



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, May 10, 2010, 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 George V. Lob  
Councilwoman Jennifer Ator (arrived at 7:05 p.m.)  
Councilman Bob Best  
Councilman Dan Espino

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  
Recreation Director Omar L. Luna  
Elderly Services Director Karen Rosson  
Grant Writer/Public Information Specialist Carol A. Foster  
City Clerk Magalí Valls

### **2. Invocation:** Vice Mayor Lob offered the invocation.

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

### **3. Awards & Presentations:**

#### **3A) Presentation from the Architectural Review Board**

Architectural Review Board Chairman Mark Trowbridge introduced members of the Board who were present. He stated that the Board members made a formal recommendation regarding the locations for signage in the commercial district, along with the content of the signs. He asked Board member Roger Plasencia to come forward with additional information.

Mr. Plasencia stated that the presentation boards complement the handouts. All thirteen sign posts are located on the different Google Earth maps.

Mayor Bain was of the opinion that the sign recommendation should be addressed in a separate meeting and an agenda item could be scheduled for the next meeting.

Councilman Espino suggested that the Architectural Review Board could give a brief presentation of the materials so that Council understands their perspective and details could be discussed at length during a Special meeting.

Mr. Trowbridge explained the Board's goal was for Council to understand their progress, the recommended sign locations, materials and how each of the signs would be notated. He thanked Councilwoman Ator for her guidance.

The locations were broken down into three areas, specifically Curtiss Parkway, the Circle and Westward Drive, according to Mr. Trowbridge.

Mr. Plasencia continued with a brief presentation showing the recommended sign locations.

Mr. Trowbridge explained that the Board determined what would be the major landmarks within the community that attract people, including public facilities, parks, schools, the Central Business District, the Circle, etc. There is a hand off process from sign-to-sign guiding people in the right direction, with parking delineated as well. This will allow the removal of cluttered signs that are not uniform.

To answer Councilman Espino's question, Mr. Trowbridge explained that the Board unanimously endorsed the locations and the sign content, although there are different thoughts on the color pattern. He said that the Board members would be amenable to holding a separate meeting. They would like confirmation that they are moving in the right direction.

Mayor Bain requested information showing the Google maps for Council to review before the next meeting.

Councilman Best approved of the sign layout. He would hope to have a recommendation for the signs to be eliminated at the next meeting.

Councilman Espino stated that he would like the Board to contemplate the idea of way-finding maps as suggested by Vice Mayor Lob during previous meetings.

Councilwoman Ator thanked the Architectural Review Board members for their work.

**Council agreed to schedule the sign recommendation as an agenda item for the next meeting.**

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

##### **Pelican Playhouse**

Peter Newman of 340 Cardinal Street attended the Pelican Player's performance, which was excellent and it is a very positive outlet for the entire community. He thanked Council for supporting the group; it was a great show and they have a good program lined up for the summer.

##### **Pelican Playhouse**

Ralph Wakefield of 255 Springs Avenue reported that the Pelican Players had a great opening and a wonderful time breaking in the new Community Center. Ticket sales were up 20%, two-thirds of the tickets were purchased through the box office and one-third were purchased through the new on-line ticketing by people from other communities. The new projector will be installed this week, as well as the new curtain storage box. The summer recital is scheduled for June 5<sup>th</sup> and 6<sup>th</sup>, and it will be free of charge. Fall production classes begin June 19<sup>th</sup> for the fall performance beginning on September 17<sup>th</sup>.

##### **Skateboard Park**

Donna Hernandez of 769 Pinecrest read a letter she wrote on behalf of supporters of the skateboard park. She said that the room is full of neighborhood people who are not happy with the latest site selected for the park because the majority of Miami Springs residents favor quiet neighborhoods.

Ms. Hernandez stated that there are a large group of residents who do not want to waste tax dollars on changing Westward Drive and she does not see how the current businesses will benefit from making it one lane. She suggested taking the funds from the Westward Drive project and allocating them to build a skateboard park at the old Circle Theatre location, which will bring life back to the Downtown area.

##### **Skateboard Park**

Mel Johnson of 395 Glen Way is not against the skateboard park as long as it is located in a suitable place. He is against the City paying \$250,000 for the facility. There are several issues that he feels have not been addressed by Council. He would like to see a workshop session for the purpose of addressing negative issues that might be associated with the park. He also suggested that kids could take the shuttle bus to the skateboard park in the City of Doral.

### **Skateboard Park**

Bob Schwinger of 630 Cardinal Street does not feel that the proposed skateboard park site across from the Country Club would be appropriate or desirable next to the Golf Course. He suggested that a business person or private investor could take on this type of project and there should be a public hearing on the issue. He expressed his concern about the City's liability for injuries.

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

#### **5A) 04/26/2010 – Regular Meeting**

Minutes of the April 26, 2010 Regular Meeting were approved as written.

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

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

#### **6A) 04/27/2010 – Ecology Board – Minutes**

Minutes of the April 27, 2010 Ecology Board meeting were received for information without comment.

#### **6B) 04/29-2010 – Board of Parks and Parkways – Minutes**

Minutes of the April 29, 2010 Board of Parks and Parkways meeting were received for information without comment.

#### **6C) 05/04/2010 – Code Enforcement Board – Cancellation Notice**

Cancellation Notice of the May 4, 2010 Code Enforcement Board meeting was received for information without comment.

#### **6D) 05/05/2010 – Architectural Review Board – Minutes**

Minutes of the May 5, 2010 Architectural Review Board meeting were received for information without comment.

**6E) 05/03/2010 – Board of Adjustment – Approval of Actions Taken by the Board of Adjustment at their Meeting of May 3, 2010**

Actions taken by the Board of Adjustment at their meeting of May 3, 2010 were approved subject to the 10-day appeal period.

**Councilman Espino moved to approve. Councilman Best seconded the motion, which was approved 5-0 on roll call vote.**

**7. Public Hearings:**

None.

*(Agenda Item 9F considered at this time)*

**8. Consent Agenda:**

**8A) Approval of the City Attorney’s Invoice for April 2010 in the Amount of \$11,866.50**

There was no discussion regarding this item.

