



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, February 23, 2009, at 7:00 p.m.

1. Call to Order/Roll Call

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

The following were present:

- Mayor Billy Bain
- Vice Mayor Rob Youngs
- Councilman Bob Best
- Councilman Zavier Garcia*

Absent: Councilman Paul C. Dotson

* Councilman Garcia left at 7:48 p.m.

Also Present:

- City Manager James R. Borgmann
- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Finance Director Leacroft E. Robinson
- Public Works Director Robert T. Williams
- Human Resources Director Loretta M. Boucher
- Building & Zoning Office Supervisor Harold "Tex" Ziadie
- City Clerk Magalí Valls

2. Invocation: Councilman Zavier Garcia offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Presentation of the Officer of the Month Award to Officer Albert Sandoval for January 2009

Chief of Police Peter G. Baan presented the Officer of the Month Award to Officer Albert Sandoval.

Sergeant Jimmy Deal read the nomination letter explaining that Officer Sandoval and his K-9 partner “Grando” were involved in two incidents in the month of January that led to the arrest of four felons and to the recovery of stolen property. He introduced Officer Albert Sandoval.

Office Sandoval thanked the Mayor, Council, Chief of Police Baan, Sergeant Deal and Sergeant Gurney-Moore. He introduced his family and girlfriend who were in the audience.

4. Open Forum:

City Leadership

Former Mayor J. C. “Chet” Fields of 150 Westward Drive stated that Mayor Bain and the City Council had provided tremendous leadership and made many accomplishments since they were elected, along with City Manager Borgmann and Assistant City Manager Gorland. He complimented them for doing a fine job, including Police Chief Peter G. Baan, because they are the strongest group of people who have ever run the City.

Mr. Fields is disappointed that Vice Mayor Youngs has reached his term limit of eight years and that Councilman Garcia made the decision not to run for election again, because they have provided great leadership.

Property Maintenance

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue has noticed that homeowners are not maintaining their properties, cleaning their roofs and removing storm shutters. There are several houses with old building materials and trash on the properties and a condemned house on Melrose with people who might be living in motor vehicles. She said that many people are trying to sell their homes and the homes that are in poor condition are causing property values to decline. She added that there are too many wood fences that are in poor condition.

Ms. Gannon reported that there are three U-Haul trucks by Barry’s Cleaners and she would like to know if they have a license to operate that type of business. She suggested advertising a City-wide “Spring Cleaning” campaign in the River Cities Gazette and having the civic organizations offer assistance to those homeowners who need help cleaning their properties.

5. Approval of Council Minutes:

5A) 02/09/2009 – Regular Meeting

Minutes of the February 9, 2009 Regular Meeting were approved as written.

Councilman Best moved the item. Councilman Garcia seconded the motion which was carried 4-0 on voice vote.

6. Reports from Boards & Commissions:

6A) 01/27/2008 – Ecology Board – Minutes

Minutes of the January 27, 2008 Ecology Board meeting were received for information without comment.

6B) 02/10/2009 – Recreation Commission – Cancellation Notice

Cancellation Notice of the February 10, 2009 Recreation Commission meeting was received for information without comment.

6C) 02/11/2009 – Golf and Country Club Advisory Board – Rescheduling Notice

Rescheduling Notice of the February 11, 2009 Golf and Country Club Advisory Board meeting was received for information without comment.

6D) 02/16/2009 – Golf and Country Club Advisory Board – Minutes

Minutes of the February 16, 2009 Golf and Country Club Advisory Board meeting were received for information without comment.

6E) 02/17/2009 – Education Advisory Board – Cancellation Notice

Cancellation Notice of the February 17, 2009 Education Advisory Board meeting was received for information without comment.

7. Public Hearings:

None.

8. Consent Agenda: (approved with one motion)

8A) Recommendation that Council Approve an Expenditure of \$4,157.50 to Bushmaster Firearms International, LLC, Pursuant to the Three Attached Written Quotes, as provided in Section 31.11 (C) (1) of the City Code: \$539.60 to Lou's Police & Security Equipment, Inc., as provided in Section 31.11 (C) (1) of the City Code, and \$388.50 to Lawmen's & Shooters' Supply, Inc., as provided in Section 31.11 (E) (5) of the City Code, to be Paid from the Law Enforcement Trust Fund

City Manager Borgmann read the titles of the consent agenda items.

To answer Councilman Best's question, Chief of Police Baan stated that Council recently approved a similar item and during the purchasing procedures he came across a different model with better features for approximately \$100.00 extra per firearm. He explained that this request replaces the item that was approved approximately one-month ago.

Councilman Best moved the item. Councilman Garcia seconded the motion which was carried 4-0 on roll call vote.

