



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, March 9, 2009, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:02 p.m.

The following were present:

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

* Arrived at 7:04 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
- City Planner Richard E. Ventura
- City Clerk Magalí Valls

2. Invocation: Councilman Best offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Officer of the Month Award – Detective Harry Mayer – February 2009

Chief of Police Peter G. Baan read the letter from Lieutenant Mike Cole nominating Detective Harry Mayer as Office of the Month for February 2009. He complimented Detective Mayer for his outstanding initiative, persistence and professionalism resulting in the successful conclusion of a burglary case.

Chief of Police Baan stated that the case was interesting because it blended old fashion police work with modern technology, including the cooperation with two other municipalities that closed quite a few burglary cases. He added that this is Detective Mayer's tenth Officer of the Month Award.

Detective Mayer received the award from Chief of Police Baan and thanked the Mayor and Council.

4. Open Forum:

Relay For Life

Michael Gavila of 684 Morningside Drive suggested that garage sales that are held within the City could donate a portion of their proceeds to next year's Relay for Life.

Council Leadership

Former Mayor J. C. "Chet" Fields of 150 Westward Drive stated that he appreciates the leadership of the current Council who has made progress within the last two years. It is disturbing to him that one Councilman seems to be constantly contradicting the facts and holding back what needs to be accomplished.

5. Approval of Council Minutes:

5A) 02/23/2009 – Regular Meeting

Minutes of the February 23, 2009 Regular Meeting were approved as written.

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

6. Reports from Boards & Commissions:

6A) 02/12/2009 – Board of Parks and Parkways – Minutes

Minutes of the February 12, 2009 Board of Parks and Parkways meeting were received for information without comment.

6B) 02/19/2009 – Historic Preservation Board – Minutes

Minutes of the February 19, 2009 Historic Preservation Board were received for information without comment.

6C) 02/26/2009 – Code Review Board – Minutes

Minutes February 26, 2009 Code Review Board meeting were received for information.

6D) 03/02/2009 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the March 2, 2009 Zoning and Planning Board meeting were received for information without comment.

6E) 03/03/2009 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the March 3, 2009 Code Enforcement Board meeting was received for information without comment.

6F) 03/04/2009 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the March 4, 2009 Architectural Review Board meeting was received for information without comment.

6G) 03/12/2009 – Board of Parks and Parkways – Cancellation Notice

Cancellation Notice of the March 12, 2009 Board of Parks and Parkways meeting was received for information without comment.

6H) 03/02/2009 – Board of Adjustment – Actions taken by the Board of Adjustment at their Meeting of March 2, 2009, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of March 2, 2009 were approved subject to the 10-day appeal period.

Councilman Garcia moved to approve the actions of the Board of Adjustment. Vice Mayor Youngs seconded the motion which was carried 5-0 on roll call vote.

City Attorney Seiden stated that the Code Review Board returned their recommendation to Council regarding garage sales and it would be appropriate to set an agenda item for the next meeting to discuss the issue.

Council **agreed** to place an item on the next agenda to discuss garage sales.

7. Public Hearings:

None.

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for February 2009 in the Amount of \$9,427.00

There was no discussion regarding this item.

Councilman Dotson moved to approve the item. Councilman Best seconded the motion, which passed 5 – 0 on roll call vote.

9. Old Business:

9A) 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 Jan K. Seiden read the resolution by title.

Attorney Seiden stated that the item was on a previous agenda, and the back up material was supplied by Miami-Dade County. The County is concerned that it could lose up to \$117.6 million in revenue through fiscal year 2011 – 2012 if this legislation passes.

Councilman Best moved to adopt the resolution. Vice Mayor Youngs seconded the motion which was carried 4-1 on roll call vote, with Mayor Bain casting the dissenting vote (Resolution No. 2009-3434).

9B) Resolution – A Resolution of the City Council of the City of Miami Springs Supporting the Legislative Initiative and Requests of the Miami-Dade County Public Schools to the Florida Legislature to Fund Student Enrollment at the Minimal 2008-2009 per Student Level of \$6,986.29, Restore the Local Discretionary Capital Outlay Levy of 2 Mills, and to Oppose Legislation that Reduces the In-service Hours Required of Teachers Providing Instruction to English Language Learners; Directions to Clerk to Transmit Resolution; Effective Date

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

Attorney Seiden stated that the resolution was requested by the Dade County Public School Department asking for every local government to support their initiative to secure appropriate funding from the Florida Legislature.

Vice Mayor Youngs moved to adopt the resolution. Councilman Best seconded the motion which was carried 5-0 on roll call vote (Resolution No. 2009-3435).

9C) Consider Recommendation from the Golf and Country Club Advisory Board Regarding Plaque in Remembrance of Dr. Charles C. James

City Manager Borgmann explained that this item was carried over from the previous meeting so a full Council would be present for discussion. The item can be referred to the Memorial Committee, though there is usually a six-month waiting period.

City Attorney Seiden advised that the waiting period was removed earlier.

Mayor Bain reiterated that the waiting period was waived for Mr. Bromir and the recommendation was made from the dais at the time. He asked if the location of a plaque was going to be determined at a later date, after approval was given. He agreed with the request, knowing how much Dr. James loved the golf course.

Councilman Best said that the minutes of the Golf and Country Club Advisory Board meeting reflect that they were asking Council for approval first. A location would be discussed and that recommendation would be submitted to Council for discussion.