**Councilman Best moved the item. Councilman Espino seconded the motion, which was unanimously carried on roll call vote.**

**9. Old Business:**

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

Councilwoman Ator (Group IV) **re-appointed** Jana Armstrong to the Code Review Board 3-year term ending on April 30, 2013.

Councilwoman Ator (Group IV) **re-appointed** Beth Tilman to the Recreation Commission for a 3-year term ending on April 30, 2013.

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Councilman Best stated that Council received good input from citizens throughout the City, whether or not they are for or against the skateboard park. It is unfair to chastise the press in terms of their reporting. They can only report what they hear, although Council might hear more as the weeks go

by. He is surprised that there was no discussion about an alternate site that was proposed and included in the agenda packet. This is a process for the people and the Administration bringing forth suggestions for alternate sites and recommendations to make the park work and make sense as opposed to negative comments. He agrees that the park does not belong in a residential neighborhood, but the kids deserve a park and it should be done right. He would like to hear the Administration's proposal relative to 9F.

Mayor Bain stated that there is an understanding that the other site is an alternative until there is more information on the site by the first tee. The alternate site is on the back burner.

Councilman Best asked the Mayor if he felt it was appropriate to allow the Administration to make their presentation at this time.

Mayor Bain responded "not at this time".

Councilman Espino said that Council's direction to the City Manager was to provide as much information as possible on the one site and instead Council received information pertaining to an incorrect site and a proposal for a new site that was never heard of. He agrees with the Mayor that it is not the right time for Council to hear the presentation from the Administration and they should proceed pursuant to the instructions given at the previous Council meeting.

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**9B) Notification of Donation to All Angels Academy for Trip to State Competition**

City Manager Borgmann notified Council that a donation was made to All Angels Academy to be used for transportation to the State history competition in Tallahassee in the amount of \$200.00.

Councilwoman Ator received calls thanking her for the donation from the City.

**9C) Discussion Regarding an Agreement Between Rotary Club and the City for a Bus**

City Manager Borgmann stated that Marjorie Palmer appeared before Council at the last meeting to express her concern about the lack of progress in putting together an agreement for a 24-passenger bus to be utilized for transporting the senior citizens. Council asked the Administration to bring this item back as an agenda item.

City Manager Borgmann explained that the program was funded by the Florida Department of Transportation (F.D.O.T.) and Miami-Dade County for the transportation of seniors. The City was not eligible to apply for the program and approached several 501-C-3 organizations over the past years to partner with the City. He referred to several documents and e-mails from the Rotary Club expressing their frustrations, explaining that the City ran into some problems when trying to insure

the bus and arranging a hold-harmless or insurance arrangement. The progress has been slow.

There is a one-page agreement drafted by the Rotary Club's attorney that was very simplistic in nature and did not come near to what the City Attorney feels is reasonable and proper, according to Mr. Borgmann. The latest contract prepared by the City Attorney is nine pages long, which includes the various insurance needs of each party.

City Manager Borgmann said that the cost of a new bus is \$72,000 and the Florida League of Cities insurance cost would go up less than \$500.00 per year. The private insurance on the Rotary bus could approach \$6,500 in the first year and the additional \$1MM liability would cost another \$1,500. This would most likely go up in subsequent years. The Administration is looking to determine what the annual debt service might be if the City were to finance the bus.

City Attorney Jan K. Seiden placed a copy of the Transportation Service Agreement for Senior Citizens on the dais. He explained that it is in draft form because the document had been changed since he last received it and he had not yet reviewed the changes. On page three there is still missing information as to the amount of required liability coverage and the dollar amount that the City would reimburse the Rotary Club.

In City Attorney Seiden's opinion, there is another problem that came up during the interim. He drafted the contract based on the understanding that Rotary would be the title holder of the vehicle and it now appears that may not be the case.

City Manager Borgmann clarified that the insurance agent mentioned that the vehicle would be in Rotary's name; they would simply be the lien holder on the title.

City Attorney Seiden responded that if that is the case, this issue is not a problem; it is a matter of liability. Initially the amount of coverage was \$2MM for \$6,500 to \$7,500 per year reimbursement and \$1MM coverage would cost \$5,000 to \$6,500.

To answer Vice Mayor Lob's question, City Attorney Seiden said that FDOT is a government agency and they could probably be added as an additional insured on the City's policy. He offered to contact the FDOT representative to find out the answer. The issue about the title goes to insurability; if the City does not have title, then there is nothing to insure. FDOT requires that they be an additional insured either on the Rotary policy or the City's policy. Correspondence indicated that FDOT would release the vehicle to Rotary either at the end of five years or at 120,000 miles.

Finance Director William Alonso stated that his analysis is based on a vehicle life of ten years. There is a matching grant requirement of \$7,200 in year one and the cost of insurance is based on \$6,500 per year with a 5% annual increase over ten years. After ten years, the total cost for insurance and the matching funds is \$88,956.00 and this amount does not include the administrative time that is needed to comply with the grant reporting requirements.

Finance Director Alonso explained that if the City were to purchase the vehicle outright at \$72,000 and place it under the City's Florida League of Cities insurance policy for approximately \$500.00 per year the total cost over the ten year life would be \$78,000. The third analysis includes the finance costs if the City were to finance the vehicle which brings the total cost to \$83,914, which is still less.

Councilman Espino said that purchasing the vehicle outright would save money in the long run and the City could have an agreement with the Rotary for their periodic use of the vehicle.

Finance Director Alonso explained that correspondence from FDOT indicated that they prefer for the vehicle to reach the mileage (120,000 miles) and if that were the case, the vehicle would never be released.

City Manager Borgmann clarified that the City was precluded from applying for the grant; it was strictly for 501-C-3 organizations. Normally churches or non-profit organizations might go on long trips, but the City only shuttles the bus around the town.

City Attorney Seiden offered to call FDOT to get a more definitive answer on the 5-year or 120,000 miles stipulation. Another issue is whether or not Rotary would accept \$1MM coverage, which would be in the \$6,500 range instead of \$2MM coverage in the \$7,500 range. The Rotary Club needs insurance if they are the title holder, but the City is also providing a hold harmless indemnity within the agreement. The City is going to operate the bus.