8B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$14,255.14 to Florida Police Products, as provided in Section 31.11 (E) (6) (g) of the City Code, Pursuant to the Contract Renewal Option for an Additional One (1) Year Period Per Bid No. 03-07/08, to be Paid from the Operating Budget Fund

To answer the Mayor's question, Chief of Police Baan clarified that the expenditure of \$14,255.14 is for Police uniforms and related equipment.

Councilman Best moved the item. Councilman Garcia seconded the motion which was carried 4-0 on roll call vote.

(Agenda Item 10A was considered at this time)

*Councilman Garcia left at 7:48 p.m.

9. Old Business:

9A) Discussion Regarding Hiring Process Guidelines

Human Resources Director Loretta Boucher stated that Council received an information packet outlining the hiring process.

Ms. Boucher said that there are certain requirements the City must adhere to that are covered under the national and state guidelines for affirmative action, age discrimination, disability and racial discrimination, veteran's preference and the Fair Labor Standards Act. Pre-employment inquiries, background checks and the interview process are governed by the Civil Rights Act and the Employee Privacy Rights.

Human Resources Director Boucher explained that because the national laws change from year to year, the City's hiring process is always subject to change or improvement.

Councilman Best complimented Ms. Boucher for the preparation of the information.

Ms. Boucher assured Council that the laws are followed and the City is protected. Her door is always open to anyone who may have any questions or concerns about personnel matters.

Vice Mayor Youngs mentioned that the Human Resources Department organizes special training seminars for the employees, as required, to educate them on all aspects of the law and the proper business procedures.

Ms. Boucher explained that each department has certain training requirements and there are annual seminars to address various topics, including sexual harassment, drug free workplace, etc.

City Manager Borgmann stated that the Employee Assistance Program (EAP) is a good benefit for the employees, which Council has funded each year in the budget. Training is provided by the company that is used for the program and this has been well received by the employees. Staff is trying to schedule another class that would help employees with the stress caused by the economic situation.

Mayor Bain complimented Human Resources Director Boucher for her support of the City and its employees, which she balances well.

Councilman Best added that Ms. Boucher was very successful in protecting the privacy rights of the individuals that were involved in a recent situation, which is a credit to her and the Administration.

9B) Discussion Regarding Maintenance of Properties (Mildew on Roofs)

City Manager Borgmann stated that approximately seven years ago there was an effort on the City's part to have property owners clean the mildew and rust stains on their homes. At that time, the cleaning of roofs was not included in the Code and it was suggested to add it, which was done. A year or two later, information was revealed that roofs could be damaged from walking on them, which halted the process. Lately, there have been complaints about mildewed roofs because it takes away from the appearance of the entire house.

City Manager Borgmann asked Building and Zoning Officer Supervisor Harold “Tex” Ziadie to make a presentation and explain what the plans are for having people clean up their homes.

Supervisor Tex Ziadie explained that the general provision of the Code states that all property owners are required to maintain their property in a safe, clean and presentable condition. The specific provision in Code §93.13 (E) (2) states that there cannot be excessive scaling of paint or other protective coating or the accumulation of excessive mildew, or rust to the exterior of any building or structure, its roof, roof fascia, awnings, shutters or other exterior attachments to the building or structure.

Mr. Ziadie stated that the roof aspect had not been enforced due to the reasons stated by the City Manager regarding roof damage, which is the same policy in several other communities, including Coral Gables. There are new products on the market now that can be used to remove mildew from roofs without going on the roof and spraying the product from the ground.

Mr. Ziadie provided some photographs as examples of roof standards in the City. He noted that there are various types of roofs, including cement tile and asphalt shingles. In speaking with the City’s Building Official, he said that the City must be very careful about telling people to clean their roofs because it could cause serious damage. He explained the various cleaning processes for the different types of roofs.

Mr. Ziadie stated that a bulletin would be placed in the River Cities Gazette notifying homeowners of the enforcement sweep and the Courtesy Notice will include disclaimers advising homeowners to have their roofs cleaned by a licensed and insured company. The Courtesy Notices will be distributed beginning on April 1st and homeowners will have thirty days to comply, unless they request special assistance.

Mayor Bain commented that it is sometimes difficult to find licensed companies and he would want his roof cleaned by a reputable company. He asked if the City could post a list of licensed contractors on the City’s website.

City Attorney Jan K. Seiden said that the Building Department can keep a log of licensed contractors that acquire proper permits, but they do not recommend any one in particular.

City Manager Borgmann pointed out that there is no permit required for roof cleaning.

Mayor Bain said that the Administration would have until April 1st to compile a list for the residents. He would also like a list of the new cleaning products on the market that are tested and found to work.

Mr. Ziadie commented that he conducted a search after hearing a program advertising this type of product; he does not know which ones work, but the residents could be given the information and they could do their own research.

Mr. Ziadie clarified that because there is no permit required for pressure cleaning, the person doing the work would not need a license. The greater concern is whether or not the company has liability and Workers Compensation insurance or an exemption from the State.

