price.

To answer Councilman Best's question, Chief Baan stated that he checked the electronic requirements to make sure they are adequate and the emergency lights are being installed by the dealer so they will be covered under the warranty.

Councilman Garcia stated that he appreciated Chief Baan's progressive attitude and the willingness to try new ideas to move the City forward.

**Councilman Best moved the item. Councilman Garcia seconded the motion which was carried 5-0 on voice vote.**

**10C) Recommendation that Council Approve an Expenditure of \$102,690.00 to Gus Machado Ford, Utilizing the City of Miami Bid # 17007, as provided in Section 31.11 (E) (5) of the City Code to Purchase Four New 2009 Ford Crown Victorias, Including Graphics, Extended Warranty and One K-9 Equipment and Installation**

City Manager Borgmann read the title of the award.

Councilman Dotson recalled that a statement was made at a previous meeting about the Crown Victorias being easily spotted as police cars.

Chief of Police Baan said that the statement was made more than a year ago when the City purchased the Chevrolet Malibu for investigative vehicles. He clarified that the new Fords would be marked police vehicles.

Mayor Bain commented that the former Police Chief tried the Dodge models, which did not perform as well as the Fords.

Chief of Police Baan explained that the maintenance costs are higher for the Dodges and the purchase price is now more expensive than the Ford Crown Victorias. He added that the gas mileage is the same.

**Councilman Garcia moved the item. Councilman Dotson seconded the motion which was carried 5-0 on voice vote.**

*(Mayor Bain called for a 5-minute recess)*

**10D) Recommendation that Council Approve the Outsourcing of the SunGard H.T.E. Software Computer Server to the SunGard H.T.E. Application Service Provider (ASP)**

City Manager Borgmann stated that this is a recommendation for approval of the outsourcing of the SunGard H.T.E. software computer server to the SunGard H.T.E. Application Service Provider (ASP).

City Manager Borgmann explained that instead of the City owning the equipment and the mainframe, outsourcing allows the computer and the software offsite and access is gained through the internet. The City will not have to purchase and maintain a mainframe; the software is continually updated through the ASP and all users would be working with the same software, which is an improvement.

City Manager Borgmann said that there would be a significant savings to the City over a ten-year period and it would protect the City from on-site disasters. In addition, the City will no longer have the labor involved in installing the upgrades to H.T.E., which is a time consuming process that involves overtime on the weekend.

Councilman Garcia was impressed with the system due to the fact that there are multiple back ups and good security protection.

City Manager Borgmann stated that this would result in a net benefit to the City of approximately \$222,000 over the ten-year period.

Councilman Dotson commented that this is a positive step for the City.

To answer the Mayor's question, City Manager Borgmann explained that this purchase is not related to the document storage service. There is a savings related to the records that are saved on their hard drive as opposed to being stored on the City's hard drive.

**Councilman Garcia moved the item. Councilman Best seconded the motion which was carried 5-0 on roll call vote.**

**10E) Discussion Regarding Formation of Committee and Members for Selection of City Auditors**

City Manager Borgmann stated that at the last meeting Council approved a one-year extension to the audit firm to conduct this year's audit. Councilman Dotson brought up the fact that he would like discussion on the formation of an audit committee and the members for selection of that committee.

City Manager Borgmann read his memorandum into the record.

*“Chapter 218.391 of State Statutes requires that an audit committee be established. By law, the express purpose of this committee is to assist the governing body in the selection of an audit firm to conduct the City’s annual audit.*

*Last year, the Council was presented a recommendation from the audit committee to hire the firm of Alberni, Caballero and Castellanos, L.L.P. The basis for the selection at that time was based on the qualifications of the firm (all of the respondents to our RFQ were well qualified) and the price quoted. Alberni was by far the lowest priced firm, and the optional one-year extensions were also very reasonable.*

*At your last meeting, you were asked to approve the first of two one-year options available to the City. No audit committee recommendation was offered to Council nor was one required. However, I understand Council’s concerns.*

*There is one additional option year available on our current contract. The appointment of a new audit committee at this time is unnecessary because a new Council will be in place by next April. That Council will make the determination on the exercising of the option or putting the contract out for bid once more. As the next Council and future Councils should be involved in the selection of the audit committee, to act today may create a committee that may be dissolved by a future Council before it ever looks at one audit bid.”*

Councilman Dotson stated that he appreciated the discussion, especially the information from the State Statute on the requirement for an audit committee. He believes that the audit committee should be comprised of at least one independent person, while all members in the past have been subordinates of the City Manager. He said that it would be good practice to have an independent voice.

