



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, March 22, 2010, at 7:00 p.m.

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

The meeting was called to order at 7:09 p.m.

The following were present:

Mayor Billy Bain  
Vice Mayor Dan Espino  
Councilwoman Jennifer Ator  
Councilman Bob Best  
Councilman George V. Lob

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

**2. Invocation:** Councilwoman Ator offered the invocation.

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

**3. Awards & Presentations:**

None.

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

##### **Springs River Festival**

Denise Frederick of 3867 East 2<sup>nd</sup> Avenue, Hialeah, Chair of the 2010 Springs River Festival, distributed invitations to the opening exercises and ribbon cutting for this year's Festival. She stated that since there is only one more Council meeting prior to the Festival on April 16<sup>th</sup>, this was their only opportunity to approach Council.

Ms. Frederick said that there is a shortfall in their expected budget, with less sponsorship due to the economy and increasing costs. She was hoping that the City could assist with the cost for police security as the off-duty rates have increased. She requested an agenda item for the April 12<sup>th</sup> Regular Meeting.

Mayor Bain asked the City Manager to place an item on the next Council agenda for Council to consider an additional donation.

##### **Flooding**

Vicente Beltran of 974 Meadowlark owns the business apartment at 247 North Royal Poinciana Boulevard. There is a flooding problem in the alley when it rains. He met with the City Manager last November and photographs were sent to Public Works. It was decided that he would place rain gutters on the apartments to decrease the rain flow into the alley and Public Works was to grade the alley to help the drainage. He has not received a response to his calls to the Public Works Department. He said that at one time the alley was paved and he would like to know what the City's responsibility is for the drainage problem.

##### **Art for the Sky Project**

Robert Shultz of 100 Sunset Way, President of the Miami Springs Middle School P.T.S.A., stated that the Science Department is planning an "Art for the Sky" project on Wednesday, May 19<sup>th</sup>, weather permitting. He distributed sample photographs of the ecological artwork and asked for the City Council to recognize the event with a proclamation.

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

##### **5A) 03/08/2010 – Regular Meeting**

Minutes of the March 8, 2010 City Council Regular meeting were approved as written.

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

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

**6A) 03/03/2010 – Architectural Review Board – Minutes**

Minutes of the March 3, 2010 Architectural Review Board meeting were received for information.

To answer Vice Mayor Espino's question, Councilwoman Ator responded that the Architectural Review Board was scheduled for this agenda to make their presentation on signage but because Board member Rogerio Plasencia had been out of town the presentation will be rescheduled for the April 12<sup>th</sup> Council meeting.

**6B) 03/09/2010 – Recreation Commission – Minutes**

Minutes of the March 9, 2010 Recreation Commission meeting were received for information without comment.

**6C) 03/10/2010 – Golf and Country Club Advisory Board – Cancellation Notice**

Cancellation Notice of the March 10, 2010 Golf and Country Club Advisory Board meeting was received for information without comment.

**6D) 03/11/2010 – Board of Parks and Parkways – Minutes**

Minutes of the March 11, 2010 Board of Parks and Parkways meeting were received for information.

City Attorney Jan K. Seiden noted that the minutes indicated that the Board will recommend an amendment to the ordinance after they receive clarification on the language regarding fruit trees from the contact person at Miami-Dade County.

Councilwoman Ator clarified that when the Board of Parks and Parkways makes the recommendation that she would like the item placed on the City Council agenda.

**6E) 03/18/2010 – Historic Preservation Board – Cancellation Notice**

Cancellation Notice of the March 18, 2010 Historic Preservation Board meeting was received for information without comment.

**6F) 04/08/2010 – Board of Parks and Parkways – Rescheduling Notice**

Rescheduling Notice of the April 8, 2010 Board of Parks and Parkways meeting was received for information without comment.

**7. Public Hearings:**

None.