Marjorie Palmer of the Rotary Club, explained that there are more than 3,000 senior citizens in the area who enjoy the "Funsters" events and they cannot go on field trips because it is too expensive; the bus is the perfect solution. The Rotary Club worked hard to receive the grant. She understands it might be more cost effective for the City to purchase the bus outright, but if the City were to receive ownership of the bus in five years, half of the cost would be eliminated and it would be a service to the seniors.

Mayor Bain said that the cost is not the issue. In his mind, the issue is the cost of the insurance coverage and the liability.

Vice Mayor Lob would like to determine if Rotary will accept \$1MM coverage and if the vehicle will be turned over after five years and then Council could make a decision.

Councilwoman Ator asked if the City could assist the Rotary Club in any way that would help immediately with the transportation issues. She said that the organization had worked hard to acquire the grant and it would be a good faith showing from the City.

City Attorney Seiden clarified that the City wants to support the effort but there were many unanswered questions. If the Rotary Club is the title holder it solves the insurance problem and it is

only a matter of money.

Jens Spangenberg, President of the Rotary Club, 1131 Quail Avenue, stated that he could not recall any request for City support in regard to transportation.

Mayor Bain stated that a decision could be made at the next meeting pending additional information. In the interim, the Administration can work with the Rotary Club to see if they can assist with travel requirements for the “Funsters”.

**9D) Discussion Regarding Downtown Improvements:**

**9D1) Westward Drive Traffic/Parking Test**

City Manager Borgmann stated that he contacted five companies to explain the demonstration product that was proposed by C3TS and the pricing for 75-foot and none of the five companies have responded with pricing.

The Administration came up with an idea that might work by using plastic parking curb stops that would create an expanded sidewalk with plant material inside. The plants could be used elsewhere in the city after the demonstration project. If the City were to purchase the curb stops they would cost approximately \$8,000 to cover both sides of the street. He has not priced the rental or purchase of the plants, but most likely Public Works could install the materials. He estimated that both sides of the street could be done for approximately \$20,000 as opposed to \$19,400 for 75-feet as quoted by C3TS. He would recommend painting the existing curb for visual purposes so that people will not misstep.

Councilwoman Ator suggested that the Railroad might have free railroad ties.

Mayor Bain would like the Administration to follow up with the five companies to acquire at least three proposals.

Councilwoman Espino felt that the test period could extend for a longer time and both avenues should be pursued.

**9D2) Status of RFQ’s for Downtown Improvements Coordinator**

City Manager Borgmann said that the City had received seven responses and would request holding a Special meeting as soon as possible for Council to hear presentations from all seven. The proposed format might include a ten to fifteen minute presentation by each followed by questions, for a total of 30-minutes per presentation or a four hour meeting.

The respondents will need adequate time to prepare their presentations, at least 10-days to two weeks, according to Mr. Borgmann. He reviewed the upcoming meeting dates explaining that the meeting scheduled for Code Revisions could be heard as a regular agenda item and this would free up the evening of May 26<sup>th</sup>.

Council **agreed** to hold a Special meeting at 6:30 p.m. on May 26<sup>th</sup> for the purpose of receiving presentations from the seven companies who responded to the RFQ for the Downtown Improvements Coordinator. The Code Revisions will be scheduled as a regular agenda item for the Regular meeting of May 24<sup>th</sup>.

#### **9E) Status of Basin 35 Issues with Post, Buckley, Schuh & Jernigan, Inc. (PBS&J)**

City Manager Borgmann reported that the City sent a letter to Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) in response to their letter with their estimate of the value of the work completed and the value of the work to be done to rectify the problems with the Basin 35 drainage project. The City has taken the position that even though portions of the incorrectly designed system could be used, it would not have been part of a revised design that has passed the requirements of DERM. Therefore, the City should not have to pay for something that might be useful, but would not have been needed had the design work been done properly the first time.

City Manager Borgmann was under the impression that the portion of the project that is of beneficial use construction is the segment of solid pipe running north/south that would empty into the canal in an overflow situation. This is what the City paid DERM \$25,000 for the permit fee. The \$25,000 was refunded because this was disallowed. During discussions, PBS&J tried to argue that the City could use the \$25,000 toward the project. The current permit fee is \$400.00, but the City would not have had to pay the \$25,000 if the design had been done correctly.

City Manager Borgmann explained that PBS&J is trying to minimize their loss and they think they are being fair, but they did not prepare a correct drawing and allowed the City to move forward into a situation with DERM. He added that DERM should also share some of the responsibility, but that request would be met with minimal success.

City Attorney Seiden said that the City has a good idea of its position, but cannot evaluate PBS&J's position until they provide answers to the questions as outlined in the City Manager's letter of April 27, 2010.

To answer the Mayor's question, City Attorney Seiden explained that PBS&J expects the City to pay for the re-design cost, which they are entitled to because it would be a new job. As long as they give the City enough credit for the work that was done improperly, it would offset the re-design cost.

The cost of the original engineering was approximately \$106,000, according to Mr. Borgmann, which was done in two phases for Hunting Lodge Drive and the Golf Course portion. The dollar value of the construction was 55% for Hunting Lodge and 45% for the Golf Course and the 45% was applied to the engineering cost in order to come up with a fair amount that would be a credit to the

City.

## **9F) Skate Park Update**

Councilman Espino clarified that Council did not select a site at the last meeting to definitively move forward with the skateboard park. Council proposed a site with direction to the City Manager to obtain more information and move forward with due diligence and perform an analysis of the site.

He was dismayed to see that the River Cities Gazette published an article saying that Council finally took a vote. There is no finality to the subject that he knows of because as it is right now, Council has not decided to build a skateboard park, nor decided a specific location, only to instruct the City Manager to gather the type of information that is needed to facilitate a decision.

Councilman Espino expressed his frustration because it has come to show a problem in the dynamic of this Council and how they have driven the debate. The issue of the location is three years old and predates several members of Council. Last month, Council gave direction to investigate another location and there is another location being proposed today. Every month it is a different location and Council makes ad-hoc decisions on limited information and often decisions are made as a response to a group of residents in haste. This is a disservice to residents who attend the meetings and the residents at home that are supportive of a skateboard park because there is not enough information to make a determination.

