



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Tuesday, November 27, 2007, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:06 p.m.

The following were present:

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

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
Interim Finance Director Alicia González
Golf Director Michael W. Aldridge
City Planner Richard E. Ventura
City Clerk Magalí Valls

2. Invocation: Councilman Garcia offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

None.

4. Open Forum:

City Manager Merit Increase

Helen Lawrence of 641 Nightingale Avenue was of the opinion that Council should not be considering a raise for the City Manager at this time. She urged Council to answer to the people of Miami Springs and wait to consider a salary increase until the financial situation is more stable.

Golf Tournament

Alex Pacheco of 1001 Ibis Avenue, Head Coach of the Miami Springs Senior High School Football Team, requested approval to hold their annual fundraising golf tournament at the Golf Course on Saturday, February 9, 2008.

Mayor Bain congratulated Coach Pacheco for his team's season record of 8 wins and 2 losses. He said that the tournament is very important to the football program.

Councilman Garcia asked if there is a deadline and whether or not Council would have to make a decision at this meeting.

Coach Pacheco responded that he could wait for Council's approval if necessary. Last year there were more than 120 golfers, he worked closely with Golf Director Mike Aldridge and the tournament was favorable for the Golf Course.

To answer Vice Mayor Dotson's question, Golf Director Mike Aldridge stated that holding the golf tournament on Saturday would not be a financial burden based on last year's results. He explained that last year the tournament began at 8:00 a.m. with a "shotgun" start and a 1:00 p.m. "shotgun" accommodated the remaining golfers. He said that it was one of the best turn outs for a Saturday last year and he would like to support the High School.

Vice Mayor Dotson commented that Mr. Aldridge is responsible for performing in accordance with his budget and the revenue targets, and if he has no objections, he would approve Coach Pacheco's request.

Councilman Youngs stated that Council's decision to deny the request last year was based on the principle that the City uses taxpayer dollars and loses money on some tournaments because golfers are turned away who would be paying more to play. Last year the tournament was a success because it turned out more golfers on that particular day.

To answer Councilman Garcia's question, Mr. Aldridge clarified that he would prefer Council's approval for tournaments during the season.

Councilman Garcia said that approving one request would open the door for additional requests and he would like to set certain criteria for golf tournaments that Council could consider as a future agenda item.

Councilman Best felt that if the tournament is as successful as anticipated that it would benefit the City as well as the football team.

Coach Pacheco commented that last year's tournament generated approximately \$12,000 for the football team. He added that they honored the original Golden Hawk Varsity Football Team of 1966 and he established a relationship with the players who will be back to help out. This year they plan to honor the 1993 team who was undefeated.

Councilman Garcia moved to make an exception to the existing resolution on the policy of not permitting golf tournaments on weekends during the season. Vice Mayor Dotson seconded the motion, which was carried unanimously on roll call vote.

5. Approval of Council Minutes:

5A) 11/14/2007 – Regular Meeting

Minutes of the November 14, 2007 Regular Meeting were approved as written on motion by **Councilman Best and second by Vice Mayor Dotson. The motion carried 5-0 on roll call vote.**

6. Reports from Boards & Commissions:

6A) 11/08/2007 – Board of Parks and Parkways – Minutes

Minutes of the November 8, 2007 Board of Parks and Parkways meeting were received for information without comment.

6B) 11/07/2007 – Architectural Review Board – Minutes

Minutes of the November 7, 2007 Architectural Review Board meeting were received for information without comment.

6C) 11/13/2007 – Recreation Commission – Minutes

Minutes of the November 13, 2007 Recreation Commission meeting were received for information without comment.

6D) 11/14/2007 – Golf and Country Club Advisory Board – Minutes

Minutes of the November 14, 2007 Golf and Country Club Advisory Board meeting were received for information without comment.

6E) 11/22/2007 – Code Review Board – Cancellation Notice

Cancellation Notice of the November 22, 2007 Code Review Board meeting was received for information without comment.

6F) 11/15/2007 – Historic Preservation Board – Minutes

With reference to the minutes of the November 15, 2007 Historic Preservation Board, City Manager Borgmann stated that the Historic Preservation Board is looking to advance the designation of the Miami Springs Golf Course under the new Special Designation Category. They want to hold a public hearing at the next meeting in December, using the old designation report that includes some statements that do not apply to the new designation category.

City Attorney Seiden said that the Clerk's Office contacted him to inquire about scheduling the public hearing. He explained that the designation report includes certain references that are not appropriate now because they go beyond the scope of the new category. It is fine that the Board has begun the process under the new designation, but they need to redraft the designation report deleting all references to sections that no longer apply, such as Certificates of Appropriateness.