Councilman Best moved to approve a plaque in remembrance of Dr. James and his years of service to the City. Councilman Dotson seconded the motion.

Vice Mayor Youngs reiterated that Council is being asked to authorize a plaque; the Golf and Country Club Advisory Board will make a proposal for specifics and a location that will be submitted to Council for approval. He clarified that this proposal is in no way intended to slight the Memorial Committee. He asked if Council wanted the Committee's recommendation at the same time.

City Manager Borgmann explained that the Memorial Committee is composed of the Chairs of each of the standing committees; the Chairman of the Golf and Country Club Advisory Board could attend and convey their intent and desire.

Vice Mayor Youngs thought that involving the Memorial Committee would lend more weight to the process. He was in favor of the proposal and suggested that a joint meeting could be held.

Mayor Bain did not feel a joint meeting was necessary if the Golf and Country Club Advisory Board Chairman sat on the Memorial Committee.

City Attorney Seiden advised that the Memorial Committee was composed of the Chairs of the Miami Springs Ministers Council, Historic Preservation Board, Recreation Commission, Parks and Parkways and the Zoning and Planning Boards. He suggested that the Golf and Country Club Advisory Board be asked to designate a representative to appear before the Memorial Committee to discuss the wording, size and location. The Memorial Committee can then follow their procedures.

Councilman Best withdrew his motion and Councilman Dotson withdrew his second.

Councilman Best moved to suggest that a member of the Golf and Country Club Advisory Board present their recommendation to the Memorial Committee with the approval of Council. Councilman Dotson seconded the motion.

City Attorney Seiden suggested that the Golf and Country Club Advisory Board meet to decide what information they want the representative to present to the Memorial Committee for consideration.

The motion passed 5 – 0 on roll call vote.

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

There were no appointments.

10. New Business:

10A) Consideration of Proposal to Charge a Fee for the Use of the Fields by Organized Non-recreational Groups

City Manager Borgmann stated that there is an ongoing situation at Stafford Park where it appears that a group is holding organized games on the weekends for no expense. He has been advised that this group no longer plays in Hialeah because they were being charged for use of the fields and they have been literally locked out of the Virginia Gardens field. The Administration feels that the situation needs to be addressed and he asked Assistant City Manager Gorland to file a report and make recommendations.

Assistant City Manager Gorland confirmed the statements made by the City Manager and made the following recommendations:

1. Impose a ban on all such activities on the fields.

In response to Councilman Dotson's question, Assistant City Manager Gorland replied that he would not recommend an across the board ban because there are several activities that the City wants to encourage, like those games sponsored by the local churches. He would not want to make exceptions if it can be avoided.

2. Charge \$100 per hour for a minimum of three hours, plus \$50 for field lining if requested, plus \$100 deposit in the event there is damage.

Assistant City Manager Gorland explained that this option would cover the cost for an on-site Recreation Department representative, restroom availability and post event/activity field clean up. If the user is an organized activity, proof of insurance will also be required. The Administration is not recommending this option either, although this is what is typically being done in neighboring communities.

3. Implement the Recreation Department's use of the City's standard Special Event form.

Assistant City Manager Gorland noted that this form is current practice for all non-recreation related activities such as the use of the Gazebo and it allows the City Manager to set the fee and deposit based on the circumstances. Proof of insurance and a deposit are always required, which would be the recommended practice since it works well.

Mayor Bain noted that he had received many complaints that the unauthorized activities are damaging the fields. He asked why a ban on any unauthorized leagues or organizations would not be effective.

City Attorney Seiden advised that Council could recommend whatever action they feel is appropriate. If the fields are being torn up so that they are not in good shape for the sponsored activities, it might be a good idea to give them a day of rest. He suggested that the City Manager be given the authority to make exceptions should the occasion arise.

Mayor Bain pointed out that most of the church groups play softball and they are not running around tearing up the grass.

Assistant City Manager Gorland stated that most of the games take place on Sunday mornings, but the players also come out in street clothes during the week to practice and have caused problems during softball and soccer games, which required some police intervention. He explained that most of the problems stem from the wear and tear on the fields and the trash that goes along with the gatherings.

Vice Mayor Youngs asked if the City wanted to encourage more leagues if there is a demand and the fields can support them, otherwise he agrees with setting fees to compensate the City for wear and tear on the fields.

In response to Councilman Best's question, Assistant City Manager Gorland said that he was not sure what groups were using the fields although he understands that they are not local. The times he had been present he was not able to communicate because of the language difference, but the teams were well aware that he spent over an hour picking up trash that was blown all over the field. The majority of the group seems to be in their mid 20's to 30's and is rough on the fields.

Councilman Garcia asked if other municipalities had been surveyed to see how they handle the problem. He knows of several municipal fields that were used on a daily basis, which were covered in Astro Turf, with drainage systems and the cities charged for their usage. Those systems were expensive, but easier to maintain. The natural fields cannot take as much wear and tear and still be in good shape for the residents.

Assistant City Manager Gorland replied that the only municipality he had talked to was Virginia Gardens and they just locked the gates to prevent play.

In response to Councilman Best's question, Assistant City Manager Gorland explained that the fields are intended for use by families in the community

Discussion ensued regarding the best way to determine who is using the fields and how to implement the changes.