City Attorney Jan K. Seiden commented that he was on the audit committee one year.

Mayor Bain stated that this could be a recommendation for the next Council because it is a matter that should be discussed. He asked how the new Council or Administration would follow up on this request.

City Attorney Seiden said that the City Clerk could remind the City Manager to bring this item for discussion with the new Council after April 2009.

**The City Manager will be reminded by the City Clerk to schedule this item for discussion after the next election.**

**10F) Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the First Amendment to the FY2008-2009 General Fund and Special Revenue Fund Budgets; By Reappropriating Reserved Fund Balances to Fund Open Encumbrances as of September 30, 2008; Effective Date**

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

To answer Councilman Dotson's question, Finance Director Leacroft E. Robinson stated that this resolution addresses open encumbrances for purchase orders that were established and the funds are being carried over into this year's budget. It does not affect the results of the 2007-2008 budget.

Councilman Dotson asked about the age of the encumbrances.

Finance Director Robinson clarified that there are two encumbrances going back to 2006 that are related to the City Hall security system totaling approximately \$85,000. Funds were appropriated in the past for expenditures that have not been incurred yet.

Councilman Dotson commented that this item was scheduled for a previous meeting and was pulled.

Finance Director Robinson stated that after the item was scheduled on the agenda, he realized that there were many items that should not have been included in a budget amendment. Some purchase orders were left open pending the receipt of 2007-2008 invoices.

City Manager Borgmann said that normally encumbrances are for larger items such as construction projects.

Finance Director Robinson assured Councilman Dotson that this budget amendment is a standard procedure for municipal governments.

**Vice Mayor Youngs moved to adopt the resolution. Councilman Best seconded the motion which was carried 5-0 on roll call vote (Resolution No. 2008-3417).**

**10G) Recommendation that Council Approve the Final Budget Transfers Within Departments for Fiscal Year 2007/2008 as Provided by Section 9.04 (1) of the City Charter**

City Manager Borgmann stated that this is a recommendation that Council approve the final budget transfers within departments for Fiscal Year 2007/2008 as provided by Section 9.04 (1) of the City Charter. He explained that there were forty-one final transfers.

Councilman Dotson commented that some of the transfers go back to May. He asked the reason for the time delay.

Finance Director Robinson explained that normally the transfers are submitted on a quarterly basis and these transfers will bring Fiscal Year 2007-2008 up to date.

Councilman Dotson mentioned that funds were transferred from the Non-department Contingency account to Professional Services to cover the expense for The Wren Group. He asked if the transfers were made within the same department.

City Manager Borgmann clarified that the lobbyist is paid out of the Non-departmental account and the funds were moved from one category to another within the Non-departmental budget. There were additional expenses that were not covered by the \$44,000 contract with The Wren Group.

Councilman Dotson was concerned that the budget was being “cushioned” to permit transfers from one account to another whenever it is necessary.

Finance Director Robinson stated that the budget is based on projections for expenses that will be incurred during the fiscal year.

Councilman Dotson commented that funds were transferred for the purchase of lifeguard uniforms, which is normally a budgeted item.

City Manager Borgmann explained that the budget is prepared in August and sometimes there are price increases before the purchases are made in the following year or there could be a demand for more lifeguards.

**Councilman Best moved the item. Vice Mayor Youngs seconded the motion which was carried 5-0 on roll call vote.**

#### **10H) Recommendation to Revise the Budget Supporting the Hiring of the Recreation Director**

City Manager Borgmann stated that this is a recommendation to reconsider the salary limit for the Recreation Director position. Council agreed on an annual salary of \$80,000 when they approved the recent budget. He has found an individual that he believes will be a perfect fit for the City in the future direction of the leisure services activities. However, his salary requirement is \$89,000.

City Manager Borgmann recalled that Council gave some leeway with the \$80,000 limit and asked him to come back if additional funds were required. The current budget has \$60,000 for the director position that is scheduled to begin January 1, 2009. There is also \$10,000 budgeted for a recreation coordinator position for October through December, which will not be filled if a director is hired.