City Attorney Seiden said that the Board could still use the same report; it is only a matter of refining it, submitting it and following the procedures thereafter. In addition, there is a question in his mind as to the amount of property that is included in the designation and this is an opportunity for them to make a decision before the new designation report is done.

To answer Vice Mayor Dotson's question, the City Attorney stated that Board member Shonberger prepared the report originally and she could amend it, deleting the references that do not apply under the new Code section.

Councilman Youngs asked if there is enough time to fix the report and hold the public hearing in December.

City Attorney Seiden responded that it would take another month in order to resubmit the designation report in the correct format, and the Board should address what is being designated. The City Council, as the owner, will be notified of the public hearing and they can appoint a representative to attend the meeting. If there are no comments, the representative does not have to attend the meeting and the designation will follow the normal procedure outlined in the Code.

Councilman Garcia asked if Council would have final approval and whether or not the Board is required to notify the property owners of the proposed designation.

The City Attorney responded affirmatively. He explained that there are two ways to designate properties, which are voluntarily and involuntarily.

7. Public Hearings:

Council sat as the Board of Appeals at 7:26 p.m.

The Mayor reconvened the City Council meeting at 7:50 p.m.

7A) Public Hearing – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-016, Off-Street Parking Facilities; Paving and Drainage; Lighting; Landscaping; and Minimum Number of Off-Street Parking Spaces; Off-Street Parking Requirements for Single Family Residential and Duplex Zoning Districts; by Expanding the Provisions Relating to Private Property Driveways Contained in Subsection (G) (8) of the Ordinance; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 11/14/2007 – Advertised: 11/16/2007)

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

Attorney Seiden stated that no changes were made to the ordinance since the first reading when the minimum width of the garage was changed from 20-feet to 16-feet.

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 and Councilman Youngs seconded the motion.

To answer Vice Mayor Dotson's question, City Attorney Seiden clarified that two 16-foot driveways would be permitted as long as they are on different streets.

The City Attorney added that the ordinance would correct driveway approaches, private driveways and the next item to be reviewed by the Code Review Board and the Building Official would be the impervious surface area when houses have different configurations.

The motion carried 5-0 on roll call vote (Ordinance No. 962-2007).

8. Consent Agenda:

None.

9. Old Business:

9A) Consideration of Merit Increase for the City Manager (Tabled: 10/22/2007)

City Manager Borgmann stated that a salary survey for all cities in Miami-Dade County of similar size to Miami Springs was prepared, including benefits. The survey also lists the different departments that fall under the jurisdiction of the City Managers in the respective jurisdictions.

Councilman Youngs said that it would be beneficial to summarize the increase in the compensation from last year to this year. He commented that the City Manager receives the 3% cost of living increase (COLA) the same as all employees.

Councilman Youngs stated that this is a very tough fiscal year and the City Manager has responded to all the challenges and made the necessary financial adjustments. He is thrilled with the job the City Manager has done and if Council makes some adjustments or decides not to award a merit increase, that fact would not reflect on his performance, but rather the statement of the economic conditions.

Councilman Best commented that he would tend to agree with Councilman Youngs' statement. He recognizes that City Manager Borgmann is entitled to the 3% COLA and he also recognizes the fact that the City is faced with difficult economic times.

Councilman Best said that Council had discussed the City Manager's performance in previous years and recommendations for merit increases had ranged anywhere from 10% to 3%. He added that Council had never voted not to grant an increase and he would like to propose 3% because of the financial situation the City is facing.

Vice Mayor Dotson stated that his feelings are similar and he would like to reflect on a few points. Mr. Borgmann was appointed to the position of City Manager in November 2003, at which time the starting salary was \$100,000 per year, which was far below what other city managers were earning in cities of similar size. He said that the City Manager had advanced over the past four years and the cost of living increase brings his salary to \$139,971, and this recognizes his work.

Vice Mayor Dotson said that in comparing the City of Miami Springs to other cities of similar size in the County, he noted that the City of Homestead has three times the employees and four times the population and their City Manager earns \$23,000 more per year. Looking at Palmetto Bay, they have twice the population and the pay is \$5,000 less, while the City Manager of North Miami Beach makes \$4,500 less with three times the population and employees.

Vice Mayor Dotson stated that there are many variables involved, including the wealth of the community and some cities contract out services. Out of the twenty-one cities included in the survey, seven of the city managers have salaries between \$133,000 and \$140,000.

Vice Mayor Dotson said that it is important to note that the former Finance Director's starting salary was \$70,000 and during the three years he was employed it increased to \$100,000. He acknowledged that the Finance Director earned his salary, but Miami Springs cannot compete with the bigger cities that have the resources to attract good employees and the same is true with City Managers. Considering a particular job in a city the size of Miami Springs, the sky is not the limit and there is a certain salary that should be near the ceiling.

