



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Wednesday, May 28, 2008, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:01 p.m.

The following were present:

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

* Vice Mayor Garcia arrived at 7:43 p.m. during the Board of Appeals meeting.

Also Present:

- City Manager James R. Borgmann
- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Chief of Police H. Randall Dilling
- Finance Director Leacroft E. Robinson
- Interim Comptroller Alicia E. González
- Public Works Director Robert T. Williams
- City Planner Richard E. Ventura
- City Clerk Magalí Valls

2. Invocation: Councilman Youngs offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Presentation of Awards – Miami Springs Senior High School Members of the Anchor/Eco-Hawk Club

Mayor Bain presented individual awards to the Miami Springs Senior High School Members of the Anchor/Eco-Hawk Club who were the forerunners in the green movement in Miami Springs, for their dedication and volunteering efforts in recycling.

Springs River Festival Chairperson Connie Brandenburg stated that this is the first time the Festival incorporated a recycling incentive. She said that the Anchor/Eco-Hawks collected plastics and cans and made sure they were placed in the proper containers.

Ms. Brandenburg introduced club members Yessenia Ramirez, Phyllis Quach, Judith Perez, Katie Rodriguez, Gisella Leffredo, Rachel Zull, Kristen Diaz, Amanda Valdespino, David Ibarra, Gus Ordunez, Natalie Martinez, Allison Parks, Rosa Nonores, Gabriel Perez and Kristine Fernandez.

City Manager Borgmann gave credit to teacher and Anchor Club sponsor Kathleen Doyle who does a fabulous job and is always there for the kids and the community.

Ms. Doyle thanked the Mayor and Council on behalf of all the students and for recognizing the students and helping them with their community service goals.

3B) Presentation of Second Quarter Financial Statements for Fiscal Year 2007/2008 by Finance Director Leacroft E. Robinson

Finance Director Leacroft E. Robinson presented the second quarter financial statements for the City and the Golf Course. He explained that this would bring Council up to date and his goal is to present the financials at the first meeting thirty days after the books close and the third quarter financials would be presented at the first meeting in August.

Finance Director Robinson currently projects a fiscal year end cumulative General Fund unreserved fund balance of approximately \$5.2 million, representing a \$200,000 increase in overall fund balance, which is conservative. Last year, the projection was a little more, or \$257,000 as of the second quarter of last year and ended up being an increase in fund balance of \$1.4 million.

The General Fund Budget Summary for Fiscal Year 2007-2008 projects less revenues due to lower inter-governmental revenue sharing of approximately \$109,000, according to Mr. Robinson. He explained the bulk of the decrease, or \$74,000 is due to lower ½-cent sales tax revenue and a \$40,000 reduction for investment income. He also projects a 6% decrease in expenditures, which are currently at 45% of budget for mid year, which translates into \$781,000. He added that total revenues are at 66% compared to 67% last year and ad valorem taxes are at 85%.

In regard to General Fund expenditures, Finance Director Robinson explained that most departments are at or below the 50% basis as of mid-year. Total General Government is at 40% of budget or \$1.3 million versus a full year amended budget of \$3.3 million. Public Safety is at 45% of budget or \$2.7 million compared to the amended budget of \$5.9 million. Public Works is at 40% of budget or \$837,551 compared to the amended budget of \$2.1 million. Parks and Recreation is at 50% of budget or \$857,189 compared to the amended budget of \$1.7 million.

Finance Director Robinson stated that total General Fund expenditures are at 44% or \$5,698,782 compared to the amended budget of \$13,029,574. The Senior Center is at the break even point or a little above with a net change in fund balance of \$2,000. The Golf Course reflects a net change in fund balance of a positive \$11,046 through mid-year, compared to \$11,000 last year, but there were no subsidies from the General Fund in the current fiscal year.

The Sewer Fund income before transfers totals \$289,000 as opposed to the amended budget of \$827,000 or 35% of budgeted income, according to Mr. Robinson. The Sanitation Fund reflects a positive \$85,796 versus a mid-year budget of \$200,510 or 43%. The Stormwater Fund is just above the breakeven point at \$1,071 compared to the amended budget of \$69,000.

To answer Councilman Best's question, Mr. Robinson clarified that the investment revenue is projected to be \$40,000 less mainly due to the Local Government Investment Pool (LGIP). There is currently a balance of \$400,000+ in Fund B that is restricted with no interest earnings.

Councilman Youngs asked if the projected year end savings over expenditures included the projected Golf Course summer losses and Finance Director Robinson clarified that the \$781,000 projection was only for the General Fund.

