



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, March 10, 2008, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:03 p.m.

The following were present:

Mayor Billy Bain
Vice Mayor Paul C. Dotson
Councilman Bob Best
Councilman Zavier Garcia
Councilman Rob Youngs (*arrived at 7:09 p.m.)

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
Former Finance Director William Alonso
Public Works Director Robert T. Williams
City Clerk Magalí Valls

2. Invocation: Councilman Best offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Introduction of New Finance Director Leacroft E. Robinson

City Manager Borgmann stated that after months of searching and advertising he has found someone who he believes will be an outstanding Finance Director for the City who came highly recommended by the City auditors.

City Manager Borgmann introduced Leacroft E. Robinson (Lee), who has an extensive background in international banking and recently served as Finance Director for the Virginia Key Trust. He also dealt with the County General Obligation Bonds, which the City will be dealing with soon; he is a good organizer and the meetings with him have been nothing short of spectacular.

Finance Director Robinson thanked the City Manager, Mayor and Council. He is looking forward to working with Council and tackling the issues facing Miami Springs.

Finance Director Robinson explained that he worked for the City of Miami the last four years and the main objective was to open Virginia Key Park, a historical site, which has been closed for more than twenty years. He worked with the Board of Trustees to accumulate more than \$22 million in funding for a museum and overall it is a \$40+ million dollar project. He said that the park opened to the public three weeks ago and it is a spectacular piece of property that could have easily fell into the hands of developers.

Prior to the City of Miami, Mr. Robinson said that he worked in international banking for more than twenty years starting as an accounting clerk and working his way up to Vice President of Planning for Barclay's Bank.

Finance Director Robinson stated that he is proud to be a part of Miami Springs and he is looking forward to working with the Mayor, Council and Administration on all the issues facing the City.

*Councilman Youngs arrived at this time.

Councilman Garcia said that in speaking with his friends in the City of Miami, they had wonderful things to say about Mr. Robinson and his experience. Their comments put his mind at ease because former Finance Director William Alonso will be a "tough act" to follow and he knows that Mr. Robinson will do a wonderful job.

3B) Proclamation – Water Conservation Month; Presentation by the South Florida Water Management District

Evan Skornik, Interim Director, Miami Service Center, South Florida Water Management District said that the State is in the depths of a historic drought, the driest two-year period on record and it is expected to continue well into this year. As a result, the District imposed the most severe water restrictions that have ever been put in place. He is proud that Miami Springs is a strong supporter in enforcing the restrictions, especially Police Sergeant Deal and his shift. The District is legally bound to protect Lake Okeechobee and the back up water supply. He added that April is Water Conservation Month and he appreciates the City's support.

Mr. Skornik distributed two brochures: "50 Ways to be Water Smart" which outlines different water saving measures for the home and "Water Wise", a guide to Xeriscaping. These free publications can be downloaded from the South Florida Water Management District website.

City Manager Borgmann stated that fifty-seven warnings were issued in the City since January 1, 2008 and only one fine was issued.

Vice Mayor Dotson presented a proclamation on behalf of Mayor Bain proclaiming April 2008 as "Water Conservation Month".

City Manager Borgmann thanked Alicia González for doing a fine job as Interim Finance Director. He explained that she was offered the position of Finance Director, but felt it was in her best interest to decline.

3C) Presentation of the Comprehensive Annual Financial Report for Fiscal Year Ending September 30, 2007 by Néstor Caballero, of Alberni Caballero & Castellanos, L.L.P., the City's Auditors

City Manager Borgmann stated that it is customary to present the Comprehensive Annual Financial Report (C.A.F.R.) to Council every year and this report is for the Fiscal Year ending September 30, 2007.

Néstor Caballero, of Alberni Caballero & Castellanos, L.L.P. thanked Council for the opportunity to again serve as the City's auditors. He also extended thanks to Interim Finance Director Alicia González who did a fantastic job during the transition period.

Mr. Caballero stated that as an auditor, it is very rare to get involved and there are five or six other local cities looking for Finance Directors. He has two years experience working with Finance Director Robinson as the auditor for the Virginia Key Trust, and he thought that he would be a perfect fit for Miami Springs. He introduced Mr. Robinson to the City Administration, he knows that he will do a great job and former Finance Director William Alonso will assist with the transition.

Mr. Caballero stated that the financial condition of the City has improved from the prior year. The Statement of Net Assets combines all governmental and business activities. He said that cash under governmental activities increased by approximately \$1.5 million as a result of excess revenues over expenditures.

Mr. Caballero explained that receivables and payables decreased because of the Federal Emergency Management Agency (FEMA) receivables due to the hurricane from the prior year and capital assets and long term debt decreased mainly from depreciation and principal payments.

Mr. Caballero said that cash increased by approximately \$1 million under business-type activities as a result of the increase in the water, sewer and stormwater rates. Capital assets and liability decreased because of depreciation and principal payments.

The Statement of Activities, or income statement, shows a change in net assets of \$1.6 million under governmental activities, which is the excess of revenue over expenditures on a full accrual basis and under business type activities there is an increase of \$830,000.

There are three major funds, including the General, Road and Transportation, and the Golf and Country Club Fund, according to Mr. Caballero. The assets of the General Fund increased by approximately \$1.2 million and the fund balance increased from \$4.2 to \$5.6 million. The unreserved fund balance increased from \$3.4 to approximately \$5 million, which includes \$1.5 million of designations made for Parks and Recreation, Senior Center and hurricane contingencies.