Vice Mayor Dotson stated that Council must be very conservative considering the budget and what could happen with the tax reform referendum in January next year. He said that the City Manager is currently making \$161,000 with the deferred income from the 401K Plan, he received a COLA increase and he would recommend leaving his salary at that amount.

Councilman Garcia complimented the City Manager for doing a wonderful job. He said that looking at the salary survey he finds the same situation as the last time Council requested this information. The survey shows that the City of Miami Springs provides the most services, even though it does not manage the Fire Department. Another important factor to consider is that City Manager Borgmann has experience working in various departments, which is very helpful.

Councilman Garcia said that he knows the financial situation calls for "tightening belts" and he was considering a 2% merit increase over the 3% COLA. He agrees there must be a salary cap, but the salary is not at that level yet and if City Manager Borgmann were to retire in the near future, it would be difficult to find a replacement of the same caliber at the current salary.

Councilman Garcia commented that Council must also be proactive to find ways to generate more revenue. He said that there are certain mandatory services such as the Police and Recreation Departments and the City Manager is the person who guides the City to ensure that everything is operating smoothly. He would vote for an increase, he was considering 2%, although it should be much higher.

Mayor Bain stated that a merit increase in a company would be considered a bonus for good performance. He recalled that the first merit increase that Council proposed for the City Manager was 10%, which brought his salary into what it should be.

The Mayor felt that the City Manager had "stayed the course" this year, but there are certain goals that have not been accomplished. He would like to begin the gymnasium project and finalize the plans for the shuttle transportation system.

Councilman Garcia commented that the City has been operating without a Recreation Director, and even though the Assistant City Manager has assumed that responsibility, some of the responsibility falls on the City Manager. There has also been a period of time that the Finance Department has been without a director and the City Manager has gone above and beyond the responsibilities of his job.

Mayor Bain was of the opinion that the Recreation Directors that were hired from outside the City in previous years had not accomplished much. The Recreation Center Staff is doing a good job and they have not had a Director for a few years. He felt that part of the reason for their success is because they are allowed to use their imagination, propose new programs and work together as a team.

Councilman Best stated that City Manager Borgmann demonstrates his ability to delegate and to get things done, which is very important in a City of this size.

Councilman Best moved to give a 3% merit increase to the City Manager. The motion died for lack of a second.

Councilman Youngs said that he would like to reach a consensus on a certain percentage for the merit increase over and above the 3% COLA because the City Manager is a treasure to the community. He would like to do more but the current circumstances prevent this.

Councilman Youngs felt that City Manager Borgmann had adapted and handled the biggest concerns to the City during the last year, which are the Golf Course and the tax reform. He was of the opinion that the City Manager had made adjustments in staffing and activities in order to cut expenses, which means a savings of hundreds of thousands of dollars.

Councilman Youngs said that a 1% increase translates to \$1,390.00 and 2% to \$2,780.00, which is a very small amount and it would be a symbolic statement to the City Manager that he is appreciated. He said that City Manager Borgmann works for Council because he loves the City; he served eight years on the City Council and has lived here his entire life. Councilman Youngs felt that this is a treasure that might not happen again.

Councilman Best proposed an increase of \$4,200.00. Councilman Youngs said that \$4,200 would be more than 3%.

Vice Mayor Dotson said that he was very frustrated with the slow pace of the proposed gymnasium because it had been eighteen months since Council first began discussions on the subject. He was of the opinion that good workers and achievers are never fully rewarded for their accomplishments, which is true in life. His concern is that once the City Manager retires, the next person that applies for the position is going to want the same salary.

Vice Mayor Dotson reminded Council of his proposal during the budget process to reduce the salaries of those employees making over \$100,000 by 5%. He thought that the leadership would set an example for the people who work under them.

Vice Mayor Dotson said that the tax roll back and reduction in revenue calls for difficult decisions and the City was fortunate because the administrative fees from the enterprise funds increased by \$117,000. He expressed his concern about future tax cut mandates and maintaining services.

Councilman Garcia suggested that Council could wait to consider the merit increase pending the outcome of the January 29, 2008 referendum.

City Attorney Seiden advised Council that they could table the merit increase for the City Manager, but when it is approved it would be retroactive back to October 2007.

Mayor Bain reiterated that a merit increase is the same as a bonus for going over and above and there are some projects pending that have not been done.

Councilman Youngs said that he would like to award a small amount as a thank you message and to recognize a wonderful job over the last year, even if it is only 1 or 2%.

Councilman Youngs moved to give a 1-1/2% merit increase to the City Manager. The motion died for lack of a second.

Mayor Bain passed the gavel to Vice Mayor Dotson and moved to stay the course. Vice Mayor Dotson seconded the motion, which carried 3-2 (Councilman Best and Councilman Youngs voted “no”).