Vice Mayor Youngs thought that it would be best to first implement suggestion # 3. He asked for a report on the feedback. He felt the City should be open to considering expanding the organized programs if the fields can support them.

City Attorney Seiden reiterated that Council is being asked to establish a policy regarding non-sponsored activities that appear to over-use the fields. In most instances, people who are faced with the requirements of paying a fee and providing proof of insurance will probably go somewhere else.

Vice Mayor Youngs pointed out that the application is quite thorough; it provides the City with the information that it needs.

Councilman Best felt that final authority should fall to the Administration, but he had no problem endorsing suggestion #3 of the presentation.

Vice Mayor Youngs moved to adopt option #3 as suggested by the Assistant City Manager. Councilman Best seconded the motion.

Mayor Bain said that he would vote for the option, but he would like to see a report on how the program is working, and what the effects would be on the fields should the City entertain more league-type play.

Councilman Garcia suggested that a flyer be created to advise the groups that are using the fields in advance, should they have a game scheduled within the next few weeks.

The motion passed 5 - 0 on roll call vote.

10B) Authorization to the Police Department to Apply for a COPS Hiring Grant

City Manager Borgmann stated that this is a request to authorize the Police to apply for a COPS Hiring Grant.

Chief of Police Peter G. Baan explained that there was an active COPS grant program prior to 2001 when the funds were diverted to the Homeland Security Department. The Recovery and Reimbursement Act of 2009 will supplement future funding for the COPS Hiring Grant, which offers fully funded, full-time Police Officer positions, with no local match required, including salaries and benefits. The funds are specifically for positions that were lost due to budget cuts or Police Officers that were laid off due to budget cuts. The Department currently has two unfunded positions that were eliminated in the 2006-2007 budget that have not been funded the last two Fiscal Years.

Chief Baan stated that the grant would be for a three-year period, with the caveat that the City must fund the positions for at least one budget cycle after the expiration of the grant.

Vice Mayor Youngs commented that the City would be committed to fund the positions for the fourth year consecutive year.

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

10C) Discussion of Request from John Hanks Memorial Services to Relocate their Existing Funeral Home from 5253 N. W. 36th Street (Airport, Highway, Marine Business District) to 280 Westward Drive (Central Business District)

City Manager Borgmann stated that this item was pulled from the agenda.

10D) Discussion of a Request from the Jiménez Group of Miami to Open a Pawn Shop at 901 South Royal Poinciana Boulevard; Airport, Highway, Marine Business District

City Manager Borgmann stated that this item was pulled from the agenda.

10E) Status of City of Miami Springs Efforts to Obtain Funding for City Transportation Projects from Federal Economic Stimulus Legislation

City Planner Ventura explained that he had attended a conference regarding the federal stimulus package covering available funding for transportation improvement projects. He believed that the bill was signed into effect shortly thereafter. He was advised on February 20th by Mr. John Johnson that the MPO Board was meeting in an emergency session to approve a finalized list of proposed transportation improvement projects for municipalities in the County, and it was suggested that a representative from the City be present at the meeting to present the City's request.

City Planner Ventura said that the best use of the stimulus money would be for completing the installation of bike path lighting along Ludlam Drive. The grant proposal application was geared towards that specific project and the design was already complete, which put the City ahead of many of the other municipalities.

City Planner Ventura explained that the process seems to be very informal because of the short time frame. He said that the City is on the list of approved projects. The original request was for \$1MM in funding for the Ludlam Drive bike path lighting, based on a rough estimate from Computer Electric. He was advised that the funding allocations are going to be made proportionally based on population and based on 14,000 residents, the City is seeking anywhere between \$306,000 and \$358,000 for the project. The process is ongoing and there is no final word yet.

City Planner Ventura noted that normally Staff comes to Council requesting permission by resolution to pursue grant monies to be applied toward a particular project. In this case, the Federal Administration is moving so quickly that the term "shovel ready" has been coined to describe the process.

Vice Mayor Youngs asked if Council must ratify the actions.

City Attorney Seiden explained that the item is being presented to Council as an "after the fact" approval on an emergency basis. The City has the option to withdraw the request or keep the process going.

Vice Mayor Youngs moved to ratify the actions taken by the Administration. Councilman Best seconded the motion.

Councilman Best asked if the TEP Grant for approximately \$700,000 dollars was in any way affected by this grant.

City Planner Ventura replied that the TEP grant was an argument in favor of the City. He mentioned in the MPO hearing that the Ludlam Road project was the last leg in an ongoing process, and presented the design plans to show that the City is ready to break ground.

Councilman Dotson asked if the City would have to make up the difference of \$306,000 to \$358,000 for the \$1MM project.

City Planner Ventura responded that the \$1MM estimate from Computer Electric was a very rough estimate that needs to be fine-tuned. He needed that estimate in order to proceed with this request and the maximum the City would be looking at is \$358,000.

City Manager Borgmann explained that this grant does not require the City to match funds and even though the estimate is \$1MM, the project could be broken down, so the City would not have to put out additional dollars. He is also hoping to get some of the funds (\$52,000) that were earmarked for the Virginia Gardens portion of the bike path since it is a shared project between cities. He was fairly certain Miami Springs would receive the \$306,000.

Vice Mayor Youngs stated that going forward with the motion as proposed leaves a standing commitment to finish the project without a time frame. He would be in favor of authorizing the Administration to go forward on that basis.