Finance Director Robinson reviewed the key financial indicators for the Golf Course for the six months ending March 31, 2008. He said that revenues total \$770,000 versus \$725,000 for the same period last year or a 6.1% increase. The operating profit is \$103,242 versus \$120,638 over last year or a 14.4% decrease. Profit and loss including non-golf costs totals a positive \$11,046 versus a loss of \$7,522 last year and a \$177,224 loss in 2006.

Finance Director Robinson stated that the Golf Course shows positive trends. The Greens revenues total \$678,723 for the current fiscal year versus \$622,626 or a 9% increase over fiscal year 2007 and a 25.7% increase over fiscal year 2006.

Councilman Youngs asked about the higher contractual services for the maintenance department and Finance Director Robinson stated that maintenance costs are running high mid-year but there could be some seasonality involved.

City Manager Borgmann said that the City was having trouble filling the maintenance positions and that was the reason for outsourcing the maintenance. He offered to provide an evaluation of what the actual costs would have been last year had the positions been filled in order to be able to compare costs.

City Manager Borgmann stated that the unrestricted fund balance at the end of last fiscal year was approximately \$1.6 million. He referred to a chart showing an allocation of \$500,000 to the new community center, \$100,000 for a new senior center, \$500,000 for the hurricane contingency and \$500,000 for the Golf Course irrigation system. He explained that these were only suggestions that would have to be formalized and brought back to Council at the next meeting.

Councilman Dotson said that there is no reason why the total surplus would have to be utilized, but it is something to consider. He would like to see the budget for the upcoming year first.

City Manager Borgmann stated that 15% is set aside as a precaution, which had already been factored into the \$1.6 million.

Councilman Youngs asked the Administration to prepare a history of the last four years showing the unreserved budget surplus and how the funds were applied. He said that the financial indicators show that the total reserves are still low compared to cities of similar size. He added that a hurricane fund totaling \$1 million might not be sufficient if the City experiences a direct hit.

Councilman Dotson recalled that the year there was a surplus of \$1,656,000 was a year when there was an 11.7% increase in the property valuations, which did not happen this year and certainly will not be anywhere near that amount the coming year. He is concerned about the additional Homestead Exemption and the decrease in property valuations. He would like to wait until the Tax Assessor's Office provides the numbers on the valuations in order to see what funds will be available before making a decision.

Mayor Bain added that some construction projects would be completed within the next six or eight months that would help increase revenue.

4. Open Forum:

No speakers.

5. Approval of Council Minutes: (simultaneously approved)

5A) 04/28/2008 – Regular Meeting

Minutes of the April 28, 2008 Regular Meeting were approved as written.

Councilman Best moved to approve the minutes. Councilman Youngs seconded the motion, which carried 4-0 on roll call vote.

5B) 05/07/2008 – Special Meeting

Minutes of the May 7, 2008 Special Meeting were approved as written.

Councilman Best moved to approve the minutes. Councilman Youngs seconded the motion, which carried 4-0 on roll call vote.

5C) 05/12/2008 – Regular Meeting

Minutes of the May 12, 2008 Regular Meeting were approved as written.

Councilman Best moved to approve the minutes. Councilman Youngs seconded the motion, which carried 4-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 04/22/2008 – Ecology Board – Minutes

Minutes of the April 22, 2008 Ecology Board meeting were received for information without comment.

6B) 05/13/2008 – Recreation Commission – Minutes

Minutes of the May 13, 2008 Recreation Commission meeting were received for information without comment.

6C) 05/14/2008 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the May 13, 2008 Golf and Country Club Advisory Board meeting was received for information without comment.

6D) 05/15/2008 – Historic Preservation Board – Minutes

Minutes of the May 15, 2008 Historic Preservation Board meeting were received for information without comment.

6E) 05/22/2008 – Code Review Board – Cancellation Notice

Cancellation Notice of the May 22, 2008 Code Review Board was received for information without comment.

7. Public Hearings:

None.

Council sat as the Board of Appeals at 7:30 p.m.

The Mayor reconvened the City Council meeting at 8:39 p.m.

Agenda Item 10A was considered at this time.

8. Consent Agenda:

8A) Recommendation that Council Approve an Expenditure of \$1,840.00 to USA Software, Inc., the Sole Source Supplier, as provided in Section 31.11 (E) (6) (c) of the City Code, and an Expenditure of \$850.00 to Various Vendors, as provided in Section 31.11 (C) (1) of the City Code, to be Paid from the Law Enforcement Trust Fund

City Manager Borgmann read the title of the consent agenda item.

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

9. Old Business:

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

Mayor Bain **re-appointed** Ernie Aloma to the Golf and Country Club Advisory Board for an unexpired term ending on July 31, 2009.

9B) Comprehensive Plan Amendments: Status Report

City Manager Borgmann stated that he asked the City Planner to prepare a status report to bring Council up to date on changes to the Comprehensive Plan amendment schedule.