Mr. Caballero stated that the Road and Transportation fund is a major fund because of the accumulation of assets from the Citizen Independent Transportation Trust (CITT) revenue and Local Option Gas Tax funds that are restricted for road and transportation improvements. The Golf and Country Club fund is reported as a separate major fund because it is a critical fund for the City.

The General Fund revenues were very consistent with the prior year except for an increase in the property tax revenue of approximately \$200,000, according to Mr. Caballero. Expenses increased from \$10.5 to \$11.3 million due to salary increases and capital outlay expenditures. Transfers out reflects a big improvement, decreasing by approximately \$1 million due to reductions in transfers to the Hurricane Fund and the Golf and Country Club. A large amount from the change in Fund Balance of \$1.3 million went to the Unreserved Fund Balance for the year.

Mr. Caballero stated that the Golf and Country Club Fund reflects an operating loss of \$213,000, including \$91,000 of capital leases, and the drain on the General Fund was approximately \$110,000 compared to \$400,000 in prior years.

The Governmental Funds, including the Law Enforcement Trust Fund makes up approximately \$900,000 of the Reserve Fund Balance for public safety. FEMA changed the funding for the cost of hurricane clean-up from 75 to 90% and the City received an additional \$270,000 for reimbursements.

Mr. Caballero stated that the Statement of Net Assets for the enterprise funds includes Water and Sewer, Sanitation and Stormwater. He explained that cash in the Water and Sewer fund increased by approximately \$700,000 due to a rate increase. Capital assets decreased for depreciation, liabilities decreased due to principal payments and overall the unrestricted reserve balance increased by \$850,000.

Mr. Caballero reported that the Sanitation Fund needs help because assets decreased mainly due to depreciation and debt payments and there is an unrestricted deficit of \$25,000. The Stormwater Fund shows positive results with increases of \$85,000 in cash and \$30,000 for the unrestricted balance. The Income Statement shows the positive results in the Water and Sewer Fund of \$683,000. The Sanitation Fund shows \$230,000 transferred from the General Fund; the Stormwater Fund had positive operating income.

Mr. Caballero commented that the Golf and Country Club and Sanitation Funds had operating losses, the same as in prior years. The Sanitation Fund was addressed with a rate increase for 2007-2008.

Mr. Caballero referred to the situation from subsequent events, including the State Board of Administration's Local Government Investment Pool and the Property Tax Amendment. He said that the potential loss from the property tax amendment is estimated at \$550,000 in revenue.

Mr. Caballero reported that there is a reserve of \$412,562 for the potential claim in the litigation concerning BFI Waste Services of North America vs. the City.

On the compliance side, there are no over expenditures to report, there were only two repeat recommendations regarding the Golf Course and Sanitation Funds and the financial condition assessment was favorable for the second year, according to Mr. Caballero.

Vice Mayor Dotson said that some of the expenses that are attributed to the Golf Course operation seem to be unfairly placed. The golf operation consists of the Pro Shop and outside operation, including the Driving Range and some of the expenses are attributed to the rest of the building, which the Golf Course does not use. Expenses include electricity, liability and several others.

Mr. Caballero stated that they would be preparing a separate financial statement for the Golf Course alone with the breakdown of costs, but their first priority was issuing the C.A.F.R. There was a change from an enterprise fund to a governmental fund in 2003, and they have to go back and reconcile the actual full accrual for the separate fund. He said that they are working on the financial statement and in the future they will be compared side-by-side with the C.A.F.R.

To answer Vice Mayor Dotson's question, Mr. Caballero said that he hoped to have the financial statement ready for the next meeting.

City Manager Borgmann agreed with Vice Mayor Dotson that there are other costs associated with owning the building that are not related to golf.

Former Finance Director William Alonso stated that the favorable indicators in 2006 were 58% and this year it increased to 67%, inconclusive were 32% and they dropped to 22%, while unfavorable stayed about the same. The key is that two of the three critical indicators in 2006 were positive and this year all three are positive, which is a sign of the financial condition of the City.

Councilman Best asked how the financial condition would affect the upcoming Standard and Poor's rating.

Mr. Alonso said that the Standard and Poor's rating remained the same; however, right now it is a bad situation for governments, bond issuers and insurers nationwide. He explained that many of the rating companies are looking closely at government operations, although the City is in a unique situation because it does not have much debt, but they are being very conservative. Next year when the Water and Sewer issue is resolved and the Golf Course is under control, perhaps the rating will be upgraded.

To answer the Mayor's question, City Manager Borgmann said that the second FEMA check had not been received yet and the City was notified there will be another check coming for approximately \$78,000.

Mr. Alonso stated that each year he would normally provide a report on the fund balance. He is sure that Finance Director Robinson will come back with information regarding the balance, the 15% amount for contingency and the additional amount that can be designated for other purposes.

Mr. Alonso said that he met Finance Director Robinson for the first time, he seems very professional and knowledgeable and he was very impressed with him. He offered to help him with any questions.

Assistant City Manager Gorland added that Mr. Alonso offered to assist during the budget process.

4. Open Forum:

No speakers.

5. Approval of Council Minutes:

5A) 02/25/2008 – Regular Meeting

Minutes of the February 25, 2008 Regular Meeting were approved as written.

Councilman Best moved to approve the minutes. Councilman Garcia seconded the motion, which carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 02/28/2008 – Code Review Board – Cancellation Notice

Cancellation Notice of the February 28, 2008 Code Review Board meeting was received for information without comment.