Councilman Best was in favor of the proposal as long as the City was not required to match the funds.

City Planner Ventura noted that there might be other stimulus monies available to the City in the near future other than transportation improvements, and he would recommend moving forward with this project.

City Manager Borgmann explained that the key point is that the project is “shovel ready”. The government does not want to wait for cities to design projects and go through all the processes. The Administration will be aggressively pursuing any grants available for the Community Center and the Curtiss Mansion, projects that are ready to start and worthy of the tax stimulus dollars.

The motion passed 5 – 0 on roll call vote.

City Manager Borgmann mentioned that the City Planner and the Grant Writer are both pursuing grants for items that they were notified of by the Florida League of Cities.

Vice Mayor Youngs hoped the City could receive enough funds to complete the bike path lighting along Ludlam Drive, including Virginia Gardens.

City Manager Borgmann noted that he attended a Citizens Independent Transportation Trust (CITT) meeting comprised of city managers and municipal and county officials last week. The main topic was encouraging everyone to spend money on city projects because their concern is that too much of it is going unspent. He said that it might be possible to use the funds for replacing the Ludlam bike path with a concrete path, which would eliminate the costly repairs that have to be made when tree roots grow through the asphalt path.

10F) Ordinance – First Reading – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 32-91, Disability Advisory Board – Duties and Responsibilities, by Expanding the Jurisdiction of the Board to Require Other Related Duties and Responsibilities; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden stated that this first reading of the ordinance, which is a result of the Americans with Disabilities Act (ADA) litigation settlement with the City. The City is attempting to expand the jurisdiction of the Disability Advisory Board to be involved with the requirements outlined in the settlement as follows:

1. Self-evaluation plan
2. Plan for curb cuts and sidewalks
3. Procedures to deal with accessibility issues/disabled parking issues
4. Plan for communications regarding these issues

City Attorney Seiden stated that he incorporated the requirements into the jurisdiction of the Board as outlined Section 32-91 – Duties and Responsibilities, which reads:

(I) “The Board shall appoint one of its members at the beginning of each calendar year to act as a liaison with the City Administrative Staff in conducting an annual ADA self-evaluation of the City. The Liaison member shall present the completed evaluation to the full Board no later than June 15th of each year, and the Board shall then issue its report on the evaluation, including comments, suggestions and courses of future action to the City Manager and City Council for review, comment and further action or implementation”.

- 1. The evaluation shall include a plan for curb cut and sidewalk installation, restoration or modification in order to better facilitate accessibility within the City.*
- 2. The evaluation shall also include a review of disability parking issues and the general accessibility of parking areas to the disabled within the City.*

(J) *At all relevant times, either the Board, or its annually designated liaison, shall assist the City Manager and the City Public Information Specialist in the dissemination of all disability related information, notices and documentation to all sources of public notice available to the City”.*

City Attorney Seiden felt that the restructuring of the ordinance had accomplished all four of the required purposes. Basically, the idea is for the Board to appoint one person as a liaison that would have a direct relationship with the City Manager’s Office and the Public Information Specialist and prepare a report on an annual basis outlining where the City stands.

City Attorney Seiden explained that the intent of the lawsuit filed by Mr. Karantsalis was for the City to evaluate itself and correct any problems in order to avoid a lawsuit and to provide a way to disseminate the information to the disabled public in order to show that the City is responding to their needs.

Councilman Dotson voiced his concern that it would be hard to find the right person to be the liaison, which is a very responsible position.

City Attorney Seiden noted that it would be the responsibility of Council to fill the positions on the Board, and perhaps the Chairperson or another member who has available time could fulfill the task.

Councilman Dotson asked if it would be better for a board member to act as the liaison, rather than an Administrative Staff member.

Attorney Seiden explained that the ordinance provides for a Board member to be the liaison in order to link the Board and the Administrative Staff together, establishing a cooperative and educational relationship. The intent is for the City to be more responsive to the needs of the disabled within the community.

Councilman Dotson said that he was willing to proceed, but he has concerns about the liaison member. He explained that some Board members are very faithful to their duties and obligations, while others have a hard time because of the demands of their work or personal life. He felt that it would take a special person to fill the position.

Vice Mayor Youngs agreed with Councilman Dotson’s concerns. He said that his appointment to the Disability Advisory Board was made years ago and the Board has not met. The Board represents a public input, and Council has charged City Staff with creating a prioritized self-evaluation and implementation plan. He agrees with the idea of accomplishing this with a liaison and community involvement.

Vice Mayor Youngs said that the self-evaluation is not an audit and the liaison would not have any authority over the actions of the City, which is consistent with the role of the advisory board members who advise Council. He explained that it would be Council’s responsibility to decide how to implement the plan, what the priorities are and the schedule for implementation.

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

10G) Consideration/Approval of Annexation Flyer

City Manager Borgmann stated that after the Workshop meeting, Staff was directed to put together an annexation flyer that was more simplified than the brochure that was prepared five years ago. He asked Carol Foster to review the information and prepare new verbiage, which is in draft form pending Council's input. Once the language for the flyer is finalized it will be translated into Spanish, sent to the printer and distributed to the public in a mailing that is separate from the utility bills.

Mayor Bain asked about the colors and the format for the flyer.