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

**8A) Recommendation that Council Approve an Expenditure of \$7,202.00 to Lou's Police and Security Equipment, Inc., as Provided in Section 31.11 (C) (1) of the City Code, for the Purchase of Fifty (50) New Glock Model 22 Generation 4, .40 Caliber Pistols with Glock Nightsights and 3 Magazines, to be Funded from the Law Enforcement Trust Fund**

City Manager Borgmann read the title of the recommendation for the purchase to be funded from the Law Enforcement Trust Fund.

To answer Mayor Bain's question, Chief of Police Peter G. Baan explained that the old guns will be traded in for approximately \$200.00 each.

**Councilwoman Ator moved to approve the items on the consent agenda. Councilman Lob seconded the motion, which carried unanimously on roll call vote.**

**8B) Recommendation that Council Approve an Expenditure of \$3,602.00 to B.R.H. Electrical Contractor's, Inc., as Provided in Section 31.11 (C) (1) of the City Code, for the Purchase and Installation of a Four (4) Camera Video Monitoring System for the Gazebo and Adjacent Areas of Curtiss Circle, to be Funded From the Law Enforcement Trust Fund**

City Manager Borgmann read the title of the award.

Mayor Bain asked if the purchase of the video monitoring system was a budgeted item.

Chief of Police Baan explained that the purchase was not anticipated during the budget process. He stated that there had been periodic problems with vandalism and damage to the gazebo, which warrants the purchase of a video monitoring system. He said that it would be a model for other City locations that will be considered in the future.

**Councilwoman Ator moved to approve the items on the consent agenda. Councilman Lob seconded the motion, which carried unanimously on roll call vote.**

**8C) Recommendation that Council Approve the Execution of a Professional Artist Services Agreement between City of Miami Springs and Carlos A. Pereira for Community Center**

## **Murals**

City Manager Borgmann read the title of the recommendation.

To answer Vice Mayor Espino's question, City Attorney Seiden explained that it is a requirement of Miami-Dade County for Council to approve the execution of the Professional Artist Services Agreements as a condition of the grant. There were prior contracts, but only for the short-term.

City Manager Borgmann informed Council that the artist would be finished with the murals before the April 8<sup>th</sup> grand opening of the Community Center.

**Councilwoman Ator moved to approve the items on the consent agenda. Councilman Lob seconded the motion, which carried unanimously on roll call vote.**

### **8D) Recommendation that Council Approve the Execution of a Professional Artist Services Agreement between the City of Miami Springs and Dana Estabrook for Community Center Graphic Image Panels**

**Councilwoman Ator moved to approve the items on the consent agenda. Councilman Lob seconded the motion, which carried unanimously on roll call vote.**

City Attorney Seiden stated that he spoke with artist Dana Estabrook who explained that all the panels were ordered and they only need to be installed.

## **9. Old Business:**

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

Councilman Best (Group 1) **re-appointed** Kevin Berounsky to the Board of Adjustment/Zoning and Planning Board for an unexpired term ending on April 30, 2010.

### **9B) Recommendation that Council Approve a Donation of \$2,000 to the Charles B. Stafford Golf Tournament to be Held at the Golf Course on April 9, 2010 (tabled 3/08/2010)**

City Manager Borgmann stated that this is a recommendation that Council approve a donation of \$2,000 to the Charles B. Stafford Golf Tournament to be held at the Golf Course on Friday, April 9, 2010.

Sergeant Claire Gurney-Moore of the Miami Springs Police Department explained that this is the fourth annual Charles B. Stafford Golf Tournament. They are looking forward to a donation from the City as times are difficult due to the economy.

**Councilman Lob moved to approve a donation of \$2,000. Councilman Best seconded the motion, which carried 5-0 on roll call vote.**

**9C) Resolution 2010-3478 – A Resolution of the City Council of the City of Miami Springs Authorizing the Proper Officers and Officials of the City to Execute an Interlocal Agreement Between the City of Miami Springs and Miami-Dade County for the City to Receive the Balance of the Funding for GOB Project Number 271-70539/Curtiss Mansion; Directions to City Clerk; Effective Date**

City Attorney Seiden read the title of the resolution.