9B) Discussion Regarding Changes to the Miami Springs Municipal Election (Requested by Councilman Garcia)

Joe Derry of 251 Crescent Drive, Apartment 12, said that he would like the Miami Springs Election to remain separate from the county and state elections because of the length and complexity of the ballots. He suggested a possible change in the date of the election so that it falls after the Springs River Festival in order to allow the candidates the opportunity to campaign during this event, which could increase the voter turn out.

Councilman Garcia stated that Council had previously discussed changes to the Miami Springs Municipal Election and he reminded the City Manager that the item was to be scheduled for a future agenda. He requested scheduling a Special Meeting or Workshop Meeting to discuss the issue and get input from the residents, which would be the beginning of the process. Councilman Garcia added that he is not prepared to discuss item 9 B (3) regarding term of office.

9B1) Date of Election

Councilman Garcia commented that there were many proposals for changing the election date and he would like to open the matter for further discussion. He had proposed holding the election to coincide with the November General Election, which has many positive aspects and he would like ideas from the other Council members.

Vice Mayor Dotson recalled that Council held a lengthy discussion on this subject before. One reason to consider scheduling the election in November with the Presidential election was to increase the voter turn out, although there are many negatives in doing this and no consensus was reached as to the way to proceed. He would like to schedule another meeting to allow time to prepare.

Councilman Garcia commented that the City Clerk provided extensive information in the agenda packet showing how other municipalities handle their elections and he would like Council to study this information. He explained that many residents would like the convenience and to increase the voter turn out because currently only 30% of the registered voters are making a decision that affects almost 15,000 residents.

Councilman Garcia commented that there are numerous reasons for changing the election date, not because it would benefit him personally. He said that his business revolves around the various elections and it would be difficult for him to campaign if the election is held in November, so he is putting his interest aside.

Councilman Best remembers that Councilman Garcia was very adamant about holding the election in November of the even year in previous discussions. He stated that there is something special about a separate Miami Springs election because it keeps the politics germane between the residents and the candidates and allows them to focus on the issues. On the other hand, the County is saying that separate elections are costing \$25,000 to run, so a Workshop meeting might be in order to revisit the matter.

Councilman Garcia clarified that another suggestion was holding the election during the State of Florida primary election, which would be in August 2008. He explained there are many considerations, and one opposition that was mentioned was that it would be before the budget process.

Councilman Best commented that the biggest issue with the voters is that the Miami Springs election date falls during the Spring Break, although there are other vehicles for voting. He said that people like to be able to vote on the day of the election.

Mayor Bain felt that the discussion had gone far enough, the points were well taken and Council should schedule a Special Meeting in mid-January. His concern is only for Miami Springs, not what other municipalities are doing and Spring Break has been the main deterrent to the election.

Councilman Garcia stated that there had been many times when Council has requested information from other cities, which has been very helpful in making decisions.

Council **scheduled** a Special Meeting for Wednesday, January 22, 2008.

9B2) Qualifying Period

Councilman Garcia stated that Miami Springs is the only city that has a 60-day qualifying period, which is extremely antiquated. He suggested that Council could change it to eleven days.

Vice Mayor Dotson asked how Councilman Garcia arrived at eleven days for the qualifying period.

Councilman Garcia responded that the eleven days period is based on two weeks, beginning on a Monday and ending on Friday, which is 67 days before the election. He explained that this would not limit the time to collect petition signatures, which could be done at any time before the election.

Vice Mayor Dotson said that he was thinking about twenty-five or thirty days, and he would like it to tie in with a time limit for the placement of signs.

City Attorney Seiden explained that limiting the placement of signs could be subject to a Constitutional challenge.

To answer the Mayor's question, City Attorney Seiden clarified that changing the qualifying period would require a Charter amendment.

Councilman Garcia stated that fifty petition signatures are required, which goes back as early as 1966. He said that this number is symbolic and he is proposing to change it to 2% of the electorate, which represents about 150 signatures. Council could lower the number to 1% or 75 signatures.

9B3) Term of Office

(Councilman Garcia had indicated earlier he was not prepared to discuss this item).

9B4) Installation Into Office

Councilman Garcia explained that the City Code states that only the City Clerk can conduct the swearing in ceremony and it would be nice to also allow a judge or another elected official to do it.

City Attorney Seiden clarified that the ordinance could be amended to allow other individuals to swear in elected officials, in addition to the City Clerk.

City Attorney Seiden stated that he did not want Council to think that they could approve a “floating” election day because all election requirements are timed backwards from the date of the election. He added that the election cannot be tied to an event that may or may not happen on a particular day of the year.

Council directed the City Attorney to draft a resolution authorizing Judges or other officials to administer the oath of office.