Councilman Espino explained that Council gave direction at the last meeting to go forward with one location, gather all the information and by the time he requested hosting a forum to address land conditions, residents' concerns, there was already an outpouring from a number of residents and now it is up for discussion again. He invites the people to attend every meeting to voice their opinions, but this conversation is not right for discussion, because there is no new information about the proposed sites or any other sites to make a final determination on the skateboard park. No one wants a skateboard park in their back yard and Council has not had the ability to flush out the issues. He reiterated that there had been a lack of information several weeks in a row.

Councilman Espino said that he understands the perception that is in the community and he appreciates all comments that are coming forward. There are concerns and others are using this as an opportunity. Concerns include noise, security, hours of operation and other details that must be addressed going forward.

Councilman Espino stated that there are also people who use controversy as an opportunity to oppose building anything anywhere. Today, he would hope that whatever decision is made, whether it is to add other locations and instruct the City Manager to pursue the due diligence review, host the forums, then so be it, but Council needs the ability to gather information needed to make a decision.

Councilman Espino does not want to make any decisions in haste and wants this to be on the record going forward. He reiterated that Council had not selected a site. Council can only discuss and give direction as a body, he cannot tell the City Manager to host a forum on a site that he wants. Three

others could vote him out and that is what happened last week.

Vice Mayor Lob said that it is frustrating because a lot of the points that were already made were reviewed. He would state for the record, based on Florida Statute, that the City is not liable for the skateboard park. This is a concern that keeps coming up and people should listen to the discussion at the meetings. Sound and safety are other concerns and he would like to be able to get to the point of this discussion. Council is not at that point. He clarified that the shuttle bus is being paid for with funds that are designated for getting people to the main transit points. It can only be used as a connector. Council must have the chance to finish due diligence and come up with an idea in concept before everyone blows it out of context. Council hears the same comments week after week and they understand everyone's concerns. He would like the chance to come up with viable locations for the park and to be able to present plans before being shot down.

Councilman Best spoke with many people about the skateboard park issue; many people are opposed and some are in favor. It is really about the process that has been going on for awhile, new information comes to the table for discussion and Council is not in a position yet to make decisions on issues like security or the location. Council voted in favor of moving forward to find a location that makes sense. He welcomes comments from the public relative to the alternative locations. This will only work with the support of the entire community.

Councilwoman Ator stated that Council approved the minutes of the last meeting that specifically state that the proposed site met all the needs for the park and they wanted to move forward and it was the preferred location. The motion states that Councilman Espino moved to propose the Curtiss Parkway/Eldron Drive site location for the skateboard park, that Councilman Best seconded the motion and that the motion passed. She is all for continuing to look at sites and she agrees more information was needed on the site two weeks ago. She also wants to move forward and it is unfair that Council did not make the decisions, although it might not be the intent to stick with those decisions, but those decisions were made two weeks ago and it is unfair to say those decisions were not made.

Mayor Bain understands Councilwoman Ator's comments, but there were two or three stipulations in regard to the site. One was the fact that the drainage on Hunting Lodge Drive could affect this site, second was the pump house and the irrigation. When he voted on this site he considered it the best site, but there were still items that had to be investigated and brought back to Council before final approval. There are other options to consider at this meeting. He reiterated that there were important issues to consider before final approval of this site.

Councilman Espino had asked the City Manager to host a forum at the Country Club to solicit all the information.

Mayor Bain stated that he did not ask for this item to be on the agenda for this meeting.

City Manager Borgmann was told by the Mayor that Golf Superintendent Pell had approached him about the site and he wanted to discuss it.

Mayor Bain said that when he received the agenda he asked the City Manager why the topic was on the agenda and he was told that there might be another site for consideration.

Councilman Espino explained that the City Manager should be doing his due diligence on the site that Council feels is appropriate. This should not be on the agenda at this point. He was dismayed that Council instructed the City Manager to pursue due diligence and in the meantime another site was proposed by the Administration. This is in direct contradiction with Council's instruction to move ahead on this site. If it is the will of Council to include other sites to do the due diligence process that is their prerogative, but Council was not in a position last week to say definitively that the proposed site was where the skateboard park was going to be built, because there could have been easements that "blew it out of the water" or interference with the drainage. Direction was given to the Administration to conduct further investigation on the preferred location.

Perhaps the best thing would have been for the previous or current Council to pick seven sites and instruct the Administration to perform due diligence on all of them in order to avoid moving from site to site, according to Councilman Espino. He reiterated that the point of last week's meeting was to gather that information so that Council could make a decision.

Yolanda Mori of 1271 Redbird Avenue quoted Mayor Bain from an issue of the River Cities Gazette when he stated that many kids in the community want and deserve a skateboard park and he promises to get it done. Children are as important to Mayor Bain as they are to the Seventh Day Adventist Church family because they are the future of the town. She said that unfortunately children cannot receive everything that parents want for them and when this is explained to them they understand and learn a lesson. She expressed her concern about the safety of skateboarding and the many injuries that occur from the sport.

Mary Merrifield of 733 Curtiss Parkway stated that the River Cities Gazette article reported that Council voted 4-1 on Monday, April 26<sup>th</sup> to approve the site for the skateboard park to be built on the corner of Eldron Drive and Curtiss Parkway across from the Seventh Day Adventist Church. She felt that this would be very upsetting for the Church with skateboarding and loud music during their worship. She felt that there would not be enough parking and the overflow would park in the church parking lot.

Clarece Depkin of 501 Nightingale Avenue presented a letter from the Miami Springs Adventist Church and a petition with approximately 100 signatures opposing a skateboard park at the Golf Course. She read the letter expressing opposition to the skateboard park and asked Council to explore other possible sites. The article in the River Cities Gazette made it sound like the decision was final to build the park across from the church. She also expressed disapproval of the Rio Vista Drive location.

Ms. Depkin expressed opposition to the Curtiss Parkway location for the following reasons: noise level, traffic and congestion, parking on the church field, loitering, vandalism, litter, appearance, safety and the proximity to the Golf Course, etc.

Mayor Bain responded that Council would be addressing all the points mentioned by Ms. Depkin at the appropriate time.