City Manager Borgmann said that this would allow approximately \$70,000 to work with in the current budget. At \$89,000 the monthly requirement is \$7,417 and filling the position on December 1<sup>st</sup> would require \$7,400 per month for ten months or a total of \$74,170.00. This is \$4,170 over budget for the current fiscal year budget for the two positions combined. There would also be an additional \$1,000 needed for fringe benefits bring the total request to \$5,170 over the existing budget.

Councilman Dotson asked for some background information related to education, job experience, achievements and the size of the department that the person had worked in.

City Manager Borgmann explained that the person had been out of organized recreation for many years. He has a Recreation degree, is originally from Miami Springs and was a noted athlete from the High School in the 60's. The person has a desire to come back to the City and be a part of the City's plans for the new Community Center. He has ten years experience with Hialeah, Miami Beach and one city in Broward County. Since that time, he has had his own business selling recreational items. He traveled to conventions and spoke with people in the recreation field to help them solve their recreation needs and developed a contact base that is a real plus.

City Manager Borgmann felt that the person understands all aspects of recreation and his situation is similar to the Assistant City Manager because he grew up in Miami Springs, his mother still lives here and he is moving back to help take care of her. He said that he has a very positive feeling about the person and he will be a tremendous asset to the City.

Councilman Dotson stated that if this is the City Manager's guy then he is all for him.

Councilman Best said that the Administration had been looking for someone of the right stature for a long time. He felt that compromising over the salary is not an issue, especially with the upcoming Community Center project.

City Manager Borgmann added that the person is a salesman who can market and sell the new Community Center and the programs.

Councilman Garcia would like to have a person in the position who can run the Recreation Department and its programs for kids and adults, which is paramount to Council.

Mayor Bain stated that he would like a contract or a salary incentive for the first year.

City Manager Borgmann said that Department Heads do not fall under the civil service status and he can ask for their resignation if they do not work out.

City Attorney Seiden explained that incentive laden contracts are not appropriate for government employees.

The Mayor said that the Community Center will not be open for more than one year. He explained that the City Manager addressed his concern by responding that he has the authority to ask the person for their resignation if they do not work out.

Councilman Garcia commented that if the person does not work out the City Manager will hear it from residents and Council.

Councilman Best was of the opinion that it would be an advantage for the Recreation Director to be in place while the Community Center is being built in terms of developing programs and procedures.

Vice Mayor Youngs stated that the construction of the Community Center was delayed and he would recommend delaying the date of employment for one month. He said that the City is functioning fine without a Recreation Director at this time and the Community Center construction requires sacrificing everything else in order to provide a first class facility for the residents. He asked the City Manager to determine if the \$89,000 salary is the right number for the person and the right number within the market for the job he is being asked to do.

City Manager Borgmann responded that delaying the starting date could jeopardize hiring this person because he is considering another offer.

Vice Mayor Youngs said that delaying the starting date would mean that the salary would be within the current budget, which he would be in favor of doing.

Councilman Dotson stated that he wants to bring someone on board who can plan and organize programs, which takes a special person. A big part of the construction process is to be able to continue to provide recreation activities.

City Manager Borgmann reminded Council that there would be another savings because the Assistant City Manager would no longer receive additional pay once a Recreation Director is hired.

**Councilman Dotson moved the item. Councilman Best seconded the motion which was carried 5-0 on roll call vote.**

#### **10I) Recommendation that Council Authorize Hiring an Attorney to Represent the City in the ADA Complaint Filed by a Resident**

City Manager Borgmann stated that the City Attorney has recommended hiring Denise Heekin from the law firm of Bryant Miller Olive to represent the City in the matter of the ADA complaint filed by Theodore Karantsalis at a rate of \$225.00 per hour.

City Attorney Seiden explained that Denise Heekin is an expert that comes with great credentials. She has seventeen years experience in these matters and provided a lot of information on how these cases are handled. She is also the partner of labor attorney James Crosland.

City Attorney Seiden said that Council approval is needed to enter into a representational agreement. He doubts that much litigation will be involved because the City is looking to comply.

**Vice Mayor Youngs moved the item. Councilman Best seconded the motion.**

Councilman Dotson stated that he is depending on the City Attorney to guide the expert through the process in the best interest of the City.