City Manager Borgmann responded that the printing in black has a light yellow background. The other colors are the same.

City Attorney Seiden suggested changing the title to *"Annexation: What You Need to Know"*. *The first paragraph at the top should read "On Tuesday, April 7, Miami Springs voters will be deciding whether the City should annex adjacent land to the City"*.

Attorney Seiden and Vice Mayor Youngs determined that the first bullet point should read, *"This property is currently designated for industrial and commercial zoning uses under the Miami-Dade County Comprehensive Plan"*.

City Attorney Seiden added that the second line in the first bullet point should read *"Miami Springs intends to maintain the current zoning use land designations until the land can be included within the Miami Springs Comprehensive Plan"*.

In the third bullet point, Attorney Seiden suggested **deleting** *"Control the zoning, land use and code enforcement of this adjacent property"*. In the same bullet point, change the last point to read *"Have the ability to lower taxes and increase the quality of services for current and future residents"*.

Attorney Seiden recommended **adding** the following language at the bottom of the page: *"Following citizen approval, an Interlocal Agreement between the County and City will need to be approved to finalize annexation"*. He said that the intent, as suggested by the Mayor at the prior meeting, is to make the brochure easier to understand.

Mayor Bain would like Council to review the final draft of the annexation brochure during the Special Meeting that is scheduled for Monday, March 16, 2009. In the meantime, he would like the Administration to send a revised draft to Council.

City Attorney Seiden encouraged Council to notify the City Manager if they feel there is additional information the public should be receive.

Councilman Dotson commented that the City Attorney suggested eliminating language under the third bullet point in reference to the zoning control, land use and code enforcement of this adjacent property. He would rephrase the language to read, "*Control the zoning, land use and code enforcement of this adjacent property, although the County will retain land use and zoning authority as long as the railroad terminal property exists*". He felt that this is important and fair to disclose.

Vice Mayor Youngs said that the effect of the Terminal Ordinance is that the City cannot change the land use in a way that the County does not approve of, but it is concurrent control. His suggestion would be to add the word concurrent or the County retains concurrent control as long as it has a terminal use.

Attorney Seiden explained that the brochure should be educational and give positions that are correct without equivocation. He has a problem because he does not have an answer to the question and that is why he added the phrase about the Interlocal Agreement. He would not want to be misleading to either side of the issue. It could be stated that the zoning and land use is currently under the control of the County's Terminal Ordinance, but maybe subject to revision or agreement with the City.

Councilman Dotson said that because the Terminal Ordinance exists, it is applicable and it is a factor. His fear is that the County could amend their Comprehensive Plan in the future and it might not be agreeable with the City and as long as they have the authority, the City is like a captive.

Attorney Seiden suggested that he could work to draft language dealing with the Terminal Ordinance.

Vice Mayor Youngs felt that Councilman Dotson's point is that the brochure should mention the Terminal Ordinance and the Administration could decide how to accurately phrase the wording.

Councilman Dotson suggested that the fourth bullet point could say that this is a chance for Miami Springs to: "*Have the ability to lower taxes up to 2.3 mills and increase the quality of services for current and future residents*". This would demonstrate the financial benefit of annexation, which is important to consider when making a decision at the ballot box.

Councilman Dotson stated that he would change the last bullet point to read: "*While the City acquires twenty-seven pollution sites currently being remediated it will not acquire any responsibility*".

Councilman Dotson felt that it would only be fair to state that there are twenty-seven pollution sites because there are some people who are very concerned. He would at least mention what is known from DERM and to explain that it will not involve any responsibility for the City.

This is a piece of information that should be considered by people who are making a decision about annexation, according to Councilman Dotson. This will answer one of the questions, give information about the extent of the pollution and state that the City will not have the responsibility for remediation.

City Attorney Seiden suggested changing the language to *“The City will not be assuming any responsibility for incurring any financial liability for the presently existing twenty-seven DERM identified sites”*.

Councilman Garcia commented that regardless of how many sites there are, the City is not held responsible unless they cause the pollution. He would not want to limit the number to twenty-seven sites. He said that the brochure will mention that there is more detailed information on the City’s website that could elaborate on each one of the bullet points.

Attorney Seiden suggested the following: *“The City will not be assuming any responsibility or incurring any financial liability for the clean-up costs to any hazardous waste sites in this area, including the twenty-seven currently identified by DERM”*.

Mayor Bain said that he would not include numbers that are subject to change. He suggested including the fact that the City is not responsible for the liability and additional information about the pollution sites is available on the City’s website.

Vice Mayor Youngs felt that that the statement would be stronger by including the number of identified sites.

Councilman Best would like to convey that DERM is the entity that identified the sites.

City Manager Borgmann added *“under DERM review”*.

Mayor Bain asked the Administration to include both options for Council’s consideration at the Special meeting.

Vice Mayor Youngs would like to add the word *“approximately”* to bullet point five in front of 2.3 million. In the last bullet point he said that statutes should be capitalized or it should say *“According to State and Federal law, this is the responsibility of the property owners”*, which would cover statutes, regulations, judicial opinions, etc.