6B) 03/03/2008 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the March 3, 2008 Zoning and Planning Board meeting was received for information without comment.

6C) 03/04/2008 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the March 4, 2008 Code Enforcement Board meeting was received for information without comment.

6D) 03/03/2008 – Board of Adjustment – Approval of Actions Taken at their Meeting of March 3, 2008, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of March 3, 2008 were approved subject to the 10-day appeal period.

Councilman Garcia moved to approve and Councilman Youngs seconded the motion which was carried 5-0 on roll call vote.

7. Public Hearings:

None.

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for February 2008 in the Amount of \$9,553.50

There was no discussion regarding this item.

Vice Mayor Dotson moved to approve. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

9. Old Business:

9A) Status of Revisions to the Miami Springs Comprehensive Plan Amendment Package

City Manager Borgmann stated that Michelle Glenn and Darío González from the Florida International University (FIU) Metropolitan Center would make a brief presentation. He explained that the next agenda item is a request for a change order and FIU has quoted a price for additional work that cannot be done in-house.

Michelle Glenn stated that they are writing the analysis for the land use amendments, which is the last stage, and there is an issue with finding the population in the three new districts that requires obtaining the number of residential units by researching property appraiser files or certificates of occupancy. They would like to have a better idea of what population would be generated from the development of the areas or if any of the residential units would change.

Councilman Youngs clarified that there are no plans to increase residential units.

City Manager Borgmann said that the only area that is not clear is along Curtiss Parkway because it could be a residential area that adds or detracts from the current population. He explained that there are minor areas along Fairway Drive where there are 16 units and when there is a new Plan in place they need to know what might be the additional or the decreased population.

Darío González explained that the State requires information on the maximum potential residential population and they must provide the maximum number for planning purposes in order to determine the level of service.

Mayor Bain stated that it seems there would need to be an understanding of what the district boundaries will allow as far as the number of units per acre.

Mr. González said that the figures would be based on the current statutory requirements or the current floor area ratio.

Mayor Bain felt that it would be easy to calculate the numbers based on the number of acres in the Airport Golf District. The only other residential component would be one or two units for each building down N. W. 36th Street.

City Attorney Seiden felt that the work is more complicated because they are looking for data in the Airport Golf section showing how many residences exist now and what would be the potential in that location based upon the current City Code.

Mr. González reiterated that the State must know the absolute maximum potential, not only the current number of persons, but also the dwelling units and what would be the maximum that is allowable in Miami Springs.

City Manager Borgmann clarified that the numbers must be included in the Plan or it will be rejected by the State.

Councilman Best asked if the additional work is required because the State rejected the plan again.

City Attorney Seiden clarified that the Plan amendments had not been resubmitted since the last time.

Mr. González confirmed that the additional work is not based upon a response or comments from the State.

To answer City Attorney Seiden's question, Mr. González explained that the State is not concerned with any other areas in the City, only the area being changed along N. W. 36th Street.

9B) Change Order # 1 to Purchase Order # 08-0175, FIU Metropolitan Center

City Manager Borgmann stated that this is a request for approval of Change Order # 1 to Purchase Order # 08-0175 in the amount of \$2,000.00.

Vice Mayor Dotson moved to approve the increase and Councilman Best seconded the motion.

To answer the Mayor's question, City Manager Borgmann confirmed that the services covered by the change order are over and above the scope of work in the contract.

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

In response to Mayor Bain's question, Mr. González estimated that the change order would cover approximately twenty hours of work, which would take approximately two weeks.

City Manager Borgmann added that the amendments would be presented to the South Florida Regional Planning Council for their preliminary review and comments about any deficiencies.

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

Councilman Youngs **appointed** Robert (Bob) Williams to the Code Enforcement Board for an expired term ending on September 30, 2010.

Councilman Youngs **appointed** Jennifer Ator to the Recreation Commission for an unexpired term ending on April 30, 2010.

10. New Business:

10A) Recommendation that Council Approve a Grant Application for the Canal Street Project to the Florida Recreational Trails Program

City Manager Borgmann stated that this is a recommendation that Council approve a grant application for the Canal Street project to the Florida Recreational Trails Program.

City Manager Borgmann explained that Grant Writer Carol Foster located a new source of funding for the Canal Street Linear Park Project, which is a \$68,481 grant that requires a 50% match. The good news is that the funds that are already assigned for this project can be used as the match instead of committing new funds. He explained that a vote of Council is required to approve the application.

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

10B) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing and Approving the Establishment of a Countywide Consolidated Municipal Election Date; Proposing the Date for Election; Providing for Transmission of the Resolution; Effective Date

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

Attorney Seiden stated that during the meeting when Council was discussing the Charter amendment changing the date for the City's municipal election, part of the back up documentation was a memorandum from the County Manager outlining potential alternatives for stand alone elections, county-wide elections for municipalities not related to County, State or Federal elections and/or a consolidated municipal election date associated with the County.

Attorney Seiden explained that Council direction was received to prepare a resolution that would suggest to the County and other municipalities that the City of Miami Springs would be happy to have a consolidated municipal election date that is not associated with the County, State or Federal election dates, but that it should be on the fourth Tuesday in April. In regard to other municipalities, villages or towns, they might have staggered terms so there would have to be a consolidated municipal election date for every year.

Attorney Seiden stated that Section 1 of the Resolution authorizes and approves the establishment of a consolidated municipal election date not in conjunction with a County, State or Federal election. Section 2 provides that the Council of Miami Springs respectfully suggests that the proposed consolidated election date be established as the fourth Tuesday in April of every year in order to accommodate all staggered terms for all municipal elected officials.