City Attorney Seiden explained that the City entered into a prior Interlocal Agreement to secure the funding of approximately \$350,000 for the initial work on the Curtiss Mansion from the Miami-Dade County GOB authority. The purpose of the resolution is to secure the balance of the funding in the amount of \$650,000.

**Vice Mayor Espino moved to adopt the resolution. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote.**

**9D) Resolution No. 2010-3479 – A Resolution of the City Council of the City of Miami Springs Authorizing the Proper Officers and Officials of the City to Execute an Interlocal Agreement Between the City of Miami Springs and Miami-Dade County for the City to Receive the Balance of the Funding for GOB Project Number 59-70591 and 220.1-75313/City Community Center Project; Specifying Intent and Commitment to Project; Identifying Proper Officers and Officials to Execute Documents; Committing Continuing Funding for Operations, Maintenance and Programming; Directions to City Clerk; Effective Date**

City Attorney Seiden read the title of the resolution.

City Attorney Seiden stated that this resolution is required for the City to receive the balance of the GOB grant funds for the Community Center project in the amount of \$2,666,000.

**Councilwoman Ator moved to adopt the resolution. Councilman Best seconded the motion, which carried 5-0 on roll call vote.**

**9E) Discussion Regarding the Basin 35 Drainage Project**

City Manager Borgmann distributed a draft letter that will be sent to Post, Buckley, Schuh & Jernigan, Inc. (PBS&J).

The City Manager explained that early last week he received a telephone call from PBS&J representatives advising him that that they would be speaking with their counsel and company executives that following morning. Subsequently, he followed up with telephone calls on a daily basis, with no response.

City Manager Borgmann explained that City Attorney Seiden suggested the language for the letter that will be sent under the City Manager's signature. The purpose of the letter is to get their attention in an attempt to resolve the matter with the Basin 35 Project in order to move it along.

City Attorney Seiden stated that PBS&J held a meeting and they know what the City's position is in regard to the numbers. He added that a copy of the City Manager's memorandum from the prior meeting would be sent along with the letter for identification.

Council **agreed** that the City Manager should send the letter to PBS&J.

## **10. New Business:**

### **10A) Approval of Personnel Budget Amendments**

City Manager Borgmann stated that during the March 8<sup>th</sup> Council meeting, the third budget amendment for Fiscal Year 2009-2010 was approved and adopted. The budget amendment only funded the staff changes; it did not approve the positions and personnel changes included in the amendment as follows:

1. The addition of a new position of "Recreation Specialist" as shown on the proposed Position Classification and Pay Plan.
2. The addition of three persons to the new full-time position of "Recreation Specialist".
3. The elimination of three part-time positions of "Recreational Leaders (year-round)".

City Manager Borgmann stated that Staff requests approval of the changes as recommended.

Vice Mayor Espino asked what the Recreation Specialist position would entail.

Assistant City Manager Gorland explained that the goal is to maximize the changes in the programming for the new Community Center. This would not be possible with the existing part-time staff that is well trained and they will move into full-time positions. The idea is to be able to execute the plan for operation and implementation of new programming for the Community Center facility.

Councilwoman Ator asked if the position of Assistant Sports Division Supervisor would be changed to an Administrative Assistant III position and if the pay grade would be the same.

Assistant City Manager Gorland clarified that the pay grade would be the same. He explained that the Administrative Assistant III position was in place three years ago when the person in that

position was moved to the position of Assistant Sports Supervisor. That person is being moved back to the Administrative Assistant III position and will report directly to the Recreation Director.

Councilman Best asked if the elimination of four part-time positions will keep the department adequately staffed.

Assistant City Manager Gorland responded affirmatively, explaining that the part-time employees would be handling the same duties on a full-time basis.