City Planner Richard Ventura stated that in March 2008, upon receipt of a phone call from a resident who owns property on 36th Street requesting a written status report on the Comprehensive Plan amendment process, he contacted Dario Gonzalez at the FIU Metropolitan Center. Mr. Gonzalez drafted a progress report stating that the Metropolitan Center will modify portions of the Transportation Element that should satisfy the concerns of the South Florida Regional Planning Council related to transportation. To maintain a high level of quality, the Metropolitan Center will continue to review and make revisions where necessary to the Miami Springs 2005 Comprehensive Plan amendments, submitting a draft to the City on the 11th day of April 2008. City Planner Ventura explained that this has not yet happened.

City Planner Ventura continued to say that the attorney representing the developer contacted him directly to obtain the contact information for the representatives at the Metropolitan Center who then contacted Dario Gonzalez and the Department of Community Affairs (DCA) to get their feel with regard to the plan amendments. Mr. Gonzalez found that there was a new person on staff at DCA who had concerns about the City's efforts and the issues are in the process of being addressed by the Metropolitan Center.

The City Planner explained that the Metropolitan Center would handle three issues, but not the request from DCA to turn over analysis of transportation from the Metropolitan Center to an outside traffic engineering consultant to access the impacts of increased traffic along N. W. 36th Street and the level of service as a result of the proposed increase in the floor area ratio (FAR).

City Planner Ventura stated that he received a telephone call from the attorney representing the proposed developer who stated to him that, based upon his conversations with the Metropolitan Center representatives and DCA, his opinion is that the City could be one or 1-1/2 year away from receiving final State approval of the Comprehensive Plan Amendment package. He contacted Karen Brodeen at DCA to get her opinion about the process and she would not commit to a time frame, although she did say that the traffic study would be the component of the revised Comprehensive Plan package that would take the most time.

City Planner Ventura confirmed with Dario Gonzalez that the remainder of the elements, including solid waste, sanitary sewer, and potable water could be addressed by the Metropolitan Center Staff. He is in the process of putting together a Request for Proposals (RFP) seeking bids from traffic engineering firms to perform the study. Funds were set aside in the Comprehensive Planning budget in anticipation of hiring an outside traffic engineering firm.

To answer Councilman Dotson's question, City Planner Ventura stated that he would like to finish the current requirements for the Plan Amendments before turning it over to the South Florida Regional Planning Council for their review and then bring it back to Council for re-adoption before sending the amendment to DCA in Tallahassee.

Councilman Dotson asked the City Planner if he thought it would take 1-1/2 year to complete the process.

City Planner Ventura responded that in his opinion it would not take 1-1/2 year and that is why he decided to get a second opinion from Karen Brodeen. He explained that the attorney representing a developer said that 1-1/2 year was the worst case scenario.

Mayor Bain stated that he would like to expedite the RFP for the traffic engineering study.

Councilman Dotson asked what would be the time schedule of the completion of the remaining three elements by the Metropolitan Center.

City Planner Ventura anticipated that the remaining three elements would be completed in the next three months and the traffic study would take the most time.

City Attorney Seiden added that the County had not approved the Education element, which is holding up Comprehensive Plan amendments for everyone. He was told that the County and School Board had met and they are making strides toward final approval and the City would then have to re-approve that element.

City Planner Ventura stated that originally the City was presented with a joint educational element Interlocal Agreement across the non-exempt municipalities in Miami-Dade County, which was adopted by resolution as requested by the School Board. All municipalities received notices that this particular course of action needed to be redone and transmitted to DCA for objections, recommendations and comments and brought back to the various municipalities for adoption. He is working on this element as well.

9C) Report Regarding Election Changes by the County

City Manager Borgmann stated that he and City Clerk Magalí Valls attended a meeting on May 5, 2008 at the Miami-Dade County Elections Department and that she prepared a report for Council. Many cities were in attendance and everyone had concerns about the new pricing for elections. He explained that the total price of conversion to the new equipment was \$12MM of which the State is funding \$5MM, leaving the County on the hook for \$7MM, not including training.

City Manager Borgmann explained that the new equipment was demonstrated at City Hall and there will be two machine readers per precinct and the same number of booths where people can complete their ballot. The reader scans and processes the votes very quickly and provides a paper trail, although the voter will not get a receipt.

Municipalities are not mandated to change election dates, but they are strongly encouraged to do this, according to Mr. Borgmann. He said that election costs would increase and consolidation would be good for the citizens and a good fiscal decision. It is difficult for the Election Department to provide estimates on stand alone elections. The cost of a stand alone election for Miami Springs is estimated to be \$28,348 and a consolidated countywide municipal election is estimated at \$36,000, according to their formula for which they have no explanation.

Mr. Borgmann stated that the Election Department is saying that an election held the same day in conjunction with a countywide election would be \$4,996, which is their way of encouraging cities to consider this option.