Mayor Bain felt that giving the residents notice is the proper procedure. He likes the idea that was mentioned by Ms. Gannon to have volunteer organizations help people in need. He sympathizes with those residents who want to clean their home and do not have the ability to do so.

Bob Calvert of 101 South Drive stated that Florida Power & Light has a list of qualified contractors and they authorize rebates for the painting of roofs with certain materials.

City Manager Borgmann agreed with Mr. Calvert that certain roof coatings can reduce the amount of heat that is reflected, saving energy and cooling your home.

9C) Annexation: Notice of Receipt of Draft Update to Original Application from The Corradino Group; Consideration of Scheduling a Special or Workshop Meeting to Present the Final Report and a Presentation from the Department of Environmental Resources Management

City Manager Borgmann stated that a rough draft of the annexation report was received from The Corradino Group. After reviewing the document, several issues were raised with Mr. Corradino regarding the report, which he is currently addressing. He requested explanations for some of the projections and details of how certain numbers were derived.

City Manager Borgmann was informed by Mr. Corradino that the document cannot be considered “final” until certain documents are received from the County. One document is verification from the Miami-Dade County Elections Department that no registered voters live in the area. Further, the taxable valuations were significantly lower than the numbers the City received from the County last year, which were the basis for the ad valorem tax calculations that were distributed to all taxing districts for Fiscal Year 2008-2009.

Mr. Corradino figured a dollar surplus of \$2.3 million considering all revenues and expenses coming into the area, according to Mr. Borgmann. This amount is roughly the same number that he projected of \$2.2 million, which are dollars that could be used to lower the millage rate. The numbers were based on the current 6.4305 millage rate.

City Manager Borgmann suggested scheduling a Workshop meeting on Tuesday, March 3rd, because this date is convenient for Joe Corradino.

Mayor Bain said that it is most important to make a factual presentation to the residents before the upcoming election on April 7th, and the Workshop meeting should be televised by COMCAST. He recommended holding the meeting on Tuesday, March 3, 2009.

City Attorney Seiden stated that he would not rush the presentation until Joe Corradino is ready.

City Manager Borgmann explained that Mr. Corradino could make a presentation at any time, but he wanted to make certain the numbers are correct.

City Attorney Seiden added that since Vice Mayor Youngs would be out of town, perhaps the meeting could be scheduled for March 10th.

Vice Mayor Youngs said that the meeting should be scheduled as soon as possible, even if he cannot be present. He added that Joe Corradino must present his findings to Council and a resolution must be passed approving the annexation application based on the new numbers.

City Attorney Seiden said that the Workshop meeting would be educational, and based on the findings of The Corradino Group, Council would consider the amended application before the election on a resolution basis that is subject to the April 7th election results.

Council **scheduled** a Workshop Meeting for Tuesday, March 3, 2009 at 7:00 p.m.

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

No appointments were made.

(Agenda Item 10A considered after 8B)

10. New Business:

10A) Contribution to Miami Springs F.O.P. for their Stafford Memorial Golf Tournament in the Amount of \$2,000.00

City Manager Borgmann stated that the Administration had received a letter from the Miami Springs Fraternal Order of Police (F.O.P.) requesting a \$2,000 contribution towards their annual Stafford Memorial Golf Tournament. He said that the City has provided funds to the tournament in the past, and that Sergeant Claire Gurney-Moore and Officer Jeff Clark were on hand to answer any questions.

Sergeant Gurney-Moore explained that this is the third annual Stafford Memorial Golf Tournament, and she and Officer Clark were in charge of promoting the event. This event honors Officer Stafford, the only Miami Springs' police officer to lose his life in the line of duty. The event has been very successful, and they are asking the City to support them again this year.

Mayor Bain noted that the money collected also goes to other families of fallen police officers.

Sergeant Gurney-Moore confirmed that the proceeds are divided among the Stafford family and the COPS Organization which also helps surviving family members. She noted that Officer Clark was very close to Officer Stafford and his family, and he is very involved with this tournament.

The Council members thanked both for the time and effort they have devoted towards this tournament.

Councilman Garcia moved to approve the donation of \$2,000 to the F.O.P. Stafford Memorial Golf Tournament. Councilman Best seconded the motion, which was carried 4-0 on roll call vote.

At Vice Mayor Youngs' request, Mayor Bain announced that the tournament was being held on Friday, March 20th at the Miami Springs Country Club; shotgun start a 1:00 p.m.