To answer Vice Mayor Espino's question, Assistant City Manager Gorland clarified that the individuals would be paid at the entry level salary for the new position, which has a wide pay range.

Councilman Lob asked how many part-time positions were being eliminated.

City Manager Borgmann stated that the proposal does not really eliminate three part-time people; it moves one employee into the position of Recreation Leader (seasonal).

**Vice Mayor Lob moved to approve. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote.**

#### **10B) Miami-Dade County Days in Tallahassee, April 21-22, 2010**

City Manager Borgmann asked that anyone wishing to attend the conference contact the City Clerk in the morning so she could make their reservations.

In response to Mayor Bain's question, City Clerk Magalí Valls advised Council that the credits issued from last year's tickets had to be used for travel originating on or before April 16<sup>th</sup>.

City Manager Borgmann noted that the tickets could also be used for other travel if they met the originating deadline.

Vice Mayor Espino said that Lobbyist Jose Fuentes informed him that the trip would be a worthwhile experience, although there would be many more people attending this session than the previous year.

Mayor Bain agreed, but pointed out that it would be difficult to schedule meetings with the City's respective representatives during the session. If meetings could be arranged, he would encourage them to go rather than lose the tickets completely.

A short discussion ensued regarding the penalties and charges imposed on the use of the tickets.

Mayor Bain asked the City Clerk to contact the airline to inquire if the deadline to use the credits could be extended because of the circumstances that forced the cancellation of the original trip.



City Clerk Valls explained that when she contacted the airline last year she was told that the tickets were non-refundable, but she offered to call the airline and request an extension of the deadline.

City Attorney Jan K. Seiden suggested that anyone wishing to go to Tallahassee early should contact Lobbyist Jose Fuentes first to see if he is able to schedule meetings for them.

Councilwoman Ator asked if Council could receive a report back via e-mail if there is a possibility of scheduling early meetings. She felt there was a consensus that no one is interested in attending Miami-Dade County Days.

Vice Mayor Espino said the fact is that the tickets would be lost if they are not used by the deadline. He said that anyone interested in going to Tallahassee could discuss the matter individually with the Administration.

Mayor Bain was of the opinion that the lobbyist was hired to obtain funds for the City and his success rate stands. The City should not have to spend money for the elected officials to travel to Tallahassee.

Councilman Best agreed that Mayor Bain was right and said that coordinating with Mr. Fuentes is definitely in the best interest of the City.

### **10C) Discussion Regarding Downtown Parking Garage**

City Manager Borgmann stated that when reviewing the documents from the Citizen's Independent Transportation Trust (C.I.T.T.) it was concluded that the City may be able to finance a parking garage over the surface lot across the street from the Police Department. According to C.I.T.T. personnel it would be an allowable expense as long as the parking lot/garage is adjacent to a bus stop to create a park and ride. There are two bus stops on Westward Drive; one is eastbound adjacent to the Woman's Club and the other is westbound across from the bank. These locations could be considered adjacent to the area.

City Manager Borgmann explained that two construction firms were asked to provide a rough estimate to build a three-story garage, not to exceed 20-feet in height and the cost could be as low as \$15,000 per space. He recalled that the surface lot that was previously considered was approximately \$11,000 to \$12,000 per space.

City Manager Borgmann stated that there are two legal issues because the west portion of the lot was purchased for the Police Department utilizing Law Enforcement Trust Fund monies. He was of the opinion that there should not be a problem with building on or above that land. The eastern part of the lot is privately owned by the owner of the building at 101 Westward Drive. The City would need to enter into negotiations with the owner for air rights above that lot and obtain permission to build certain supports on the parcel for the upper decks. Another option would be to purchase the land by eminent domain or perhaps buy a trade for parking spaces within the new garage.

The City Manager explained that he did not want to get far into the project without letting Council know what had been determined or discussed. This may be a project that could be handled by the new Downtown Coordinator once that situation is resolved.