City Attorney Seiden said that the only question is whether or not Council wants to approve the resolution now or postpone it until the electorate makes a decision about the Charter change in November. He felt that it could be embarrassing to pass the resolution if the electorate decides to vote against changing the date, while adopting the resolution now could "get the ball rolling" with the other cities.

Vice Mayor Dotson stated that he would like to adopt the resolution now in order to see what the reaction is.

Attorney Seiden said that he drafted the “whereas” clauses with the objective of educating the readers about the issues that were debated by Miami Springs.

Councilman Garcia moved to adopt the resolution. Vice Mayor Dotson seconded the motion which was carried 5-0 on roll call vote (Resoslution No. 2008-3390).

10C) Discussion Regarding Hurricane Awnings (Requested by Mayor Bain)

Mayor Bain stated that when Council amended Section 93-13 of the City Code regarding hurricane shutters there was discussion about excluding two windows that do not face the front of the house because some people prefer to keep them closed to block the sun or for various other reasons. He would like Council to consider amending the ordinance to allow this option.

Councilman Best said that personally he felt that it would be okay to amend the ordinance as long as safety is not compromised by blocking egress from that particular room in the house.

City Manager Borgmann stated that Code of Ordinance Section 93-13 (C) states “*accordion shutters, window awnings, hurricane panels, plywood sheets and other forms of storm protection devices that are utilized for the protection of windows and doors in anticipation of impending hurricanes and other storm systems may be closed, lowered, placed or installed no sooner than five days prior to the time that the hurricane or storm system is anticipated to reach the City. However, upon proper notification to the Police Department that the property will be vacant for a specified period of time, the aforesaid storm protection devices may be closed, lowered, placed or installed for no longer than 90 days during any calendar year. Following the passage of the hurricane or storm system, and the return of the City to normal weather conditions, all accordion shutters, window awnings, hurricane panels, plywood sheets, and other forms of storm protection devices shall be opened, raised or removed within 30 days thereof.*”

Councilman Garcia mentioned that there is a particular type of shutter that does not close entirely and they remain open approximately one foot. He received a call from one resident whose shutters were about six inches off the wall, which gives the perception of being closed. He would support amending the ordinance for this particular type of awning.

Vice Mayor Dotson received a complaint from a resident with a severely handicapped daughter who keeps the awning down on the side of the house to keep out the light and noise. He does not believe that this would be a problem because it is not in front of the house. He would suggest allowing only one shutter on each side of the house to remain closed.

Mayor Bain clarified that his suggestion is not for shutters in front of the house, only in the back corners on the east or west side. He added that it is difficult to install shutters on some windows and the people want to leave them in place. He has received many complaints since Code Compliance conducted a sweep of the City.

City Attorney Seiden stated that if the ordinance were amended to exempt only certain types of shutters and awnings that it would be impossible to enforce. The ordinance must be specific and if the goal is to block the sunlight, the resident can purchase a black-out shade for minimal cost. He added that hurricane awnings are not to be used for security purposes.

Vice Mayor Dotson felt that noise would be another factor and the location of an awning in the rear side window is hard to see.

Councilman Best added that awnings reduce the heat so this could be an energy consideration as well.

Councilman Garcia mentioned that window tints provide the option for keeping out the heat. He said that the intent of the Code was to prevent houses from being boarded up for safety purposes and he is opposed to allowing shutters to remain in place on any windows.

City Attorney Seiden said that the Mayor's suggestion to permit properties with windows in the rear or on the side, which are out of view to keep the shutters in place, would raise an issue because there are reverse frontages, it would be difficult to define and now Council is suggesting limiting them to a certain type of material.

Mayor Bain stated that there seems to be a consensus to amend the ordinance in order to provide relief in certain situations. He added that people who are cited for closed awnings can comply by removing or raising them and then they can lower them for another six months until Code Compliance conducts another sweep.

Councilman Youngs said that he agrees with the general idea to soften the Code, but it must be done so that it is uniformly enforceable and makes sense in view of the intent. He suggested that the Code could include a variance provision for an exception if someone has a special need.

City Attorney Seiden explained that if Council is inclined to go along with the Mayor that he could draft language to allow shutters on two windows in the back of every home so long as they are not visible from the street.

Mayor Bain clarified that his intent is to allow the homeowner the option for shutters on two windows, excluding the front. He felt that people in the community generally keep up their homes and this would give the homeowner a choice in certain situations.

Councilman Youngs added that the side of the house should be excluded for reverse frontage homes or corner houses.

City Attorney Seiden commented that the ordinance would have to be drafted so that it is equally applicable to every property. It cannot be designed to apply to the way houses sit on a property; it must be general, not specific, and then enforced accordingly.

To answer Councilman Youngs' question, Attorney Seiden clarified that the variance procedure would not apply because the ordinance falls under Code Section 93, not Section 150. He added that the Code was amended because there were complaints from people who did not want to see homes with boards or shutters on the windows.

Councilman Garcia suggested that the language could allow two windows so long as they do not face any street. Mayor Bain agreed.

City Attorney Seiden asked for direction as to what type of window covering would be allowed.

Council agreed to allow accordion shutters, window awnings, hurricane panels or any material except plywood sheets.

Councilman Garcia was concerned about the Code requirement for the number of windows because the shutters would not allow the windows to be opened.