Agenda Item 10B discussed at this time.

9C) Parks & Recreation Field/Court Use Discussion

City Manager Borgmann stated that Council requested a review of the rules and regulations regarding certain activities on the Recreation fields and courts. The Assistant City Manager prepared a report that addresses almost every concern, including noise, cooking, and what users can and cannot do.

Vice Mayor Dotson asked about the problem with the locked tennis courts over the holiday.

City Manager Borgmann responded that there was no one to staff the area over the holiday. He explained that former Tennis Coordinator Joel Watts would open the courts in the morning and lock them at night. He personally found a key and opened the gate and locked it again that night.

Assistant City Manager Gorland stated that the Recreation Staff did a survey of tennis court facilities throughout the county. The policy is to leave the courts open seven days a week from 8:00 a.m. to 9:00 p.m. This will be the first location for proposed surveillance cameras.

To answer Vice Mayor Dotson’s question, Mr. Gorland said that persons with special keys include former Mayor Cavalier, Pastor Schmidt and other long-time users of the tennis facility that like to play early in the morning. The lock is being changed to limit the number of people that have keys and to ensure that it remains locked from 9:00 p.m. to 7:00 a.m. Assistant City Manager Gorland explained there will be a sign posted to notify a person to call the Police Dispatch who has a back-up key to unlock the gate.

Assistant City Manager Gorland reviewed the general rules and operating hours of the fields and courts. He said that because it is virtually impossible to anticipate every request or situation, the following is the general decision framework for responding to specific questions or situations:

1. The City's owned and leased fields/courts are primarily for public use.
2. Priority goes first to City sponsored sporting activities and general events, then to community events and finally to rental situations (i.e. baseball fields).
3. Overriding consideration is given to:
 - Safety (i.e. no barbeques, ponies, motorcycles, etc.)
 - Field/court impact (i.e. no damaging activities other than the expected normal wear and tear)
 - Nearby residents (such as unnecessary noise, boom boxes, karaoke, generators, parking requirements, etc.)
 - Availability to the maximum number of users (picnic tables, tot lots, etc., which cannot be reserved or rented)

When a request is received for a specific use, the intent is to find a way to support it. For example, lately people were reserving picnic tables in the morning for a lunch or afternoon birthday party. When Staff becomes aware of a situation, it is addressed and there are rarely problems with the party organizer(s).

Assistant City Manager Gorland explained that the framework is important in order to respond to all kinds of questions from the prospective facility users. He said that during the last eighteen months the Staff is doing more to open the facilities, including the gymnasium from 1:00 to 5:00 p.m. on Sundays and there has been good utilization. The same applies to the swimming pool and Prince Field.

Mayor Bain suggested that the information could be circulated to the residents with the utility bills.

Assistant City Manager Gorland said that the Tot-lot picnic area has insufficient lighting for safe play in the evening, which could be unsafe and he reduced the hours at the Tot-lot. The Fitness Center is open as long as the gym is open and a monitor for the surveillance cameras will be placed in the glass enclosure by the Supervisor's office. He added that they will continue to make changes based on demand and the feeling for what the residents want.

Councilman Garcia said that sometimes the lights are on at the Golf Course Driving Range until 11:00 p.m.

Assistant City Manager Gorland responded that if the lights are on until 11:00 it is a timer issue.

Vice Mayor Dotson suggested that the hours of operation and rules could be placed on the bulletin board in Milam's Market.

Assistant City Manager Gorland stated that the information could be placed in Milam's Market, as well as in the River Cities Gazette and the City's website.

Councilman Garcia mentioned that a quarterly news letter update used to be mailed to the residents, which is something that they would keep for reference. He would like to see how much this cost before and how much it would cost now.

Assistant City Manager Gorland said that a flyer could be placed in the River Cities Gazette that goes to all residents. Another proposal that was discussed was a telephone number the residents could call to receive current information.

9D) Update on Construction of Restrooms at Peavy Field and Stafford Park

City Manager Borgmann reported that the restroom construction is progressing. The tie beams were poured on November 21, 2007 and the roof trusses were up as of this morning. He is hoping to get donations from local plumbers to run the plumbing discharge out to the road because it is not part of the contract and it cannot be handled by Public Works.

10. New Business:

10A) Resolution – A Resolution of the City Council of the City of Miami Springs; Amending the Current “Schedule of Charges” for Building, Plumbing, Electrical, Mechanical and Other Related Permit Charges or Fees; Effective Date

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

Assistant City Manager Gorland reviewed the permitting and fee increase recommendations to increase the minimum permit fee for all permits from \$75.00 to \$100.00. Eleven local municipalities have minimum fees that are higher than Miami Springs and many other communities are considering an increase. He added that based on current trend, the increase could realize approximately \$24,000 additional revenue per year, reducing the revenue gap by 20%.