10B) Discussion of Actions Required as a Result of the Recent ADA Lawsuit:

10B1) Sidewalk Improvements

10B2) Bike Path Maintenance

10B3) Re-activate Disability Advisory Board and Recommendations for Increased Accessibility Throughout the City

(Agenda items 10B1, 10B2 and 10B3 were addressed as one item under 10B)

City Manager Borgmann stated that notice was received that the civil case was resolved and the City has agreed to make certain improvements as a result. He referred to the following list of items that were agreed to be resolved within a reasonable amount of time:

1. Hammond and Starling – 90 degree crossings on sidewalks (replace 45 degree)
2. Benches on N. W. 36th Street – distance between benches and building fronts (Public Works is checking)
3. Sidewalk connectors on Ludlam at the end of the 1200 blocks crossing the street to the bike path – according to the County this is a City responsibility
4. Self evaluation plan
5. Some type of plan for curb cuts and sidewalks (could be part of 4)
6. Enforcement of the ordinance about parking on sidewalks
7. A procedure to deal with accessibility issues or disabled parking spaces
8. Some type of plan for communication regarding these issues
9. Bike path maintenance schedule
10. Increased use of the Disability Advisory Committee (to assist with # 4,5,7 and 8)

City Manager Borgmann explained that items # 4, 5, 7 and 8 could be addressed by the City's Disability Advisory Board. The self evaluation plan would address strides that had been made toward being ADA compliant and identify those areas that need improvement. A plan for curb cuts and sidewalks would involve funding issues. He reiterated that the increased use of the Disability Advisory Board would certainly help to address these issues.

To answer Councilman Best's question, City Manager Borgmann stated that the Disability Advisory Board was initially established as a County requirement in order for the City to receive revenue from the handicap parking fine violations. It was the Board's responsibility to assist the City in finding ways to spend those dollars, which used to be approximately \$5,000 per year and the amount has dwindled down to \$2,000. Subsequently, the County notified the City that the funds would be disbursed automatically without the Board meeting and as a result, the Board self dissolved.

City Manager Borgmann stated that the City was asked to enforce the ordinance prohibiting parking on the sidewalks, which he addressed with Chief of Police Baan. Another request is the bike path maintenance schedule and one-year ago he provided an estimate to replace the entire path with a new concrete path for approximately \$500,000 that would deter root intrusion from the pine trees.

City Attorney Seiden stated that the ordinance could be amended to reflect that an effort is being made to do what is right in regard to ADA compliance.

Vice Mayor Youngs stated that the Disability Advisory Board could make a recommendation for a prioritized plan that would bring the City into full compliance with the ADA, over a reasonable period of time for a reasonable cost. He added that it would be a long-term project and the progress would be monitored each year.

City Manager Borgmann commented that with the upcoming election in April, the newly elected officials might have new appointees to the advisory boards and the ordinance would be amended in the meantime.

(Agenda Item 10C considered after 10A)

10C) Renewal of Employment Agreement with Assistant City Manager Ronald K. Gorland

City Manager Borgmann stated that Assistant City Manager Gorland will be celebrating his fifth anniversary with the City in March and that his performance had been outstanding during this time. He has been ready to step into any situation, study it and recommend courses of action. His corporate background has brought a different perspective to the daily operations in many departments.

City Manager Borgmann explained that Assistant City Manager Gorland is currently serving as Interim Recreation Director, head of the Information Technology (IT) Department and head of the Building and Code Compliance Departments. He is also working on reformulating the City's purchasing functions.

City Manager Borgmann advised that a new five-year employment contract had been attached to the agenda for review and consideration. This current contract omits the references to moving expenses and certain monetary considerations should he be terminated or leave the service of the City. It also includes language that provides him with certain rights that are granted to general employees, which was not in the original contract. There is a clause that will allow either party to terminate the contact with 30-days notice.

Mayor Bain asked if there were any differences from this agreement compared to the previous contract.

City Attorney Seiden noted that language was added to define the benefits that the Assistant City Manager is entitled to, much like the general employees. He explained that both contracts contain a provision that would allow Mr. Gorland to collect the equivalent of 90-days severance pay, plus any accrued sick leave, vacation time, etc., should the City terminate him with the required fourteen days notice.

Vice Mayor Youngs said that he was grateful for the work that Assistant City Manager Gorland had done for the City, and he would ask that the contract be renewed. He appreciated the fact that the item was placed on the agenda for the Council to review because it allowed a chance to see how the management responsibilities were delegated and how well they were performed. He thanked both the City Manager and Assistant City Manager for their respective abilities and teamwork.

Councilman Best believed that the Administration had run well during the past five years. He said that having an Assistant City Manager who is able to oversee the four additional areas and work on special projects, frees the City Manager to devote more time to infrastructure matters and County and State business that is so important to the community. He thanked both for their service, and agreed that the contract should be renewed.

Councilman Garcia commended the City Manager for his great track record regarding the hiring of personnel. He compared Mr. Gorland to a "franchise player" in sports terminology, and stated that the municipality is very lucky to have him. As a business minded person, he is well qualified to lead the City and departments he oversees.

Mayor Bain commended Mr. Gorland for his people skills, and continued to say that he always provided answers to questions in a timely manner, which was a great benefit to the City and the Council members. He appreciated the fact that he was always kept well informed.