City Manager Borgmann recommended checking with Building Official Skip Reed to see if there is anything in the State Building Code to preclude what Council is trying to do.

City Attorney Seiden said that the provision would allow two windows per property to have accordion shutters, window awnings or hurricane panels covering those windows at all times so long as the windows do not face any streets.

Attorney Seiden stated that the Fire Department has warned that it is very dangerous to have windows barred or shutters down if there is no other way out of the house. He felt that people should be concerned about the safety issue.

Assistant City Manager Gorland commented that there is also a problem with shutters on apartment windows, especially in the Eldron Drive area and the way the apartments are aligned, the frontage is actually at the end of the complex that faces the road. There are also shutters along N. W. 36th Street in the commercial section.

City Attorney Seiden said that he could not find an ordinance regarding shutters in the commercial areas and this might be a subject that the Architectural Review Board could address.

11. Other Business:

11A) Consideration of Rescheduling the Workshop Meeting of Wednesday, March 26, 2008

City Manager Borgmann stated that at the last meeting Council considered holding a workshop meeting to discuss possible budget reductions given the tax reform legislation. He had placed a memo in the agenda packet asking to move the Wednesday, March 26th meeting to Monday, March 31st due to a previous engagement. However in speaking with the auditor, the former and new

Finance Director, they indicated that the situation may not be as severe as once thought. He would like to conduct more research, postpone the meeting and come back with a recommendation for a future meeting date.

Councilman agreed to postpone the Workshop Meeting of Wednesday, March 26, 2008.

Vice Mayor Dotson asked when Council could expect to receive the financial results from the first quarter.

Interim Finance Director Alicia González stated that the first quarter financial report would be ready for the March 24, 2008 Regular Meeting.

11B) Vote of Confidence for the City Attorney as Required by Section 8.01 (1) of the City Charter

Councilman Youngs stated that City Attorney Jan Seiden certainly has his vote of confidence. He appreciates his wealth of knowledge and the work he does, particularly the fact that he provides options and works with each Council member.

Councilman Best agreed with Councilman Youngs. He stated that City Attorney Seiden had been very responsive to his questions regarding legal and historical issues, as well as circumstances that this Council and previous Councils have engaged upon. He added that Attorney Seiden is very subjective as to his opinions, he is a fine man and he hopes to keep him as the City Attorney.

Vice Mayor Dotson complimented City Attorney Seiden for his ability and knowledge for drafting ordinances.

Councilman Garcia stated that the City Attorney will get his vote of confidence and he is most impressed with his patience.

Mayor Bain complimented City Attorney Seiden for responding to his telephone calls regarding City business, even on Friday evenings.

Councilman Best moved to give a vote of confidence to the City Attorney. Vice Mayor Dotson seconded the motion which was carried 5-0 on roll call vote.

11C) Vote of Confidence for the City Clerk as Required by Section 8.01 (1) of the City Charter

Vice Mayor Dotson stated that City Clerk Magalí Valls does an excellent job and she is capable of producing a large volume of quality work within the deadlines that are imposed. He would like to approve a vote of confidence for another term.

Councilman Best said that in his estimation the City Clerk strives for perfection in everything she does and if she fails, she makes the correction in a hurry. He said that City Clerk Magalí Valls bends over backwards to seek information or anything that he has requested in a timely fashion and she is an asset to the City.

Councilman Youngs stated that one of the neat things about living and serving in Miami Springs is that there are certain people that have a love for Miami Springs in their heart, and Magalí is one of those people, which he appreciates very much. It is more than good service and doing things right; it is thinking ahead, going the extra mile and doing what benefits the City and Council. He said that Council members have a duty to serve the people of Miami Springs and this is at Magalí's heart as well, which is a treasure that is not found in all municipal or bureaucratic organizations, and it is a quality to be honored, rewarded, treasured and applauded.

Councilman Garcia felt that one compliment to Magalí comes from the knowledge that she is the City Clerk who knows the rules and the City Code. He said that she is Council's "right hand", she runs a "tight ship" and she is a big asset to the City Manager and the Administration. He added that City Clerks from other municipalities call her to ask for information and she is well respected by the Election Supervisors, which is very reassuring.

Councilman Garcia stated that many people might not be aware that the City Clerk is also an assistant to Council who guides them in the right direction, which is extremely helpful. It would be impossible for him to juggle his business, family and his Council duties without an assistant that is as wonderful as Magalí and she definitely gets his vote of confidence. Councilman Garcia thanked Magalí for her patience and assistance.

Mayor Bain commented that Magalí Valls is a professional who does her job without bias, which is what everyone would like as they go through the daily events or when assistance is needed.

Councilman Best moved to approve a vote of confidence for the City Clerk and Vice Mayor Dotson seconded the motion which was carried 5-0 on roll call vote.

Councilman Garcia asked about the consideration of a salary increase for the City Clerk.

Mayor Bain asked Council if they wanted to consider a monetary increase at this time.

Councilman Youngs felt that a merit increase would be appropriate, although he had not thought about the amount or looked at the salaries for other cities similar in size. He said that it is important to also consider years of service and qualifications, which Council could consider at a future meeting.

Vice Mayor Dotson commented that Council did not approve a raise for the City Manager this year and he and Magalí received a cost of living increase. His feeling at this point in time with the budget constraints the City is facing is that he would not support a merit increase.

Councilman Garcia stated that he had seen the salary comparison with other cities in order to prepare for this meeting and he would like to take a merit increase into consideration.