Assistant City Manager Gorland explained that the current fee for variance applications is \$50.00, which does not begin to cover the costs. The recommended fee structure is on a tiered schedule as follows:

- Minimum fee (residential) \$100.00
- Minimum fee (commercial) \$200.00
- Building projects under \$10,000 in value \$150.00
- Building projects over \$10,000 in value (residential) \$250.00
- Building projects over \$10,000 in value (commercial) \$500.00

Assistant City Manager Gorland stated that these fees are quite moderate compared to other cities. Miami-Dade County charges \$1,710 for a residential variance and \$3,990 for commercial variances.

To answer the Mayor's question, Mr. Gorland clarified that the current variance fee for both residential and commercial is \$75.00.

Assistant City Manager Gorland recommended increasing the fee for survey affidavits from the current \$50.00 to \$100.00, as the number of these requests had increased over the last year and it cost a significant amount of time for the Code Compliance Officers who do the inspections and the Building Specialists who prepare the documents. This fee is still a very inexpensive option compared to the cost of obtaining a new survey.

Assistant City Manager Gorland provided a chart showing the minimum permit fee comparison for various cities.

Assistant City Manager Gorland added that the estimated cost of the residential and commercial projects determine the amount of the permit fee and the Building Official will review every request for accuracy, which should bring the Building Department back to a break even basis.

To address Councilman Garcia's concern, Mr. Gorland explained that the Building Official had been reviewing permits for some time and the benefit is far worth his time. He said that the Building Official had also been working closely with the City Attorney.

City Attorney Seiden said that the Building Official originally instituted a policy of examining the contracts for each job. Some local contractors objected and he developed an affidavit form that could be submitted in substitution for the actual contract, whereby the owner and the contractor swear to the value. The Building Official advised him that there had been some under valuations and that is why the Department is running with a deficit. The affidavit includes a clause stating that if fraud is found to be involved, that the permit will be pulled and construction stopped.

Councilman Garcia stated that he is still concerned about not having a full-time Building Official because this could hinder the City if the permits are not being approved on a timely basis.

Assistant City Manager Gorland said that there had been no complaints about the time to process permits because there is normally a three-day turn around. He added that the difference is the quality of the Building Official, not whether the position is full or part-time.

Councilman Garcia stated that he had not received any complaints, only compliments. The Building Official is extremely "hands on" and this speeds up the process, as well as the improved customer service in the Building Department.

Assistant City Manager Gorland said that the City could never afford to pay the Building Official a full-time salary based on what he earns now from the City and his personal contracting business. He stated that he would not want to lose Building Official Edwin “Skip” Reed, who is an asset to the City.

Councilman Best moved to adopt the resolution and Vice Mayor Dotson seconded the motion.

Mayor Bain commented that the variance fee is not included in the resolution.

City Attorney Seiden said that the resolution deals with permitting items and the variance fee is not in the schedule of charges within the Building Department.

The motion carried 4-0 on roll call vote, since Councilman Youngs was absent at roll call (Resolution No. 2007-3379).

The City Attorney will draft an ordinance to change the fee for variances.

Councilman Garcia stated that increasing the occupational license fees is allowed every two years per the State Statute and he would like to know when the City will have the opportunity to increase the fees again.

Agenda Item 10) was discussed after 9B.

10B) Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Effective Date

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

Golf Director Mike Aldridge stated that the resolution would increase the rates approximately 10% over last year’s winter rates. Golf Switch was added, which is 80,000 internet web pages to make a tee time at Miami Springs. The web site was also translated into Spanish for Latin American countries.

To answer Vice Mayor Dotson’s question, Mr. Aldridge confirmed that people are turned away every Saturday because there are no open tee times. He said that the original plan was to increase the rates 10% each year in order to keep the current golfer base.

Vice Mayor Dotson moved to adopt the resolution. Councilman Best seconded the motion which carried 5-0 on roll call vote (Resolution No. 2007-3380).

10C) Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Current Schedule of Charges for the Use of City Recreation Facilities and Related Services; Effective Date

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

Assistant City Manager Gorland reviewed the proposed Parks and Recreation fee increases effective January 1, 2008. There are a number of new categories, including pool memberships and fitness center usage. In some cases the increases may seem excessive, but there has not been a comprehensive review of the rates in more than four years. He referred to the attachment to the resolution, clarifying the proposed rates.

Assistant City Manager Gorland explained that annual family pool memberships were added for a fee of \$150.00 for four immediate family members and \$25.00 for each additional family member. A Single Membership for youth 18 years and under and seniors age 60 and over is \$50.00 per year.