Councilman Best was of the opinion that the owner of the property could be contacted to find out how he feels about the proposal.

Vice Mayor Espino stated that a friend of the owner of the property conveyed to him that the owner would be amenable to an arrangement with the City. The City Manager is looking for direction as to how to proceed and he would like him to move forward with preliminary plans for a parking garage.

To answer the City Attorney's question, Council was in agreement that an appraisal of the property should not be considered at this point.

City Manager Borgmann stated that the assessment on this particular property was cut in half last year compared to the prior year. He said that the appraised value and what the owner of the property is willing to sell the property for are completely different issues.

Vice Mayor Espino pointed out that it might not be a situation in which the City would have to purchase the property; perhaps another arrangement could be reached.

City Attorney Seiden clarified that if there is any interest in purchasing the property there is a need for an appraisal or more than one appraisal depending on the value.

City Manager Borgmann suggested discussing the City's plans with the property owner and ask him if he would consider selling the property and for what price.

Mayor Bain asked the City Manager to first try to negotiate with the property owner before ordering an appraisal.

Councilwoman Ator was concerned about building a structure on a piece of property over which the City would have no control. She said that there are other means of negotiating besides monetary value; for example the City could agree to allow use of a certain amount of spaces for so many years.

Council **agreed** that it would make sense for the City Manager to proceed by contacting the owner of the property.

#### **10D) Use of City Seal or Logo on City Uniform Apparel**

Vice Mayor Espino brought a sample shirt with the new logo for Council to consider. He commented that the logo is very long and very different from the current shirts with the horizontal embroidery.

Councilwoman Ator provided a sample of the logo in a horizontal format.

Vice Mayor Espino was told by Jo Ellen Morgan Phillips that other municipalities arrange their logos so that they fit better on letterheads, shirts, etc. The question is whether or not Council wants to use the new logo or the City seal for uniforms.

City Manager Borgmann was of the opinion that the logo is used more for marketing as opposed to the official City seal/logo.

Councilman Best said that the new City seal on his business card is quite brilliant compared to the old seal.

Councilwoman Ator emphasized that she likes the logo.

Vice Mayor Espino stated that other municipalities have used a branding logo for letterhead, etc., and kept the City seal on employee uniforms, which is up for discussion.

Councilman Best said that after seeing the new City seal on the card and the logo on the shirt, he is not sure he would be in favor of the new logo on the uniforms.

Councilwoman Ator reiterated that she likes the logo that the citizens on the Ad Hoc Committee worked hard to design. She would like the wording “At the Heart of it All” inside the logo as opposed to outside the logo.

Vice Mayor Espino explained that the logo would have to be much larger to include the wording inside.

City Manager Borgmann stated that the Administration wanted to get Council’s direction before ordering uniforms for the summer staff.

To answer Councilwoman Ator’s question, City Manager Borgmann understood that Council had previously discussed digitizing the logo for use on the uniforms, but no conclusion was ever drawn.

Vice Mayor Espino explained that he was the first to ask for shirts with the new logo, which was a long process.

**Councilwoman Ator moved to approve use of the new logo on City uniforms in a horizontal fashion. Councilman Lob seconded the motion.**

Councilman Best inquired if the new City logo would be used on the business cards.

City Manager Borgmann clarified that the motion was to use the new logo on the uniforms. The business cards are a different issue.

Vice Mayor Espino clarified that the logo would have green background and white writing.

City Manager Borgmann asked if the new logo would also be placed on the various colored shirts

that the kids wear for the summer program. He explained that a green logo might not be appropriate on certain color shirts.

Vice Mayor Espino felt that the color of the logo could be manipulated based on the color of the media that it is placed on.

Councilwoman Ator clarified that rather than having the words on a white background or the words on any background, there would be a green background similar to what is on his shirt.