Councilman Best felt that the City Clerk's expertise, her ability to seek additional credentials and the fact that her opinions are sought after county-wide might dictate a merit increase for future consideration.

City Manager Borgmann reminded Council that they set the cap on the City Clerk's salary at \$96,130.00, which is increased by the cost of living allowance (COLA).

Mayor Bain stated that the City Clerk's current salary is \$92,653.00. He would like more information, including the date that the salary was capped and the amount at that time.

Council **agreed** to schedule an agenda item for consideration of a merit increase for the City Clerk at the next meeting.

Councilman Youngs suggested that Council could submit their requests for information to the Administration so that it would be available for the next meeting.

12. Reports & Recommendations:

12A) City Attorney

No report.

12B) City Manager

Water and Sewer System

City Manager Borgmann stated that a meeting is scheduled with the representatives from Miami-Dade County Water and Sewer Department (WASA) on Wednesday, March 12th to discuss personnel issues and how the City employees would be affected by the proposed transfer of the system. He will also arrange a meeting to discuss the transfer agreement. Currently there is only a rough draft highlighting what the document should include, which should be reviewed to make sure that both parties agree before bring the final documents to Council for consideration.

County Recycling Program

City Manager Borgmann reported that Public Works Director Robert Williams attended a recycling meeting with County representatives regarding the recycling system. He explained that all the details are not yet available, although he spoke with resident Jean Marie Massa, a former employee of BFI who now works with the County. She advised him that the County may contract with four different companies who will service various districts and there could be a change in the system of collection from weekly to bi-weekly.

Tennis and Racquetball Programs

City Manager Borgmann stated that the participation in the tennis and racquetball programs had increased since the City contracted with the new manager on March 1st. The courts are in better condition since the resurfacing, even though court # 1 has developed a crack that must be dealt with.

Park Restrooms

City Manager Borgmann said that quotes were received for the sewer connection at Dove Avenue Park, although he is not happy with the estimates that were submitted for Stafford Park. The City is responsible for running the wiring from the electric pole to the building and will be receiving quotes for this service, which could be as much as \$15,000 for both buildings combined.

Racquetball Court Painting

City Manager Borgmann reported that the racquetball court painting is scheduled for March 24th.

Police Officer Recruitment

City Manager Borgmann stated that the City is losing two of its finest officers to the City of Doral, and there had not been much of an impact from Miami Gardens, although the final numbers of the draft are unknown. He met with Chief of Police Dilling to discuss how to deal with the problem should it continue because two other officers were lost to Miami Beach and Broward County. There are 43 positions, the budget includes funds for 41 officers and now it appears that the City will be four officers short within a very short period of time. There is a contingency plan that involves overtime to cover shifts, the Administration will begin to prepare a recruiting list and hopefully there will be sufficient coverage to ensure quality police service.

Councilman Garcia asked if the Administration needed direction from Council as to how to proceed.

City Manager Borgmann explained that discussions were related to hiring rookies or retirees from other jurisdictions who are certified officers that would work well in the system. He felt that in addition to compensation, the other issue is opportunity for advancement because Miami Springs Police Department is small and it could take a long time to move up the ranks.

City Manager Borgmann stated that larger departments offer more jobs and opportunities for promotions, as well as housing allowances and signing bonuses that are possible through federal grants. He explained that working conditions and retirement packages are also items for consideration, while the City's retirement plan meets or exceeds any in the County. The City has a department with many long time employees and the opportunity to move past them is almost impossible.

Councilman Garcia said that he is confident that the Administration will find a delicate balance regarding compensation and room for advancement. He knows that the retirement package and other benefits exceed those of other municipalities.

To answer Councilman Garcia's question, City Manager Borgmann explained that the City sponsors dispatchers or public service aids who indicate a willingness to go through the police academy with an agreement that they work for the City for three years before they move on. The City does not hire anyone who is not certified.

Councilman Youngs commented that many municipalities have problems with crime and response times, while the police force in Miami Springs is excellent, responsible and dedicated, which fills him with a measure of pride and sense of safety. During budget time, protecting the citizens of Miami Springs is the first priority, it should be guarded at all costs and he appreciates the service that the Police Department provides.

Little League Baseball

City Manager Borgmann reminded Council of the Little League Baseball Opening Ceremony on Saturday, March 15th at 11:00 a.m.

Easter Egg Hunt

City Manager Borgmann reported that an Easter Egg Hunt will be held on Saturday, March 22nd at Prince Field.

12C) City Council

Education Compact

Councilman Youngs stated that the Education Advisory Board would be looking at the compact between the City and Miami-Dade County Public Schools this month and Council should be prepared to discuss goals they would like to see accomplished with respect to the schools in the Miami Springs feeder pattern.

Curtiss Mansion Inc. Fundraiser

Councilman Youngs thanked everyone who participated in the Curtiss Mansion, Inc. wine and cheese fundraiser on Saturday, March 8th. He said that it is gratifying to see funds raised to refurbish the Curtiss Mansion. He suggested that Curtiss Mansion, Inc. could give a report at the next meeting.

Eldron Alley

Councilman Garcia asked about the status of the report in reference to the code violations for Eldron Alley.

Assistant City Manager Gorland explained that the report is being compiled but it is a tedious process and he hopes to have the information ready for the next meeting.

Councilman Garcia mentioned that when Code Compliance Officer Cardini was inspecting the commercial area on Fairway Drive he made him aware of the chipped paint on the concrete fence by the cottages that are individually owned. He added that cars are parking on the grass, which contributes to the deterioration of the area.