To answer Mayor Bain's question, Assistant City Manager Gorland clarified that the tennis and racquetball memberships will remain at \$180.00 per year and those individuals without memberships are charged \$2.00 per hour. He explained that the courts would be monitored during peak times, although it is not affordable to have someone collect fees during off hours. The condition of the courts does not warrant a fee increase.

Councilman Best moved to adopt the resolution. Councilman Youngs seconded the motion which carried 5-0 on roll call vote (Resolution No. 2007-3381).

10D) Consideration of Hiring Colin Baenziger & Associates to Assist the City in Searching for a Recreation Director

City Manager Borgmann stated that this agenda item is a proposal from Colin Baenziger & Associates to assist in the search for a new recreation director. Mr. Baenziger is a former City Manager who is known throughout the state as a leader in the recruitment of senior level public sector employees and his company is involved in many other facets of government operations.

City Manager Borgmann clarified that although Colin Baenziger & Associates is not a sole source, he is the best in the field and he does not charge a fee until the employee signs the employment contract. If that person leaves within the first year, another search will be conducted for no additional charge.

City Manager Borgmann said that he was considering one person for the position and had been unsuccessful in meeting the salary requirement. He is looking at another candidate who will be interviewed within the next few weeks and if this person is hired, the contract will not be needed, but he would like to have approval to move forward if this person does not work out.

Mayor Bain and Vice Mayor Dotson questioned whether or not funds were budgeted for the Parks and Recreation Director position.

Councilman Youngs also recalled that funds were not budgeted for the position.

Councilman Garcia said that it would be very difficult not to fill the position if the right candidate came along and Council could approve a budget amendment. The reason the issue is being debated is because this is a request for another \$13,500. He also recalls that the position was not funded, although he would be open to hire someone to find a qualified candidate.

To answer Vice Mayor Dotson's question, City Manager Borgmann stated that the salary range is approximately \$46,000 to \$71,000 and the individuals that responded were not what the City is looking for in a Recreation Director. A survey of other cities shows that the salary is low and he might come back with a different recommendation in the future. He added that Assistant City Manager Gorland could not continue to manage the Recreation Department.

Councilman Garcia said that he would like to set a salary range that is competitive in order to be able to hire qualified employees to oversee the services that the residents of Miami Springs demand. He said that the Assistant City Manager has other duties and cannot continue to manage the Recreation Department. He would not want to compromise the quality of the service to the residents.

Councilman Garcia was of the opinion that the City had been under charging for the services for many years and now the mandated tax reform is forcing a rate increase or to find alternate revenue sources.

Mayor Bain commented that he has reservations about filling the position of Parks and Recreation Director because he does not agree with the choices that were made to fill the position in previous years. He would like to have a qualified person to fill the position, possibly someone who lives in the City or promoting a person on Staff to fill the position on an interim basis.

Mayor Bain added that the recent survey indicates that the current Recreation programs are adequate and there have been no recent complaints about the Department.

Councilman Garcia stated that the priority is finding the right person to fill the position that fits the needs of Miami Springs. He agreed with the Mayor that the current Staff had come up with good ideas, but that does not mean that they do not need a Department Head.

No action was taken on the proposal to hire Colin Baenziger & Associates.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

No report.

12B) City Manager

Deer Run Barricade

City Manager Borgmann stated that he received a response from Miami-Dade County on closing Deer Run and they indicated that they do not have sufficient data to support closing the street. The next step is to look at traffic calming circles at La Baron and Eastward by the entrance to the Curtiss Mansion.

Holiday Greeting Cards

City Manager Borgmann reported that holiday greeting cards would be mailed out with the next two cycles of utility bills. The cards have a photograph of Council on one side and the other side has a picture of the decorated Gazebo.

Christmas at the Gazebo

City Manager Borgmann announced that Christmas at the Gazebo starts on Friday, November 30th from 6:00 to 9:00 p.m. and 5:00 to 9:00 p.m. on Saturday, December 1st with bounce houses, train rides, cotton candy and snow cones.

School Board Compact

City Manager Borgmann reported that he met with School Board representatives to discuss a possible compact agreement between the City and the School Board. He said that they would draft language that should be available after January 1st for Council to consider as an agenda item.

Planning Forum

City Manager Borgmann announced that the School Board is holding a Planning Forum at 6:00 p.m. on Wednesday, December 5, 2007 at the new Westland Hialeah Senior High School (School WWW). The topic of discussion will be their accomplishments in the past year and goals for the next year.

Florida Department of Transportation (FDOT)

City Manager Borgmann stated that the Florida Department of Transportation (FDOT) is hosting a meeting on Thursday, December 6, 2007 from 6:00 to 8:00 p.m. at the Miami International Cargo Building 702. They will be discussing the upcoming construction on N. W. 25th Street that could result in cut-through traffic on N. W. 36th Street.