Vice Mayor Lob explained that there is no design for the skateboard park so it is too soon for people to comment about what it would look like.

Betty DuBois of 1025 of Hunting Lodge Drive expressed her support for a skateboard park for children in the community in an appropriate location. She would like to hold a public hearing that would allow everyone to express their opinion.

Mary Cavalaris of 709 Curtiss Parkway presented a petition with 175 signatures of residents and golfers opposing the skateboard park. She explained that she lives in a condominium and would see the skateboard park from her front door.

Peter Newman of 340 Cardinal Street thanked the River Cities Gazette for reporting on the skateboard park because the City did not notify the residents about their decision at the last meeting. He lives across from the tennis courts and realizes the anguish that a property owner goes through when a skateboard park is being proposed in their neighborhood. He certainly supports activities for the kids, including tennis, golf and the Pelican Players.

Mr. Newman could not image golfers being able to play with the noise from a skateboard park and the Golf Course is the gem of Miami Springs. He said that a skateboard park at the old theatre site Downtown could be an economic driving engine to bring business to the area and there is another site at Wachovia Bank. He would appreciate Council's consideration of other sites that are not in residential neighborhoods.

Alfred Roland who lives in the Little River area has been coming to the Golf Course for 45 years and has participated in many tournaments at the course, which is home for many black golfers. He heard about the proposed skateboard park and hopes it is not built by the Golf Course because it is a gem that should not be ruined.

Marion Phillips of 709 Curtiss Parkway # 30 is not in favor of the location being proposed for the skateboard park.

Tony Carnavale of 841 Swan Avenue agrees with Councilman Espino that the proposed site was not set in stone and it was only a matter of looking at the property. He recommends that people should visit other skateboard parks to find out how they are designed with noise barriers.

Bob Shultz of 100 Sunset Way said that the skateboard park had been a topic of discussion for almost three years and an agenda item for almost every meeting during the last six months. Nothing is hidden from the public because the meetings are on television and the Council news is reported in the newspaper. His son circulated and presented a petition with almost 300 names of residents 18 years of age or older who support the skateboard park. He agrees that no solid decision was made on the golf course site because there was more investigation to be done.

Todd Stiff of 1255 Dove Avenue spoke in favor of the skateboard park. He felt that the location by the golf course seems workable because it is centrally located and parking is available. Kids who skateboard want to pursue their passion and if the City provides a place for this it will engender very strong positive feelings about the community. He knows that the site selection is one step of many that must be taken in the process.

Javier Diaz of 275 Deer Run said that he likes the location as a former skateboarder, but as a golfer he does not like the idea of having the park by the first tee. There are other locations on the Golf Course by the Driving Range where it can be silenced with noise barriers. He does not feel that there is enough space by the No. 1 tee box.

Mayor Bain understands the comment that was made about not being able to give kids everything they want, but he will first give 100% of his effort to make the skateboard park happen. Council is unanimous about building the skateboard park and he does not accept the fact that it cannot be done. He added that many comments were made and it is a misconception that the public has not been informed of the process. Council is trying to move the park location away from residential areas and the Administration has investigated the concrete sites in the commercial areas by Wachovia Bank and the airport. He brought the idea forward to investigate City property by the second hole next to the old Dr. James' office and subsequently Chief of Police Baan and Councilman Espino presented the site by the first tee.

The Mayor would like to direct the City Manager to give Council answers regarding the telephone pole, the water and sewer and the drainage and then Council can consider whether or not the site is viable.

Vice Mayor Lob spoke with the owner of the old theatre and there are several issues. It would cost a lot of money to bring the building up to current code regulations and to build the skateboard park inside. Another point is that the City would not own the property and it is not a good idea for the City to enter into a partnership with a private owner. For the city to purchase the property it would be cost prohibitive and this location has been investigated. The skateboard park might not be pleasant to some people, but he would like the chance to show how the park can be designed to block the noise and make it appealing.

Councilman Espino said that the site was only a recommendation and a request for feedback. The information Council received was limited and this is not the location next to the tee box that was discussed last week. There is an area surrounded by trees on both sides further southeast. His preliminary comments on the site were based on potential concerns that the City faced in other locations such as parking, noise, beautification, landscaping and surrounding residential properties. The location is recessed on Eldron Drive, it is a central location and the City would work with the neighboring residents, church and the golfers and listen to their concerns.

Councilman Espino explained that design, landscaping, hours of operation all are factors. Council is not trying to create an eyesore; Council is trying to create a place for children in the community as well as adults. The City Manager has been instructed to perform due diligence and he would like the Administration to conduct a forum to hear specific concerns and solutions.

Mayor Bain reiterated that at the next meeting Council would receive information about the utility pole and determine whether or not it is a viable site to build on. He would like answers to the other concerns raised by Councilman Espino for the next meeting.

Councilman Best registered an objection relative to the location of the skateboard park and the fact that the agenda packet included a description for another location that was not discussed.

*(Mayor Bain called for a five-minute recess)*

## **9G) July 4<sup>th</sup> Parade Route**

City Manager Borgmann stated that Councilwoman Ator had requested reversing the parade route in order to showcase the new Community Center. Chief of Police Baan and Programs Supervisor Patti Bradley recommend continuation of the current direction of the parade.

City Manager Borgmann said that the main concern with reversing the route would have been the number of cars that would be held at the Community Center, which would be easier to park at the Country Club.

Councilwoman Ator clarified her position about reversing the parade route. The reason she made the suggestion was not only to showcase the Community Center, but also because the event at the end of the parade has grown. There would be multiple venues for entertaining people at the Community Center, including the Tot-lot, swimming pool, etc. She noticed that there is a concern about using Prince Field and she understands the concerns, but the Country Club does not have the facilities to entertain all the people.

Mayor Bain suggested keeping the same route ending at the Golf Course and installing a tent in a certain area for the residents to have seating to enjoy the food and activities. He said that perhaps the Parks and Recreation Staff could present a proposal for the area behind the Country Club with extra bounce houses, etc. He has concerns about holding the festivities at Prince Field because of the number of people who would be attending.