Assistant City Manager Gorland stated that the City Code does not address parking in the side yard. He explained that Code Compliance is working in conjunction with the Police Department to address the problem of abandoned cars and approximately 40 cars were towed.

Grant Writer/Information Specialist

Councilman Garcia congratulated Grant Writer/Information Specialist Carol Foster and the Administration for their success in locating a grant for the Canal Street project. He asked if Ms. Foster is focusing on her other duties in addition to grant writing.

City Manager Borgmann stated that Ms. Foster had met with the River Cities Gazette production employees to develop a stylized format for the monthly News Bulletin with more photos and bullet points to catch the readers' eyes. He explained that there are plans for her to be more involved in public relation brochures.

Daddy/Daughter Dance

Councilman Garcia attended the Daddy/Daughter Dance and had a great time. It was a memorable experience for the fathers to share with their kids.

Fair Havens Air Conditioner

Councilman Garcia asked about the status of the Fair Havens air conditioning noise problem because there is still a whining sound at 4:30 in the morning.

Assistant City Manager Gorland stated that he had not checked the noise that early in the morning, but the Director at Fair Havens advised him that the air conditioner is not on at that time. He reported that there had been no progress because Trane was sold to Ingersoll Rand and he is working with them at the district level.

City Manager Borgmann reported that Fair Havens said that there is a serious mold problem and that is the reason the air conditioning was operating for longer hours.

Assistant City Manager Gorland was told that they ran the air conditioner constantly for one week to see if the humidity problem was corrected. Fair Havens advised him that the experiment was complete and the air conditioner went back to the normal operating hours.

Assistant City Manager Gorland stated that he received a quote from a sound engineer who works with both volume and pitch and it would cost \$17,000 to write an ordinance that could be upheld in court. He said that the City could attempt to find existing ordinances rather than pay someone.

Councilman Youngs felt that the City had been dealing on good will with Fair Havens for so long and it would be better to adopt a noise ordinance to stop any future machinery of this type.

City Attorney Seiden stated that the ordinances had been antiquated for a number of years and prior Councils chose not to update them to include decibel readings or objective standards in order to be able to measure noise. Fair Havens is well aware of the status of the City's ordinances and that is probably the reason why they are not complying with the City's request for a protective barrier.

To answer Councilman Garcia's question, City Attorney Seiden stated that changing the code might not solve the problem, because the noise is related to pitch. The Code could be changed to provide an ordinance similar to the County or the City of Miami so that trained Code Compliance Officers could use decibel meters to measure the noise and determine if there is a violation.

Mayor Bain stated that even if the noise ordinance were to be adopted that it would not apply to Fair Havens.

Attorney Seiden said that taking a more aggressive approach could solve the problem, but it would be a substantial financial investment, including litigation that may not be successful. He explained that the ordinance may not be easy to find, especially if someone is charging \$17,000 to write it. He suggested checking with the International Municipal Attorney's Association. The City is trying to get information through Trane about areas in which they had solved the problem, but that might not happen.

City Attorney Seiden clarified that any new installation would be covered by the new Code.

Assistant City Manager Gorland explained that the matter is further complicated by the fact that the City has the exact same unit on City Hall and there had been complaints that the sound could be heard at the tennis courts, and that is why he was pushing Trane to provide examples of businesses with the same units that had installed protective sound barriers.

Councilman Youngs stated that it might not be time to change tactics but the problem should not continue indefinitely.

Assistant City Manager Gorland would definitely recommend updating the Code, as well as other outdated Codes.

Vice Mayor Dotson commented that the problem had been ongoing for at least two years and nothing had been accomplished if the noise is still occurring at 4:30 a.m.

City Manager Borgmann said that there had been attempts to muffle or screen the noise, which had not made much difference.

Assistant City Manager Gorland added that Fair Havens installed an additional blanket that cost approximately \$4,000, which only helped to reduce the noise by one decibel.

Vice Mayor Dotson stated that the point is that the matter was dropped and no conclusion had been pursued. He has not heard a report for the last six or eight months and prior to that he asked for an update at every meeting. He suggested scheduling an agenda item for a full discussion because a new ordinance will not solve the problem.

Councilman Youngs said that there was discussion about holding a meeting and it was thought that it would be more effective working behind the scenes as a joint effort between the City and Fair Havens in order to find a technical solution.

Councilman Garcia said that even though there had been some form of communication the residents in the neighborhood feel as if nothing is being done.

Assistant City Manager Gorland explained that there had not been any active conversations with Fair Havens about the Code and whether or not this matter would stand up in court. Fair Havens has corporate lawyers that were involved and the Mayor met with the son of the owner.

Mayor Bain added that he and the owner's son were going to meet with Trane but that fell through.

Assistant City Manager Gorland stated that he had contact with Trane's District Manager and at this point they are not interested in helping.

Mayor Bain recommended that the City Attorney begin working to update the ordinance. He added that he would like to schedule a meeting with Fair Havens and the new company who purchased Trane.

Councilman Garcia suggested updating the residents via e-mail of any progress that is being made so that they are aware the City is working to resolve the problem. He would like more communication with the affected residents.

Assistant City Manager Gorland agreed to keep the residents informed even though at the end of two years there has been little progress.

Councilman Garcia would like to aggressively review the Code of Ordinances and update those that are antiquated.

City Manager Borgmann stated that the Codes are updated periodically as time is available. The Code Review Board had a very active period in the 1970's when they reviewed the entire code and recommended multiple changes.