South Florida Water Management (SFWMD)

City Manager Borgmann reported that the South Florida Water Management District (SFWMD) is holding a meeting at 8:30 a.m. on Tuesday, December 4th regarding water conservation. He would like to send a representative to learn their ideas for future water restrictions.

Senior Center Grant

City Manager Borgmann stated that the grant for the Senior Center was finalized and submitted based on the resolution that was adopted at the last Council meeting.

Comprehensive Plan Amendment

City Manager Borgmann said that a complete package was received from the Florida Department of Community Affairs (DCA) on the Comprehensive Plan amendments, with additional comments or corrections that Council must address, as explained by the City Planner at the last meeting. In this effort, he, the City Planner and City Attorney will go to the South Florida Regional Planning Council in Hollywood on Friday, November 30th at 9:00 a.m. to discuss their comments and desires in an attempt to convince them that some of the standards are impossible to achieve in a City like Miami Springs.

12C) City Council

High School Portables

Councilman Best asked if the School Board is on schedule with removing the portables in December when the Westland Hialeah High School students are relocated to the new school.

Councilman Youngs responded that the portables would not be removed until January 2008 because the students will remain at Miami Springs High until that time.

Pelican Playhouse Production: “The Hobbit”

Councilman Best announced that the Pelican Playhouse opening production of “The Hobbit” would be on Thursday, November 29th for “Friends of the Theatre”. He urged everyone to attend this tremendous event that the performers have been working on for the past five months.

Annexation

Councilman Garcia requested Council’s approval to direct the City Manager to draft a letter to County Commissioner Sosa asking her to look into the annexation issue. He said that the County had held a meeting with some municipalities to discuss annexation and Miami Springs was not included. He understands that the County has lifted the moratorium on the annexation issue and County Commissioner Sosa could find out what is happening. He suggested attaching a copy of the County’s letter regarding the meeting to the request to Commissioner Sosa.

City Manager Borgmann stated that the letter was brought to Commissioner Diaz’ attention and he denied that no such meeting was held and that he spoke to each City individually.

Mayor Bain suggested that the City could send a formal letter to Commissioner Sosa. However, he had met with her regarding this matter.

Councilman Garcia was of the opinion that a formal letter would show that Council is actively pursuing annexation and it could generate an official response from the Commissioner stating that she is looking into the issue.

Councilman Youngs agreed with Councilman Garcia that a letter would make the request official.

Variances

Councilman Garcia stated that he is concerned that variances are constantly granted for recreational boats, while requests for larger driveways to accommodate vehicles are denied. He said that vehicles provide a means of transportation and are more important than boats.

Faith’s Place Golf Tournament

Councilman Garcia reported that the second annual Faith’s Place golf tournament was held on Saturday, November 17th to benefit the autistic outreach program, which raised more than \$30,000. He thanked Mayor Bain and his family who helped to sponsor the event. He urged the community to come together to support various groups and organizations that benefit the community.

City Hall Security System

Vice Mayor Dotson inquired about the status of the completion of the City Hall security system.

City Manager Borgmann explained that the contractor is waiting for a special door before work on the wiring of the system is finished, which should be completed in about thirty days.

Transfer of the Water and Sewer System

Vice Mayor Dotson asked if any meetings were held on the transfer of the Water and Sewer System to Miami-Dade County.

City Manager Borgmann responded that a meeting was held to address technical matters regarding the communication between data bases. The City has completed all requirements and the County is still moving forward in the process.

Hedge Ordinance

Vice Mayor Dotson stated that he does not see how the property at 1401 North Royal Poinciana Boulevard could be exempt from the requirements of the hedge ordinance.

City Attorney Seiden said that he did not see how the property would be exempt, although he had not been asked to look into the matter.

City Manager Borgmann stated that he was informed that the front of the structure faces west and the property line along North Royal Poinciana could be considered the side yard.

City Attorney Seiden explained that there is a provision in the Code that states a hedge cannot create a safety hazard regardless of the location on the property. If the Police or Code Compliance Departments determine there is a safety condition, then action can be taken.

City Manager Borgmann added that Officer Danny Kelley had been assigned to look into the problem. He was concerned about the letter from the property owner regarding an accident involving a kid on a bicycle. He added that the City is proceeding with plans to move the bike path and had already removed a lot of foliage blocking the view of the bike path.

Aerial Map

Mayor Bain asked the City Manager to follow up on his request to the County for an aerial map of the clay pit.

Thank You

Mayor Bain thanked County Commissioner Rebeca Sosa, the Miami-Dade County League of Cities and Virginia Gardens Mayor Deno for their turkey donations to the Senior Center.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:13 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 12/10/2007

Transcription assistance provided by S. Hitaffer