City Attorney Seiden also commended Assistant City Manager Gorland for his professionalism and ability to run a successful City operation. He reminded Council that the hiring decision is made by the City Manager, though it has been the policy for Council to review any contracts. He added that this contract contains the standard Human Resources' practices and procedures that are applicable to the position. In this instance, it has been spelled out by category and becomes part of public record.

Councilman Best moved to approve the five year renewal contract for Assistant City Manager Ronald K. Gorland. Vice Mayor Youngs seconded the motion, which passed 4 – 0 on roll call vote.

10D) Renewal of Tennis Professional Consultant Agreement with Manny Fabian

City Manager Borgmann stated that it had been one year since the contract was executed with Tennis Professional Manny Fabian and it is now time to consider a renewal. He explained that the Administration had been pleased with many of the programs that were put into place and tennis is enjoying a revival under Mr. Fabian's leadership.

Assistant City Manager Gorland reiterated that it had been almost a year since the City entered into an agreement with Manny Fabian to operate the tennis courts. In that period, Mr. Fabian has amply proven that tennis can thrive in the City of Miami Springs and that there is a need for the sport at all age levels and experience.

Assistant City Manager Gorland explained that Mr. Fabian heavily relied on volunteer assistance from family and friends in order to achieve the level of participation that the program has today. To take the programs to the next level of profitability, Mr. Fabian is requesting a continuation of the \$20,000 annual subsidy that was provided by the City last year.

Assistant City Manager Gorland stated that everyone was hoping for a better financial outcome the first year. He believes the proposed contract covering the next three years, with a 30-day out clause for both parties, is reasonable based on the fact that the activity benefits the community and it would cost more than the annual subsidy to keep the courts open. He explained that approval of the contract would require a budget amendment of \$11,666.66 for the remainder of the Fiscal Year.

Mr. Gorland said that Manuel Fabian was present to answer any questions the Council members might have.

City Manager Borgmann read the following accomplishments that Mr. Fabian was able to achieve:

1. Free adult clinics
2. Free ladies "How to play doubles" clinics to increase participation
3. Field day/Olympic Challenge for kids
4. "Ladies Night" get-together to increase ladies participation
5. Mixed doubles night to encourage new players out to the courts

6. Youth/Challenge Ladder for High School Tennis
7. Men's Challenge Ladder to stimulate competitive play and attract new players
8. Gave out "Match Point" gift certificates at Christmas, redeemable for services and products at the Pro Shop and also sold the same as stocking stuffers
9. He brought "demo" racquets for players to try out on several occasions
10. Coordinated groups to attend the Sony-Ericsson tennis tournament in Key Biscayne
11. Organized "Open Play" nights for kids to come out and play tennis, teaming them up for doubles and singles

Councilman Best asked Mr. Fabian how he thought the game of tennis had advanced since he took over the courts a year ago.

Mr. Fabian thanked Council and the Administration for allowing him to run the program for the past year. He was very satisfied with the accomplishments that were made and the increased participation. His initial plan was to phase in programs and he ended up accelerating the process. He reported that there used to be one youth clinic per week with one to three kids per clinic and now there are more than fifty kids enrolled. He now runs nine clinics per week; kids are playing in tournaments and he established a traveling team.

People now have to wait for courts, which has never happened before, which is a good problem to have, according to Mr. Fabian. He reported that memberships increased from thirty-three to seventy-nine and there is a limited potential of what can be done based on the demographics of the City and the available facilities.

Councilman Best stated that during the last two budget processes, Council had considered replacement of the tennis courts, which is currently on hold. He thanked Mr. Fabian for his accomplishments.

Vice Mayor Youngs commented that the Mayor and Council have the peoples' trust for saving dollars in this declining economy. He explained that the agreement with Mr. Fabian and the \$20,000 payment was established one-year ago on a trial basis and since funds were not budgeted this year, Council is being asked to amend the budget mid-year in order to be able to go forward with the second year. It was thought that tennis would be a self-sustaining activity. He is in favor of the supplement again and would like Mr. Fabian to provide a monthly financial report.

Mr. Fabian responded that he would consider Vice Mayor Youngs' request to provide a monthly financial report. He explained that he shares numbers with the Assistant City Manager in regard to attendance and the fees are made public to the Recreation Center. Mr. Fabian added that the fees for clinic or private lessons and tournaments are based on demographics and the fact that the tennis courts are a municipal facility.

Mr. Fabian explained that the fee is \$7.00 per clinic and the revenue is based on the number of kids who attend the nine clinics per week. Facilities in other areas may charge as much as \$15.00 to \$20.00 per clinic. The attendance and participation is high, but not the bottom line numbers because that was not his intent when he took over the program.

Councilman Garcia commented that the City was formerly operating the tennis program before Mr. Fabian took over and it was not running as successfully as it is now.