City Attorney Seiden stated that there are no monetary damages to be paid and the Florida League of Cities denied coverage and defense. He said that he is intimately involved in all cases with outside counsel and they receive specific direction from him after coordinating with the City Manager.

Councilman Best said that ADA litigation is very complex and Denise Heekin is a good choice. He hopes that the City is better in regard to ADA at the end of the process.

Vice Mayor Youngs stated that this could be very expensive depending on the requirements and it is important to have good counsel who are familiar with how these cases are handled.

**The motion was carried 5-0 on roll call vote.**

## **11. Other Business:**

None.

## **12. Reports & Recommendations:**

### **12A) City Attorney**

None.

### **12B) City Manager**

#### **Halloween Event**

City Manager Borgmann reported that the Halloween event was very successful with a good turnout in spite of the weather.

## **Legal Representation**

City Manager Borgmann thanked City Attorney Seiden for his recommendation to hire Attorney Michael Kurzman and his partner Vivien Montz to handle the Community Center complaint and review of the contract. They teach a course called “The Fundamentals of Construction Contracts: Understanding the Issues in Florida” and are very well qualified in their field.

## **12C) City Council**

### **Pelican Playhouse**

Councilman Best thanked everyone who attended the production of “The Canterville Ghost”, which was successful with more than 500 people attending.

### **Halloween Event**

Councilman Best reported that the Halloween event at Prince Field appeared to be very successful.

### **Blessed Trinity Festival**

Councilman Best said that the Blessed Trinity Festival was successful considering the poor weather.

### **Oktoberfest**

Councilman Best reported that the Grace Lutheran Oktoberfest went well considering all the other events that were taking place on that same day.

### **Happy Halloween**

Councilman Best wished everyone a happy and safe Halloween.

### **Community Sign**

Councilman Dotson would like the community sign at the Circle to read “Merry Christmas, Happy Hanukkah and Happy Holidays” this year. He added that Kwanza might deserve consideration as well.

### **November 4<sup>th</sup> Election**

Councilman Best reminded everyone to vote on Tuesday, November 4<sup>th</sup> or to vote early at one of the early voting locations.

## **November 4<sup>th</sup> Election**

Councilman Garcia reminded everyone that they can vote early at one of the early voting locations, including the JFK Library in Hialeah or the Elections Department in Doral at 2700 N. W. 87<sup>th</sup> Avenue before the November 4<sup>th</sup> Election day.

## **Blessed Trinity Festival**

Councilman Garcia thanked residents from Miami Springs, Virginia Gardens and Medley who turned out for the Blessed Trinity Festival over the weekend. Although it was not as successful as previous years due to the weather, it was still a wonderful event.

## **Golf Tournament**

Councilman Garcia reported that the annual Faith's Place golf tournament fundraiser that supports the autistic outreach program was changed from November to March. He will report back when the official date has been set.

## **School Volunteer Program**

Vice Mayor Youngs reported that there are four "F" schools in the North Central Region that are subject to closure under Federal guidelines unless they raise their score to a "C", including Liberty City Elementary, Holmes Elementary, Miami Central High and Miami Edison High schools. The elementary schools are small with approximately 300 students; however, the two high schools are major schools in need of help. He asked the Miami-Dade County School Volunteer Program representative to speak to the Education Advisory Board who asked for more information about the program.

Vice Mayor Youngs suggested that the community could establish a sister school program and gather volunteer support to help the school improve its scores. There will be more specifics at the next Education Advisory Board meeting. He asked Council to consider if there is something the City can do to help the schools and the students.

## **Halloween Costume Contest**

Mayor Bain said that he had a difficult time judging the Halloween costume contest because it is hard looking at the little faces and not being able to pick all of them. The little kids were very cute with nice costumes and they had a good time.

## **Thank You**

Mayor Bain thanked County Commissioner Rebeca Sosa for coming to the meeting and making the donation to the City. He feels positive that there are other ways to get further funding for the Community Center project once the contract is signed.

**13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 10:00 p.m.

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Billy Bain  
Mayor

**ATTEST:**

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Magalí Valls, CMC  
City Clerk

Approved as written during meeting of: 11/10/2008.

Transcription assistance provided by S. Hitaffer.