Councilwoman Ator was not sure that the City needed to expend the resources to implement the Mayor's suggestion for the area behind the Country Club when there are a variety of facilities at Prince Field. This year will be different because it will fall on Saturday, July 3<sup>rd</sup> and the swimming pool, Community Center and Tot-lot could be open.

Vice Mayor Lob stated that in past years the Optimist Club had to use Prince Field to accommodate the number of people.

Councilman Espino recalled that Council allocated additional funding for the Fourth of July activities to cover the cost of the tent and seating. He would like to the parade route to stay the same because there is more open area at the Country Club for activities. He commented that the Village of Virginia Gardens does a good job of providing a quality event for their residents with nice amenities.

Mayor Bain reiterated that Programs Supervisor Patti Bradley could provide a proposal for an event at the Golf Course with a tent and chairs.

Councilman Espino mentioned that some cities have music with their fireworks and use a radio transmitter in order for everyone to listen to the music on their radios.

Assistant City Manager Ronald K. Gorland explained that Programs Supervisor Patti Bradley had been working on Councilman Espino's suggestion.

**9H) Report Regarding Parking Garage and Possible Funding Source**

City Manager Borgmann stated that he had expected receipt of a letter from the Citizens Independent Transportation Trust (CITT) representative either approving or disapproving the parking garage proposal. He spoke with the Executive Director today who said that Nestor Toledo is working on the proposal and he did not receive the information from him as of today.

\*\*\*\*\*

Councilwoman Ator distributed the artwork for the new business cards and asked for Council approval of either version three or four.

Councilman Espino complimented Councilwoman Ator for the business card design. He said that he prefers version three.

**Councilman Espino moved to approve version three for the new cards. He collaborated with Councilwoman Ator and thinks it is a great job and representation of the new City logo, City seal and a vast improvement. Vice Mayor Lob seconded the motion, which carried 4-1 with Councilman Best casting the dissenting vote.**

Councilman Best felt that the design was wonderful, but could not agree with the expense of changing everything after he just received new business cards.

Councilwoman Ator gave credit to Councilman Espino for the design work, which she put into the proper format.

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**10. New Business:**

**10A) Recommendation that Council Award Bid # 03-09/10 to Alberni, Caballero, and Company, LLC, the Highest Rated Firm, as Selected by the Audit Committee, in an Amount not to Exceed \$35,000 for External Auditing Services, and in an Amount not to Exceed \$4,000 for the Single audit (if necessary), pursuant to Section 31.11 (E) (1) of the City Code**

City Manager Borgmann read the title of the bid award. He explained that four proposals were received and Alberni, Caballero, and Company, LLC, the current auditing firm, was selected and rated the highest of the four companies. The selection committee was comprised of City Attorney Jan K. Seiden, Chief of Police Peter G. Baan and Assistant City Manager Ronald K. Gorland.

City Manager Borgmann explained that none of the four companies were found to be deficient, but the current auditors are able to conduct a fast audit based on their knowledge of the City. They just completed the last year option of a three-year contract.

City Attorney Seiden referred to the evaluation sheet. He said that the evaluation is based on points and Alberni, Caballero & Company was ranked number one on two ballots and tied for number one on the third ballot. There are comments included from the various committee members.

Finance Director William A. Alonso said that he could not comment on the process because he did not participate in the audit committee. He mentioned that the City actually paid \$44,500 for last year's audit and the new quote of \$35,000 is a \$10,000 reduction.

City Attorney Seiden added that the proposal includes options for the second and third years, but they are the City's options.

**Vice Mayor Lob moved to approve item 10A. Councilwoman Ator seconded the motion, which was unanimously carried on roll call vote.**

#### **10B) Consideration of Recommendations from the Board of Parks and Parkways**

City Manager Borgmann stated that at their April 29, 2010 meeting, the Board of Parks and Parkways made a motion recommending a change in the City's tree protection ordinance Section 54-06 (B) 8, by removing the words "fruit trees on residential properties such as strangler fig, almond, Podocarpus, and all other trees in this category" and leaving it as "Removal of specimen or non-specimen mango or avocado trees." The Board also recommended that Council include \$30,000 to \$40,000 in the 2010-2011 Budget specifically for the purchase and planting of street trees.

City Manager Borgmann advised Council that the City was awarded an \$18,000 grant for the purpose of planting trees and will be reimbursed once the funds are spent. They would like to see funds included in next year's budget.

City Attorney Seiden explained that the ordinance was amended to reflect the current language.

Councilwoman Ator was of the opinion that the language should be more specific. Subsequently, the Chairman of the Board of Parks and Parkways agreed and tried to get in touch with various sources that could provide a specific definition.

City Attorney Seiden was under the impression after speaking with the Board Chair that they were going to provide a list. This change is a recommendation to go back to the way the ordinance was before. He is in favor of providing a list or a definition. The problem is that all trees are fruit bearing trees to some extent.

Vice Mayor Lob said that he found a list of fruit trees that was two pages in length, which is extensive.

Councilwoman Ator was concerned that it would be difficult to enforce the ordinance if the language is too vague.

Mayor Bain clarified that Podocarpus is not a tree and in his opinion it should not be on the list of protected trees. He felt that common sense should be applied when determining what a fruit tree is.

Board of Parks and Parkways member Irene Priess explained that Board Chairman Richey consulted with many people and they all agreed that the term “fruit tree” was too generic and that it should not be used for that reason.

Councilwoman Ator added that Podocarpus could be added to the list of trees that can be removed, but she does not feel that there should be a three-page list of fruit trees.

Mayor Bain raised another question about the tree ordinance and whether or not people who plant trees on their own property should be penalized for tree removal if they eventually decide they do not want the tree.

Mayor Bain said that in his opinion the entire ordinance should be amended; no one understands the definition of a fruit tree. He emphasized that the rights of the property owner should be protected, not only the trees. He added that the tree ordinance hinders people from planting trees because they do not want to be responsible for adhering to the requirements.

City Attorney Seiden explained that right now Council is trying to solve the problem of fruit trees and a list can be sent back to the Board of Parks and Parkways for their review.

Councilwoman Ator stated that during the budget process last year she specifically asked about funding for tree planting and was told that the City acquires grants and is reimbursed. She would encourage that Council allocate funds in the budget for the planting of street trees in addition to the grant funds.