In response to Councilman Garcia's request, City Attorney Seiden said that it would be a monumental task to update the entire Code that would take a long time. He explained that traditionally the codes are amended as complaints or issues are brought to the City's attention.

City Attorney Seiden stated that the noise ordinance was very general and probably not valid from day one. He said that help might be needed from experts in order to draft ordinances that enforce standards. He added that as soon as the Comprehensive Plan amendment is approved, the City will need to hire a professional who can amend the Code so it will allow beneficial development for N. W. 36th Street.

City Attorney Seiden said that it would be hard to review the entire Code considering the day-to-day responsibilities of the Administration. He added that he has been in contact with the Assistant City Manager through the entire process with Fair Havens and Trane; it is always better to reach some kind of agreement.

Assistant City Manager Gorland stated that he would make one more attempt to work out a solution or set up a meeting, but his feeling is that Trane is concerned about class action lawsuits so they will not admit there is a problem. He said it would have been so easy for them to provide a list of buildings that have already have the sound muffling equipment in place and he spoke to the engineer who advised him that the equipment is readily available.

Councilman Garcia said that although a new ordinance would not resolve the Fair Havens issue, it could stop new buildings from installing the same unit.

Councilman Best recalled that Council was given copies of codes from various municipalities with a thorough report.

City Attorney Seiden said that because the problem deals with the pitch it would not be covered in any of the ordinances. He said that something that costs \$17,000 has a certain amount of proprietary interest built into it.

Assistant City Manager Gorland stated that the City of Miami Ordinance is based on decibel readings and taking the decibel readings at Fair Havens the noise fell within the decibel requirements.

Pool Hours

Councilman Garcia asked the Assistant City Manager to get back with him regarding the swimming pool hours of operation.

Prayers

Councilman Garcia asked to keep a little boy named Anthony Parodi in their prayers because he will be undergoing bypass surgery and a mass was held for him at Blessed Trinity Church this evening.

Deer Run Traffic Calming

Vice Mayor Dotson inquired about the plan specifications for the traffic calming device.

City Manager Borgmann responded that he would follow up on a call that he made to Coral Gables asking for the plans.

Gymnasium Roof

Vice Mayor Dotson asked how the gymnasium roof held up during the February rains.

Assistant City Manager Gorland stated that there are two major leaks and the company makes repairs when they are called, but it is dangerous and a lot of time is spent mopping the floor after the rain.

Vice Mayor Dotson commented that the roof was replaced because of the liability, the cost was approximately \$45,000 and there should be a guarantee that the problem will be fixed.

City Manager Borgmann explained that the contractor guaranteed his work and he immediately responds when there is a leak. He does not know at what point the entire roof would have to be replaced, which could be a question for an inspector. There is a one year warranty on the labor and the shingles have a ten-year warranty.

Vice Mayor Dotson was concerned that it will be more than one year when the rainy season arrives.

Assistant City Manager Gorland stated that there are only two small leaks at this point and hopefully the contractor will find the right areas to patch.

Councilman Youngs asked the Administration to keep track of the anniversary date when the guarantee expires so that a decision can be made.

Senior Center Report

Vice Mayor Best stated that he spoke at the Senior Center this past week and there were questions relative to the date of operation for the shuttle bus.

City Manager Borgmann stated that the shuttle bus would be on display during the Springs River Festival when flyers with the route information would be handed out. He contacted the Citizens Independent Transportation Trust representative to see if the City can use the existing signs and posts for the bus stops to be able to display the shuttle route.

Book Signing

Councilman Best said that Seth Bransom published a new book titled "Curtiss-Bright Cities of Opa-locka, Hialeah and Miami Springs" and he attended the book signing at the Miami Springs Historical Museum.

Cancer Walk

Councilman Best reported that the Cancer Relay for Life raised approximately \$80,000.

Board of Appeals Case

Councilman Best noticed that the boat that was denied by Council in the Board of Appeals case approximately one month ago had not been moved.

City Attorney Seiden stated that normally the Code Compliance Office allows thirty days to comply.

High School Portables

Councilman Best asked about the status of the removal of the portables at Miami Springs Senior High School and Councilman Youngs offered to find out from the Region 3 Office.

Memorial Plaques

Mayor Bain asked if the memorial plaques are ready for the dedication that will be held at the Springs River Festival and if invitations would be sent to the appropriate people. The City Manager answered affirmatively.

Billy Maddox

Mayor Bain reported that Billy Maddox who loved golf passed away last month and his family and friends would like to know if they can place a brick with his name on the walkway to the Golf and Country Club.

The City Manager offered to get the information from the company that supplied the bricks if the family provides the details.

Agenda Items

Mayor Bain suggested that Council should notify the City Manager to schedule an agenda item when they want to discuss matters like Fair Havens or the gymnasium roof so that the Administration is prepared to provide the information and the residents have an opportunity to speak at the meeting.

Gymnasium Roof

Mayor Bain suggested that the Administration should contact the roofing contractor now to try to obtain an additional warranty for one year since the leaks have been an ongoing problem.

Cancer Walk

Mayor Bain stated that the Cancer Relay for Life was a pure success and a credit to the community by those who participated to support a just cause. He thanked Commissioner Rebeca Sosa for providing the stage and Suzanne Conlon Wolar and her Staff for organizing one of the best events that he can remember.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:44 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 3/24/2008.

Transcription assistance provided by S. Hitaffer

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