City Manager Borgmann stated that when the City ran the courts there was one full-time and two part-time employees based on operating 80-hours a week. The full-time employee was earning approximately \$50,000, plus benefits and the part timers were paid approximately \$8.50 per hour or another \$27,000 combined. The bottom line is that there were \$77,000 in expenses and now there is only \$20,000.

City Manager Borgmann commented that when Mr. Fabian offered his services it seemed like a good opportunity that would save the City funds and he also has a passion for running the program. Mr. Borgmann suggested that an annual financial report could be provided.

Vice Mayor Youngs reiterated Mr. Borgmann's comments about the cost savings. He added that Mr. Fabian has provided a successful program for the residents, but insisted that he would like to receive a financial report.

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

Councilman Garcia complimented Mr. Fabian for creating a program with raving fans that are spreading the word about tennis to children and adults. He is glad to see the program moving forward.

City Attorney Seiden stated that the only difference in the new contract is that it is a three-year agreement; it is basically the same contract with a 30-day "out" clause and there are four payments of \$5,000 that are made on a quarterly basis during the year.

The motion was carried 4-0 on roll call vote.

Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the Seventh Amendment to the FY2008-2009 Budget; Providing for an Increase in the City's Recreation and Culture Fund Budget Within the General Fund Budget; Finding the Appropriateness of the Budgetary Amendment Set Forth Herein; Effective Date

City Attorney Seiden read the resolution by title.

The City Attorney stated that the resolution would appropriate the balance of the monies that will be due under the new agreement beginning March 1, 2009 through September 30, 2009.

To answer Vice Mayor Youngs' question, the City Manager clarified that the funds are derived from the General Fund.

Vice Mayor Youngs moved to adopt the resolution. Councilman Garcia seconded the motion which was carried 4-0 on roll call vote (Resolution No. 2009-3431).

Councilman Garcia reminded everyone that State Representative Erik Fresen would hold a Town Hall Meeting on Tuesday, February 24th in the Council Chambers at 6:30 p.m. He added that this is a wonderful opportunity to reach out to discuss concerns for the City of Miami Springs.

(Agenda Item 9A was considered at this time)

10E) Consideration of Setting a Date for a Special Meeting to Hear Presentations from Top Five Companies Submitting Proposals for “Construction Superintendent” for New Community Center (RFQ No. 01-08/09)

City Manager Borgmann recommended that Council set a date for a Special Meeting to hear presentations from the top five companies who submitted proposals for “Construction Superintendent” for the new Community Center Request for Proposal (RFQ No. 01-08/09).

City Manager Borgmann stated that there were almost twenty responses to the RFQ and a committee was formed consisting of the Building Official, Architect Ramón Valdés-Denis and Police Captain Jon Kahn who reviewed each proposal. Normally, Staff recommends three to five companies to Council who then listens to their presentations, ranks them, and directs the Administration to negotiate a contract. The companies do not provide pricing information for an RFQ and Council must make a recommendation as to which company they feel is the best qualified to oversee the Community Center construction.

Council **scheduled** a Special Meeting for Monday, March 16, 2009 at 7:00 p.m. to interview the following top five respondents:

1. B. W. Sprague, Inc.
2. Post Buckley Schuh & Jernigan
3. TGSV Enterprises, Inc.
4. Indigo Enterprises, Inc.
5. Triangle Associates, Inc.

Council **agreed** to limit the presentations to twenty-minutes for each company.

10F) Consideration of Resolution Supporting Funding of the Dade County Public Schools

City Manager Borgmann stated that Miami-Dade County Public Schools is requesting the adoption of a resolution supporting their legislative efforts to obtain more funding from Tallahassee during the legislative session.

Vice Mayor Youngs felt that it would be appropriate for Council to consider adopting a resolution supporting Miami-Dade County Public Schools. He said that School Superintendent Alberto Carvalho is going to Tallahassee to speak during the budget hearings and it would be very helpful for him to have support from the City.

Councilman Best added that the Federal government appropriated \$3 billion Federal dollars for education and Miami-Dade County should receive its fair share.

By consensus, Council directed the Administration to draft a resolution supporting funding for the Miami-Dade County Public Schools.

10G) Resolution – A Resolution of the City Council of the City of Miami Springs Expressing Strong Concerns Regarding SB630 and Similar Legislation that Would Impose a Moratorium on the Collection of Impact Fees by Local Governments; Urging the Florida Legislature not to Pass Such Legislation; Effective Date

City Attorney Seiden read the resolution by title. He explained that the resolution was a request from Miami-Dade County regarding legislation that would impose a three-year moratorium on the collection of impact fees on construction. The financial impact would be approximately \$117.6 million to Miami-Dade County through Fiscal Year 2011/2012.

City Manager Borgmann said that this would be a means for the State Legislature to take the burden off certain industries so that they would not have to pay impact fees to the cities or counties.