City Manager Borgmann explained that no action is required at this time regarding the budget; it is only a recommendation that can be addressed during the budget review.

**10C) Resolution No. 2010-3481 – A Resolution of the City Council of the City of Miami Springs Amending the Current Schedule of Charges for the Use of city Recreation Facilities and Related Services; Effective Date**

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

City Manager Borgmann stated that the Administration is recommending the establishment of fees for the use of the new Community Center. In order to control the crowds of people coming from many parts of the County, a charge was instituted to try to curtail much of the outside activity. The charge only applied to those who are 18-years old and over. Even though he has the authority to establish an emergency rate, the Administration must bring back the amended Schedule of Fees to Council as soon as possible for approval in the form of a resolution.

Councilwoman Ator asked if any of the fees had changed in addition to new fees.

Mayor Bain asked if any of the pool fees had changed.

Recreation Director Omar Luna responded that the pool fees had remained the same.

Councilman Espino agreed with Councilwoman Ator that in the future the Schedule of Fees should show the old fees and the proposed changes. He added that there was no information showing the amenities that other cities offer, as mentioned in the memorandum.

Recreation Director Luna explained that the punch card for the pool currently exists. They are trying to control questions in regard to the new amenities at the Community Center, such as rental of the multi-purpose recreation room or the basketball courts for meetings, parties, etc. He has done a lot of research with other cities, but each case is different and only a small number are similar to Miami Springs.

Councilman Espino stated that he would like a comparison with two or three similar cities showing the type of services offered and what they charge. Council would need this information in order to make a decision.

Councilwoman Ator commented that attachment “B” reflected the new fees. She asked if City employees currently receive a 50% discount for summer programs and Recreation Director Luna answered affirmatively.

Vice Mayor Lob would like to see a yearly fee for the use of the entire facility, including the fitness room and the swimming pool. He felt that having a membership card would make the accounting

easier than if people pay every time they walk through the door.

Councilman Espino agreed with Vice Mayor Lob that a membership card could work well and guests could pay a daily or weekly rate.

City Manager Borgmann explained that the Administration is looking into a card reader or scanner.

Parks and Recreation Director Luna added that he is working toward yearly membership fees, but it is hard to determine the amount of the fees until they know what the Community Center expenses are. The national percentage for recreation is 18%.

Councilman Best felt that there are basically three issues, one being the use of the gym. The walking track is free and the pool is another issue. He agrees with Vice Mayor Lob that there should be a yearly family membership fee. He realizes that it is a learning curve until the expenses are known, but tying the pool and the Community Center as a package makes a lot of sense. He asked why the fee is \$30.00 for basketball that takes up a full court and only \$15.00 for volleyball which takes up an equal amount of space.

City Manager Borgmann explained that volleyball can be separated into a half-court basketball area. The volleyball court would be a smaller section.

To answer the Mayor's question, Mr. Luna explained that the fee for use of the basketball court is not for party groups. He added that the \$60.00 fee would most likely be for groups of fifteen to twenty people for an organized activity or recreational basketball.

The Mayor did not see the advantage of closing the basketball court to the public if they pay \$4.00 per person. In his opinion, the Administration should reconsider the hourly rate for the use of the basketball/volleyball courts because it takes away from the use by the community.

City Manager Borgmann asked if the \$4.00 fee for the use of the gym was for a limited amount of time.

Recreation Director Luna responded that \$4.00 per person would be for unlimited use of the gym from 6:30 to 9:30 p.m.

To answer Mayor Bain's question, Mr. Luna explained that the rental of the multi-purpose room might be for a baby shower on a Sunday, a meeting or a birthday party in conjunction with rental of the basketball court. The fees of \$50.00 and \$80.00 were based on an average of what other cities are charging for rooms of similar size.

Mayor Bain felt that there should be some stipulation on the number of people attending a particular function. He wants to make it easier for the kids to play on a day-to-day basis. He felt that \$16.00 for an extra hour rental of the multi-purpose room might not cover the operating costs.

Recreation Director Luna explained that a Recreation Department staff member is present when

there are private parties and a deposit is accepted to ensure that they leave the place clean after the event.

Councilwoman Ator asked if the open gym activity was covered by a specific time period.

Recreation Director Luna responded that the gym is open on Monday and Tuesday nights from 6:30 to 9:30 p.m. There is open basketball for 35 and over on Wednesday, volleyball on Thursday and basketball on Friday, Saturday and Sunday. On Sunday there is a four hour window for the \$4.00 fee.

Councilwoman Ator said that many people were confused about the \$4.00 fee and it is important that it is properly advertised and posted so that people understand. She added that some people were under the impression that they had to pay \$4.00 to use the jogging track.

Councilman Best suggested placing information in the utility bills.

City Manager Borgmann offered to place the information on Channel 77 and in the River Cities Gazette.

Mayor Bain stated that he does not agree with the facility rental fees and asked to table the resolution pending additional information on the full-court/half-court situation.

Vice Mayor Lob would like to see a comparison with two or three similar cities to know what they are charging so that people will know they are being charged fairly.

**Vice Mayor Lob moved to table the item pending more information. Councilman Best seconded the motion, which was unanimously carried on roll call vote.**

#### **10D) Miami All-Stars Basketball Organization Gym Rental for a 3 on 3 Basketball Competition Tournament**

City Manager Borgmann stated that the Administration was approached by the Miami All-Stars Basketball organization to rent the gym for a 3 on 3 basketball competition as explained in the memorandum included in the agenda packet.

Recreation Director Luna explained that the request is for rental of the facility for a 3 on 3 basketball tournament on Memorial Day weekend and in turn the City receives the rental fee. Anyone is allowed to enter the tournament by paying a fee and they will be promoting the event in conjunction with kids from the high school. They will have full use of the gym.

Councilman Espino asked how the \$1,500 rental fee compares with other facilities that rent out the entire basketball space.

Recreation Director Luna explained that he checked with other cities to see what they charged and used an average to determine the fee. He said that the Town of Davie charges \$750.00 per day for

an eight hour session for a single court, while Coral Gables charges \$325.00. Other facilities charge less for a rubber or matted surface that requires less maintenance.