Vice Mayor Youngs added that when referring to clean-up costs, the word *“this”* in the second sentence in the last bullet point is not specific, and it should repeat *“cleanup costs”*. He clarified it should read *“According to Federal and State law, the cleanup costs are the responsibility of the property owners”*

Vice Mayor Youngs said that he is not sure about the next to the last bullet point and whether or not it should be more specific. It currently reads “If property tax revenues decrease due to economic conditions, there will still be substantial net revenue gain to the City”. This may or may not be true, because if the decrease is so dramatic it could wipe out any potential net gain to the City if the property tax rate decreases. There is such a wide margin, it is not likely to have an entire collapse of the tax base, but there should be a more accurate way to make the statement.

Vice Mayor Youngs stated that the thought for the bullet point is that there is such a dramatic, net surplus tax margin that even if the property tax revenues decrease to an extent, for whatever reason, it is estimated that there will still be a substantial net revenue gain to the City.

Attorney Seiden suggested the wording “*the City believes*”.

Councilman Garcia suggested changing “On Tuesday, April 7th” to “*During our upcoming elections*” and referencing the April 3rd and April 4th early voting options with a footnote. He felt that it is very important to mention the current residential/commercial tax base, which is the most important reason to go forward with annexation. It should mention the current residential/commercial ratio compared to what it will be after annexation.

Vice Mayor Youngs said that the reference to the residential/commercial tax base could be incorporated into bullet point four, section three. He said that the current ratio is 90/10.

Mayor Bain asked if Council could propose a resolution supporting the proposed annexation.

City Attorney Seiden agreed that he could draft a resolution to that effect, or it can be put into the record with a vote.

Mayor Bain responded that he would like a resolution with an official vote. He felt that it would show that Council is in agreement that annexation would be beneficial for the City.

Vice Mayor Youngs was of the opinion that there should be two separate resolutions for ballot questions number one and number two.

City Attorney Seiden agreed with Vice Mayor Youngs that there should be two separate resolutions.

Councilman Garcia suggested drafting three resolutions, one by itself for question number one, a second for question number two and a third for both questions jointly.

Attorney Seiden felt that incorporating both questions in the same resolution could put Council members in a bind because someone might oppose one question and approve of the other.

Council **directed** the City Attorney to draft two resolutions.

10H) Consideration of Proposal for Colonial Bank to Provide Certain Investment Services to the City

City Manager Borgmann stated that the Administration was approached by representatives of the local branch of the Colonial Bank regarding a specific investment service. The Finance Director has prepared an overall summary of the investment plan for review.

City Manager Borgmann explained that in normal situations, these types of decisions are usually made at Staff level and they want to make sure that the City funds are being invested in the best and safest areas with maximum yield. This particular item is being presented to Council since it represents a change in philosophy; one bank is acting almost in the capacity of a broker to find the City the best investment opportunities that would be guaranteed and safe. The program will be only available through the current calendar year because the FDIC increased their limit per account from \$100,000 to \$250,000, which expires on December 31, 2009.

Finance Director Robinson said that he would be surprised if the limits were not extended into next year, given the current economic situation. His memorandum to the City Manager recommends moving forward with this proposal. At a meeting with Colonial Bank representative Sherryl Bowein, they were advised that the bank is reluctant to take any more public funds because of the administrative costs. This is an alternative that allows the City to maintain its relationship with the bank; they will be acting as an agent for placing excess funds in the market by requesting Certificates of Deposit (CD's).

Finance Director Robinson explained that this would allow the City to diversify its investments and Colonial Bank currently has approximately 44% of the City's investment portfolio of \$15.3 million of which 6.7% is in CD's. The program maintains 100% FDIC insurance so there is no additional risk and it would provide significantly better yields on investments. For example, current yields on public funds can range from 45 to 100 basis points; through this program, the rates will be considerably higher. In addition, the bank will not charge a fee for this service.

Mayor Bain asked if there were any penalties to pull the money out early. He was aware that there are some banks offering short-term CD's with no penalties.

Finance Director Robinson replied that there are always penalties. The City's investments are usually of a six month or less duration; penalties are avoided by performing a cash flow analysis to make sure there is sufficient liquidity.

Councilman Garcia asked what the difference would be between a six month CD with penalties and a nine month CD with no penalty. He wondered if there was a limit on the amount of money that could be deposited.

Finance Director Robinson said that he would look into the details of both programs and make a comparison. The difference could be that the other bank offers might not accept public funds. He explained that the City has relationships with Colonial Bank, Sun Trust Bank and Wachovia Bank.

City Manager Borgmann wanted to inform Council that the Administration would like to move forward with this plan in order to maximize yield and safety with the City's funds. The Finance Director, Assistant City Manager and he have to sign off on the documents.

Assistant City Manager Gorland noted that this item is approved under the State of Florida Statutes, which enables the City to invest funds since it does not have its own cash management policy.

Councilman Dotson asked if 50% of the \$6.7 million was the optimum number that is subject to the \$250,000 FDIC regulations. He said that if it is good for \$3.4 million, what would happen with the remaining \$3.3 million.

Finance Director Robinson replied that the City currently has some funds invested through money market and "repo" accounts through Colonial Bank. Those accounts will be evaluated and the decision could be made to place those funds on a term basis. He explained that the current money market rates are not that bad but there is no indication that they will remain that way. Colonial Bank is a qualified public depository; all funds up to \$250,000 are protected by the FDIC, and anything above that amount would be guaranteed by the State of Florida through the qualified public depository program.

Finance Director Robinson explained that there are approximately 2,000 banks participating in this program. He reiterated there would be diversity and 100% safety.