Vice Mayor Youngs added that the proposed legislation would allow companies to undertake more infrastructure projects, generate more salaries, etc.

City Attorney Seiden commented that recently developed communities collect impact fees and the funds go to the development of roads, parks and other infrastructure, which is similar to an unfunded mandate. The State would want the proper infrastructure and roads for new development projects and if the developer does not provide the funds, then it would fall back on local government.

Mayor Bain asked to table the item until a full Council is present.

Council agreed.

10H) 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 Seiden read the resolution by title.

Assistant City Manager Gorland stated that the current Schedule of Charges was proposed to and approved by Council in September 2008 during the budget process. In the last few months, people utilizing the after school program, holiday camp and summer camp have said that they cannot afford the increase in charges.

Assistant City Manager Gorland reported a significant reduction in the child care program attendance, with only fifteen to twenty-three children enrolled in the after school program, which is half of the average of thirty-seven to forty-one children that were enrolled last year. The last two-week holiday camp averaged six children per day, which is down from seventeen to twenty for the previous year.

As a cautionary note, even if the recommended charge decreases, as proposed in Attachment “A” to the resolution, there is no assurance that the program will experience increased attendance or be at full capacity for the upcoming summer camp like last summer, according to Mr. Gorland. In speaking with local schools, they reported similar reductions in their after school and projected summer program enrollment.

Assistant City Manager Gorland stated that in addition to charge reductions, the Administration is recommending a new charge category for after school bus fare transportation to the Recreation Center for Middle School students. This is an alternative for parents who currently enroll their children in the after school program to take advantage of the bus service, but do not want the after school supervision.

Staff is also recommending elimination of non-recreation department co-sponsored organized sports activities on the fields, according to Mr. Gorland. There is an organized adult soccer league using Stafford Park on Sunday mornings that are stressing the fields without the benefit of open restrooms because they do not pay for use of the field, while the City of Hialeah does charge. The alternative is to develop a charge for organized non-recreational activities, such as \$125.00 for two hours, including use of the restrooms with one city employee on-site.

The proposed fees are a \$5.00 daily fee for the after school program, weekly bus fare of \$10.00 for middle school students, \$75.00 for the weekly summer camp fee and \$50.00 for each additional child. The child care program is the only area recommended for price changes.

Mayor Bain would like the Administration to schedule an agenda item for the next meeting to consider the proposal for charging a fee for the use of the fields by organized non-recreational groups. He felt that an appropriate fee should be charged for outside of the city functions.

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

Assistant City Manager Gorland clarified for the City Attorney that the use of the fields by outside organizations is not included in the resolution. The Mayor is requesting more information for the next meeting.

Mayor Bain requested more information in order to understand how many people are utilizing the fields and whether or not outside activity should be eliminated.

Assistant City Manager Gorland responded that although it is not in the spirit of Miami Springs to disallow use of the fields, the activity is stressing the condition of the fields.

Vice Mayor Youngs commented that the child care program is one portion of the recreation fees that were supposed to raise revenue totaling \$45,000 to \$55,000 per year. The schedule of fees that was adopted for the Fiscal Year 2008-2009 budget made the numbers work for the Recreation Department. The millage rate was based on certain revenues and the lower fees should be considered as part of the mid-year budget adjustments.

City Manager Borgmann referred to the last page of the fee schedule stating that:

“Authorization is given to the City Manager to adjust rates based upon promotional and marketing activities to encourage usership of the City’s recreation facilities”.

The motion was carried 3-0 on roll call vote (Resolution No. 2009-3432).

10I) Resolution – Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the Sixth Amendment to the FY2008-2009 Budget; Providing for an Increase in the Police Grants Fund Budget Within the City’s Special Revenue Fund Budget; Finding the Appropriateness of the Budgetary Amendment Set Forth Herein; Effective Date

City Attorney Seiden read the resolution by title. He stated that the budget amendment is specifically related to the purchase of multiple pieces of police equipment, including a variable message board and trailer for \$15,900.00, laser speed measuring devices for \$7,233.00 and radar speed measuring devices for \$7,800.00. He added that there is a pending grant for these items.

Vice Mayor Youngs moved to adopt the resolution. Councilman Best seconded the motion which was carried 3-0 on roll call vote (Resolution No. 2009-3433).

11. Other Business:

11A) Consider Recommendation from the Golf and Country Club Advisory Board Regarding Plaque in Remembrance of Dr. Charles C. James

Mayor Bain suggested tabling consideration of this item until a full Council is present.

City Manager Borgmann explained that normally there is a waiting period of six months after the person has passed away and the recommendation is referred to the Memorial Committee.

The item was tabled until a full Council is present.

12. Reports & Recommendations:

12A) City Attorney

City Attorney Seiden stated that City Clerk Magalí Valls would make a report.