**The motion carried 4-1 on roll call vote, with Councilman Best casting the dissenting vote.**

City Attorney Seiden said that the vote was on employee uniforms. He asked if it would also apply to Council shirts.

**Councilman Lob moved to approve the use of the same logo on Council shirts. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote.**

**11. Other Business:**

None.

**12. Reports & Recommendations:**

**12A) City Attorney**

None.

**12B) City Manager**

**Library Renovation**

City Manager Borgmann reported that Miami-Dade County has selected a new contractor for the Library renovation who has met with Miami Springs Building Official Edwin “Skip” Reed. There could be change orders based upon the Building Official’s recommendations.

**Community Center**

City Manager Borgmann announced that the agenda for the Grand Opening and Ribbon Cutting Ceremony of the new Community Center is completed. The City Honor Guard will present the colors, the Miami Springs High School Band will play the “Star Spangled Banner”, followed by the invocation, the introduction of the dignitaries, ribbon cutting, tour of the building and light refreshments. He asked Council to call him with any names they feel should be included. He added that the family of former Recreation Director Ray Stoltz would be invited and a plaque in his memory will be placed on the new building.

### **Condolences**

City Manager Borgmann extended condolences on behalf of the City Administration to Councilwoman Ator for the passing of her grandmother.

### **Condolences**

City Manager Borgmann announced that Human Resources Director Loretta Boucher lost her aunt that she was very close to, which has been very stressful to her.

### **Wally Clark**

City Manager Borgmann stated that Wally Clark had triple bypass heart surgery. He is at home recovering and plans to attend the Ribbon Cutting Grand Opening of the Community Center.

### **Community Center**

City Manager Borgmann reported that the Community Center murals are in process. Some of the fixtures are being moved into the facility, but the public will not be allowed access until the Ribbon Cutting Ceremony. The certificate of occupancy will be issued this week.

### **Elizabeth Remington**

City Manager Borgmann informed Council that Finance Department Accounting Clerk II Elizabeth Remington is recovering from knee replacement surgery.

### **Executive Session**

Council agreed to schedule the next Executive Session on Monday, April 5, 2010 at 6:00 p.m.

## **12C) City Council**

### **Curtiss Mansion Renovation**

Vice Mayor Espino reported that the first coat of paint was applied to the exterior of the Curtiss Mansion, which will be followed by a glaze coating. Most of the windows and doors have been

installed.

### **Jo Ellen Morgan Phillips**

Vice Mayor Espino extended thoughts and prayers to CMI President Jo Ellen Morgan Phillips whose mother passed away last week.

### **Electrical Upgrade**

Vice Mayor Espino knows that funds were budgeted for the electrical upgrade at the Circle. He asked if the work could be done prior to the Springs River Festival which is quickly approaching.

Public Works Director Robert Williams reported that Computer Electric moved the electrical outlets into the trees; the work is 80% complete and should be finished before the Festival on April 16<sup>th</sup>.

City Manager Borgmann added that the plans are to complete the electrical upgrade and a generator would be available if needed.

### **Good Evening**

Councilman Lob wished everyone a great evening.

### **Appreciation**

Councilwoman Ator stated that she appreciated the condolences to her family in the death of her grandmother.

### **“Book Mobile”**

Councilwoman Ator reported that when she presented the Council report to the senior citizens they asked if a “Book Mobile” could visit the Senior Center once a month because the library renovation is taking so long and they have to travel to the temporary location on the other side of the City. She forwarded the request to the County via e-mail.

### **Spring Break**

Councilwoman Ator hoped that everyone has a safe Spring Break and urged everyone to drive safely.

### **Library Renovation**

City Manager Borgmann said that it is the Building Official’s opinion that only a few more months of work must be done before the Library is finished.

**13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 8:13 p.m.

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Billy Bain  
Mayor

**ATTEST:**

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Magalí Valls, CMC  
City Clerk

Approved as written during meeting of: 4/12/2010.

Transcription assistance provided by Suzanne S. Hitaffer.