Councilman Best stated that the \$1,500 fee would cover Saturday from 9:00 a.m. to 5:00 p.m. and Sunday from 9:00 a.m. to 1:00 p.m. and Mr. Luna agreed that was correct.

City Manager Borgmann noted that the tournament is open to everyone for a \$60.00 fee per player.

**Councilwoman Ator moved to approve the recommendation to allow the rental of the gym during Memorial Day weekend to the Miami All-Stars Basketball Organization at the fee proposed by the Recreation Department. Councilman Best seconded the motion.**

Vice Mayor Lob reiterated that he would like examples of what other cities charge the next time the administration brings forth a recommendation for the use of the gym.

Councilwoman Ator explained that her motion was specific because the second recommendation was related to the earlier discussion and additional information is needed in light of the concerns that were raised.

Councilman Best commented that it is already May 10<sup>th</sup> and the event is proposed for Memorial Day weekend.

**On roll call vote the motion was unanimously carried.**

**11. Other Business:**

None.

**12. Reports & Recommendations:**

**12A) City Attorney**

None.

**12B) City Manager**

**Golf Course**

City Manager Borgmann reported that potential losses for the Golf Course were briefly discussed at the last meeting. Council received a memorandum outlining what would happen if the Golf Course

was closed for three months. Expenses would not be reduced significantly and revenues would disappear making it harder to recapture the golfers after they play at another course during this period. It is not recommended to close the Golf Course and he would be glad to answer further questions.

### **Police Appreciation Dinner**

City Manager Borgmann announced that the Village of Virginia Gardens held their Police Appreciation Dinner at the Miami Springs Golf and Country Club a couple of weeks ago. No one was informed that police helicopters were flying and landing at the Golf Course, including S.W.A.T. units from other departments.

### **Pelican Playhouse**

City Manager Borgmann stated that the contract with the Pelican Players is being finalized. The first production was a tremendous success and there are still some items remaining to work out. They had asked to hold off until the current performances are over and negotiations will resume shortly.

### **Clay Pit**

City Manager Borgmann noticed that the Clay Pit has been sealed and the clean-up of the calcium carbonate is finished at this point.

### **Sidewalk Repairs**

City Manager Borgmann reported that the handicap compliance issues with the sidewalks are being taken care of. Sod is being laid around the new Community Center and pool area.

### **Tree Planting**

City Manager Borgmann said that the Ludlam Drive tree planting is almost finished. The trees have been planted and the remainder of the landscaping will continue. The County re-paved the entire bike path, which should be maintenance free for awhile.

### **Anniversary**

City Manager Borgmann celebrated his fifteenth year with the City in the capacity of either City Manager or Assistant City Manager on May 8<sup>th</sup>.

## **12C) City Council**

### **Pelican Playhouse**

Councilman Espino expressed his support for the Pelican Playhouse, everyone loved the play, Councilman Best did a tremendous job and he had a great time.

### **Citizens Advisory Committee**

Councilman Espino stated that Commissioner Rebeca Sosa proposed a resolution asking for historic funds totaling \$1.2MM that were left in the County General Obligation Bond. CMI appeared before the Citizen's Advisory Committee on Monday, May 3<sup>rd</sup> and the County approved \$1MM, which is only a recommendation that requires approval from Dade Heritage Trust and final approval from the County Commission.

### **Curtiss Mansion**

Councilman Espino announced that CMI will soon launch a brick campaign to support the Curtiss Mansion. He displayed a sample brick with laser engraving filled with glass.

### **Cinco de Mayo Event**

Councilman Espino reported that the Cinco de Mayo event was a success with 500 to 700 people in attendance.

### **Kids Day Out**

Councilman Espino joined the Optimist Club on Saturday, May 8<sup>th</sup> for Kids Day Out, which is a fishing program for under privileged kids.

### **Arbor Day/Art for the Sky**

Councilman Espino said that there are two conflicting events on May 19<sup>th</sup>, which are Art for the Sky and the Arbor Day celebration.

### **All Angels**

Councilman Espino reported that All Angels' student Amanda Gard's project on X-ray was in the top eighth in the state for individual exhibit boards and Christopher Alexander and Gianni Perez' project on DNA testing won the Legal Heritage Award. They were very appreciative of the donation for the travel to the event.

### **Mother's Day**

Councilman Espino wished all mothers a Happy Mother's Day.

### **Senior Programs**

Councilwoman Ator commented that Council received a letter from a citizen regarding programming for senior citizens. She said that the letter had a lot of good ideas and the program should be expanded.

City Manager Borgmann gave a copy of the letter to Elderly Services Director Karen Rosson so that she can coordinate with Parks and Recreation Director Omar Luna on new activities for the senior citizens.

### **Pelican Playhouse**

Councilwoman Ator also attended the Pelican Playhouse on the closing night. She enjoyed it very much and congratulates Councilman Best for his performance.

### **Memorial Day Ceremony**

Councilwoman Ator announced that the Daughters of the American Revolution will hold their Memorial Day ceremony and her son Avery will be singing at the Veteran's Memorial at 9:30 a.m.

### **Pelican Playhouse**

Councilman Best thanked Councilman Espino and Councilwoman Ator for their kind remarks. He said that the play was a lot of fun with thirty-two actors, some of the best talent in south Florida. Those that attended know this and those that did not attend, hopefully will attend the next time. It was a pleasure to be a part of the play and Ralph Wakefield does a great job. The play was sold out every night.

### **Pelican Playhouse**

Vice Mayor Lob did not see the official play, but he dropped in prior to the play. He congratulated the Pelican Players and said that it is a tremendous event for the community and he is glad they have the venue to do it in.

### **Community Center**

Vice Mayor Lob took exception to a letter in the paper questioning where the City received \$3.5MM from for the Community Center. He wants everyone to know that there is no question and there should be no question in any citizen's mind that Commissioner Rebeca Sosa was the person that was responsible for acquiring the funds.

**13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 10:36 p.m.

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Billy Bain  
Mayor

**ATTEST:**

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Magalí Valls, CMC  
City Clerk

Approved as amended during meeting of 05-24-2010:  
Page 16, paragraph 4

Transcription assistance provided by Suzanne S. Hitaffer.