April 7, 2009 Miami Springs Municipal and Special Elections

City Clerk Magalí Valls reported that the Miami-Dade County Elections Department made the decision to set up one collection center for the Bal Harbour and Bay Harbor elections that is close to those two cities and they will be able to send Staff to Miami Springs to do the collection and tabulation at the Golf Course.

12B) City Manager

Baseball Sign-ups

City Manager Borgmann reported that baseball sign-ups are in full swing and the Opening Day Ceremony will be held one week earlier on Saturday, March 7, 2009.

Easter Egg Hunt

City Manager Borgmann announced that with the potential disruption of the Recreation Center during the next two months, it was decided to hold a joint Easter Egg Hunt with the Village of Virginia Gardens this year.

Swim Lessons

City Manager Borgmann reported that swimming lessons are currently in progress and anyone interested in signing up their child should contact the Recreation Center or the Pool directly.

Golf Tournament

City Manager Borgmann stated that the Golf Tournament last weekend was a “star studded” event with many sports legends, including Earl Morrall, Nat Moore, Jim Mandich, Dwight Stephenson and Tim Hardaway. It was a wonderful event Friday night at the County Club and they loved the golf, so they are planning to hold next year’s event in Miami Springs again. Mayor Bain and his foursome won every trophy. He complimented Golf Director Mike Aldridge and Carlos Santana for a great job.

Illegal Sign

City Manager Borgmann reported that there was a signage issue at one of the local hotels and in checking he found there is no state, local or county law against renting rooms by the hour, but since the sign was hand-written it was illegal and Code Enforcement had it removed. The sign read “Four hours starting at \$49.00”.

Golf Course Expenses

City Manager Borgmann stated that Vice Mayor Youngs had asked for a specific report on Golf revenues and expenses. He explained that this Fiscal Year’s budget included a deficit of \$124,000 and this will be reduced by approximately \$81,200. There is one vacant position that will not be filled totaling \$36,000 and other marketing expenses that will be cut; i.e. a \$5,000 ad in The Miami Herald. There were capital expenditures for equipment totaling \$68,000 and the savings for one year would be \$19,900 due to the lease purchasing agreement. There is also a reduction of \$20,000 for chemical expenditures.

To answer Councilman Best’s question, Mr. Borgmann stated that there is a fuel savings of approximately \$7,000 or \$1,200 per month for the next six months.

City Manager Borgmann said that he hoped to submit a report to Council at the next meeting.

Noise Abatement Advisory Board

City Manager Borgmann announced that he received a reminder from Miami International Airport about the Noise Abatement Advisory Board, which was established many years ago and they stopped meeting. Councilman Dotson was the appointed liaison and it looks like they are revamping or asking for another representative so he will make sure that Councilman Dotson receives a copy of the letter.

President’s Stimulus Package

City Manager Borgmann reported that information has been circulating about President Obama’s stimulus package and there have been several meetings that the City has found out about at the last minute.

City Manager Borgmann said that the Metropolitan Planning Organization is looking for projects that are already on the drawing board, like the City's bike path lighting and the dollars will be allocated by population. The dollars are distributed to the State who then makes the determination of how the dollars are distributed to the various counties and cities. He explained that the process is disorganized and there are no application forms; the purpose is to get the dollars out into the economy.

12C) City Council

Annexation

Councilman Best said that it is important to stay on top of annexation, which has been addressed by scheduling a Special Meeting for March 3, 2009. Everyone he speaks to has different ideas about annexation and the facts should be circulated to the residents as soon as possible based on the report from The Corradino Group.

Pelican Playhouse

Councilman Best announced that the Pelican Playhouse will hold the production of "The Iliad, the Odyssey and all Greek Mythology" the last two weeks in March.

Daddy/Daughter Dance

Mayor Bain reported that the Daddy/Daughter Dance was a great event that was held at the Golf Course with 120 people attending. He recognized Joel Watts, Erik Alvarez, Natalie Stafford, Lauren Cox, Irma Gauzens, Jillian Gonzalez, Tara Gracy, Caitlin Smith, Patti Bradley and Karl and Melanie Odin for organizing the event.

Golf Tournament

Mayor Bain reported that The "Miami Sports Legends" golf tournament had a great turnout and he was honored to receive a beautiful plaque. He complimented everyone who helped organize the event, including Carlos Santana and the Golf Department Staff. He said that the organization was very pleased and they are ready to book the date for next year's event.

Mayor Bain said that it was exciting to hear Jim Mandich speak about the history of the Miami Springs Golf Course. He said that his foursome included Luke Llaneras who is twelve, his nephew Mike Bain who is fourteen, and his son Jon who is twenty-four years old.

The Mayor gave credit to the Hurricane Bar and Grill for donating the steak sandwiches for the cook-out at the eighteenth hole. He recognized Luke Llaneras who made a 14-foot put to birdie the eighteenth hole. He said that the tournament was a good event for Miami Springs.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:09 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 3/9/2009

Transcription assistance provided by S. Hitaffer.