Vice Mayor Youngs stated that the City's investments are protected by the state umbrella at the current time, even though it has more than \$250,000 with one institution. He asked the Finance Director why he thought this was a better option for the City.

Finance Director Robinson responded that the alternative would involve looking elsewhere for investment options with either Wachovia or SunTrust banks. He clarified that Colonial Bank is not charging a fee for this program.

City Manager Borgmann replied that Colonial Bank has the advantage of networking with 2,000 other banks across the country so they will see the investment options and make recommendations to the City. The Administration would only be able to see offers and programs that are advertised locally.

Vice Mayor Youngs said that in either case, it would be 100% safe and Colonial Bank wants to keep the City as a customer by channeling funds. He asked if in some instances there would be a change from the protection of the State fund versus the FDIC.

Finance Director Robinson responded that is basically what has happened.

Vice Mayor Youngs commented that the FDIC might be less likely to fail than the State reserve fund, so perhaps this increases the safety factor. The deposit placement agreement with Colonial Bank would be less work for the City and it could realize a higher return by finding the right CD's.

Finance Director Robinson explained that Colonial Bank will provide a statement listing the CD's and the rates of return. The Administration will be able to determine the rate of return in advance and also have the option of looking at the market and compare rates from other qualified public depositories before making the decision to move forward.

Councilman Garcia commented that utilizing the program with Colonial Bank gives the City another option, but it is not the only option.

City Manager Borgmann reiterated that the Administration is asking for authorization to execute this document and move forward with the plan.

Vice Mayor Youngs moved the item. Councilman Dotson seconded the motion, which passed 4-1 on roll call vote with Councilman Garcia dissenting.

11. Other Business:

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

Councilman Best moved to give the City Attorney a vote of confidence. Vice Mayor Youngs seconded the motion.

Councilman Best thanked City Attorney Seiden for making everything crystal clear to him in all aspects, which makes it easy to understand when subsequent issues arise relative to the City Charter, State and County laws.

Councilman Garcia would like the City Attorney to keep up the good work.

Vice Mayor Youngs stated that as a lawyer, he knows it is difficult at times and there is a certain art or inherent arrogance in looking over someone's work. Attorney Seiden does a wonderful job and he is a strong City Attorney who brings many ideas to the table that are irreplaceable. Council has a good idea about trusting his experience and wealth of knowledge and advice, which is exactly what the City needs and other cities may not have if they hire technical lawyers instead of a full-time City Attorney. He felt that City Attorney Seiden is a gem and great resource that is much appreciated.

Mayor Bain stated that City Attorney Seiden protects the City and does a great job.

The motion was unanimously carried on roll call vote.

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

Councilman Garcia moved to give a vote of confidence to the City Clerk. Councilman Dotson seconded the motion.

Mayor Bain stated that City Clerk Magalí Valls is always available for everybody, including the residents. Her job is to support Council, but she supports everyone in the City, including the City Attorney. He appreciates the fact that she goes above and beyond her duties.

City Manager Borgmann said that Council is dealing with individuals when considering their vote of confidence, but it is part of a larger picture and that is a team. The Staff, Administration, City Attorney and City Clerk have been a very strong team for a long time and without their support his job would be a lot more difficult. He wholeheartedly supports the City Attorney and City Clerk.

Vice Mayor Youngs stated that he really appreciates City Clerk Magalí Valls and her level of professionalism, courtesy and class that is irreplaceable. She does not fatigue and she gets the job done.

The motion carried 5-0 on roll call vote.

12. Reports & Recommendations:

12A) City Attorney

Thank You

City Attorney Seiden thanked the Mayor and Council for their vote of confidence. He said that the nice comments are appreciated and he enjoys working for them.

12B) City Manager

Sinkhole

City Manager Borgmann reported that the County repaired a sinkhole on South Royal Poinciana Boulevard. They responded quickly and the work was well done.

Beautification Project

City Manager Borgmann stated that joint project between Miami Springs, Virginia Gardens and Miami-Dade County for the beautification of the Curtiss Parkway median off of 36th Street is almost complete and it looks very nice.

Mayor Bain thanked Virginia Gardens Mayor Deno for spearheading the project.

Candidate Forum

City Manager Borgmann reminded everyone to attend the Chamber of Commerce/Women's Club Candidate Forum that is scheduled for Wednesday, March 18th at 7:00 p.m. at the Middle School auditorium.

Golf Tournament

City Manager Borgmann announced that the Charles B. Stafford Memorial Golf Tournament would take place on Friday, March 20th at 1:00 p.m.

Community Center Groundbreaking

City Manager Borgmann reported that the tentative groundbreaking for the Community Center is set for Saturday, March 21st at 10:30 a.m.

Baseball Sign-ups

City Manager Borgmann announced that kids can still sign up for baseball, and they are in desperate need of volunteers.

Annexation

City Manager Borgmann referred to a comment that Councilman Dotson made at the March 3, 2009 Workshop meeting regarding annexation and a conversation he had with former Chief of Police H. Randall Dilling. He was concerned with it and he sent an e-mail to Chief Dilling who responded that he never made the statement that he was told not to mention the idea of a new Police facility.

12C) City Council

Little League Volunteers

Councilman Best stated that Little League volunteers are greatly needed and anyone interested should contact Tim Cox.

Pelican Playhouse

Councilman Best announced that The Pelican Playhouse production of “The Iliad, the Odyssey and all Greek Mythology in Less than Ninety-nine Minutes” opens on Friday, March 20th through March 22nd, and again on the weekend of Friday, March 27th through March 29th.

Women’s Club “Meet and Greet”

Councilman Best thanked the Women’s Club for sponsoring the candidate “Meet and Greet” that was held on Monday, March 9th with all candidates in attendance. The candidates were allowed to state their positions, which were received very well by those who were there and the meal was delicious.

Annexation

Councilman Dotson responded to earlier comments made by City Manager Borgmann and stood by his statement that what the former Chief of Police told him was true. He asked the former Chief why he would be willing to accept a rental warehouse for a police facility and he laughed and said that he had to do that. The satellite facility was estimated to cost millions of dollars, which was reduced to make it easier to financially support annexation and maximize the cash benefits to the City.

Little League Opening Ceremony

Councilman Dotson announced that he attended the Little League opening ceremonies and it is very inspiring to see the kids dressed up in their uniforms. The Recreation Department and the Little League do a fantastic job in caring for the kids and inspiring them to work and play together.

Annexation

Vice Mayor Youngs stated the Workshop Meeting on Annexation was appreciated; he was out of town and unable to attend and he would listen to the recording of the meeting. He felt that there is a duty to inform the community what the facts are, the recommendations for and against annexation and the legitimate arguments for both sides. He said he would be available to answer any questions regarding annexation.

Vice Mayor Youngs said that he is in favor of ballot question No. 2 supporting this particular annexation application. He knows that there will be differences of opinions, but at the end of his term of office he wants to be able to say that everything was done to circulate the facts about annexation to the voters in Miami Springs.

Vice Mayor Youngs asked the candidates to be tolerant of different opinions, but insist that they are informed opinions based on the available information. He reviewed the numbers with Mr. Corradino and his methodology seemed reliable. He felt that Council had fulfilled their duty of good faith to the voters in the evaluation of annexation and the next step is to circulate the information.

Annexation

Councilman Garcia stated that he was happy about the annexation pamphlet that would be circulated to the residents.

Community Center Funding

Councilman Garcia stated that false information continues to circulate in reference to the Community Center. He said that the general public might not be aware of the funds that were already allocated toward the project. He would like to circulate a list of the funding that has been designated or post the information on the website.

Curtiss Parkway Median

Councilman Garcia thanked City Staff for their assistance with the Curtiss Parkway median project. He thanked Virginia Gardens Mayor Spencer Deno IV for his efforts. He would like a more proactive approach to the beautification of the medians, particularly on Fairway Drive around the Golf Course.

Fireworks Display

Councilman Garcia asked if there was any information about the fireworks that went off at the County Club on Saturday night.

City Manager Borgmann responded that the fireworks were part of a retirement party for a fireman. They had requested permission and he asked for more information, but no one called him back. He was concerned about falling embers and notification to the surrounding residents.

Golf Tournament

Councilman Garcia mentioned that Faith's Place Golf Tournament would be held on Friday, March 13th at 1:00 p.m. to benefit the Autistic Outreach Program. The tournament needs more participants. He thanked Mayor Bain and the City Manager for their sponsorships.

Town Hall Meeting

Councilman Garcia stated that the Town Hall Meeting with State Representative Erik Fresen was very successful. He thanked him for answering some difficult questions for residents, which proves that he is the right person for the job.

Golf Tournament

Vice Mayor Youngs announced that the Doral Ale House is providing dinner for the Faith's Place Golf Tournament and non-golfer dinner tickets are available for \$25.00. He and his wife plan to attend.

April 7, 2009 Municipal and Special Elections

Councilman Garcia reminded everyone of the April 7, 2009 Municipal and Special Elections. He thanked the Administration for placing the banners announcing that the election will be held at the Miami Springs Golf and Country Club. Miami-Dade County Elections Department will mail a postcard to all voters informing them of the new temporary polling place. He said that some people might not be aware of the change in polling place, so it is imperative to inform people of the change, as well as to promote the absentee ballot option. There is also Early Voting at City Hall on Friday and Saturday, April 3rd and 4th from 8:00 a.m. to 4:00 p.m. as well as Election Day on Tuesday, April 7th from 7:00 a.m. to 7:00 p.m. He thanked all the candidates that made the decision to run for office, which is a difficult task, and he offers his praise and prayers to the elected officials and their families.

East Drive Bus Stops

Mayor Bain said that he would like to see if the County will change the bus stops on East Drive in front of residential homes before the two hotels. He suggested that the stops could be moved to 36th Street.

Wood Fence

Mayor Bain reported that the Springs Hotel has a wooden fence that is in poor condition, while the new Code provides for concrete walls to separate residential properties.

City Manager Borgmann said that as a follow up to comments that were made under Open Forum at the last meeting, the Administration is addressing all wood fences in the City. He would recommend that the Hotel fence be removed and replaced with a barrier that is specified in the Code.

Women's Club "Meet and Greet"

Mayor Bain thanked the Women's Club for the "Meet and Greet" candidate luncheon.

Little League Opening Ceremony

Mayor Bain stated that the Little League Opening Ceremony was a special event that he has attended many times.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:20 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 3/23/2009

Transcription assistance provided by S. Hitaffer