City Manager Borgmann stated that the purpose of this agenda item is to convey the information from the Elections Department. He knows that Council had already taken a stand as far as the City elections. They acknowledged the fact that they were in receipt of the City's letter encouraging all municipalities to join with Miami Springs in a countywide election at the end of April.

City Clerk Magalí Valls commented that the only favorable reaction to the City's resolution that was sent to all municipalities was from Coral Gables City Clerk Walter Foeman who was interested in the April election date. The Miami-Dade County Elections Department is hosting the Dade County Municipal Clerk's Association meeting next week which will provide an additional opportunity to discuss the matter further.

9D) Status Report on the Transfer of the Water and Sewer Systems to the County

City Manager Borgmann distributed a draft of the agreement and a portion of the appendix exhibits. He explained that the exhibit document is ten times the size of what he is distributing. He said that this could be the final document, but since it is not 100% sure, Council would need to schedule a Special Meeting in one week for the purpose of passing a resolution making the final decision on the transfer of the system. The County has a June 6th deadline for their Commission meeting.

City Attorney Seiden stated that he reviewed the document and made notes for some revisions. The body of the document is very close to being finalized. There are a couple of outstanding issues and he will meet with the County Attorney on Thursday, May 29th.

City Attorney Seiden said that he and the City Manager toured the City with a Post, Buckley, Schuh & Jernigan representative and visited every pump station in order to determine the location. There is a question because some of the stations are on city-owned property, some are by grants of easements, and some are in the parkways. Hopefully, they will be able to resolve the pending issues.

City Attorney Seiden stated that he does not want Council to feel rushed because the process is moving so quickly. He said that they are trying to meet the deadline because the numbers were finalized, the County is ready to proceed and in the final analysis, if Council feels that more time is needed, then they will advise the County and recalculate the numbers. He never anticipated a 45-day period for presenting the agenda item to the County.

City Attorney Seiden said that he or the City Manager could answer any questions. He will meet with the County representative to work out some issues and a final version of the agreement would be presented to Council at a Special meeting next week. He explained that Exhibit G is the most important exhibit related to the calculation for the surcharge.

City Attorney Seiden added that the City Clerk would advertise the Special Meeting and if for some reason an extra day is needed, the meeting could be continued.

Mayor Bain stated that Council could meet at 7:00 p.m. on Wednesday, June 4, 2008.

City Manager Borgmann stated that he and the City Attorney could establish a conference call with each Council member individually.

City Manager Borgmann added that there is still an issue with Pump Station 12 and that certain conditions are being demanded by the County, which could mean that the City might not be able to meet their timeframe. The County might be able to add a caveat that they understand that the City would provide the documents with all due diligence, prior to consideration by the County Commission.

To answer the Mayor's question, City Attorney Seiden said that if more time is needed, the City could have to check with the bond counsel in regard to defeasing the bonds.

Councilman Youngs would like the Administration to make every effort to inform the residents of the Special meeting, including the River Cities Gazette, the Channel 77 bulletin board and the 911 reverse calling.

10. New Business:

10A) Site Plan Approval – Construction of a Service Station/Convenience Store – Zoning and Planning Board Case # 05-ZP-08 – Warren Sands – 4801 N. W. 36th Street – Zoning: AHMBD; Airport, Highway, Marine Business District – Lot size: 19,170 square feet

City Planner Richard E. Ventura stated that this is a request for approval of a proposed site plan that was originally Zoning and Planning Board Case # 05-ZP-08. The Applicant is Warren Sands and the location is 4801 N. W. 36th Street in the Airport Highway Marine Business District (AHMBD). The lot size is 19,170 square feet.

Applicant Warren Sands is requesting approval to construct a service station/convenience store at 4801 N. W. 36th Street, which is the former Exotic Toys Car Rental location, according to Mr. Ventura. He explained that the Zoning and Planning Board gave a unanimous recommendation of approval with conditions at their May 5, 2008 meeting.

City Planner Ventura stated that site plan was approved with the condition that there is compliance with the Building Department policy in regard to original signatures, dates, etc., that FDOT and DERM permits are obtained and approved, completion of the curb cuts and additional signage.

City Planner Ventura explained that the proposed site plan is for a hand car wash facility, as well as a vehicle refueling and a convenience store. Plans were submitted on behalf of the Applicant by Mikel Isaac and they were drafted under the current district boundary regulations for the AHMBD. He said that the plans were reviewed by Staff for zoning compliance with setbacks, parking and landscaping and subsequently forwarded to consulting engineers Post, Buckley, Schuh & Jernigan (PBS&J) for their review of paving, drainage, lighting and utilities.

City Planner Ventura stated that there are three sets of comments from PBS&J dated March 7, April 4 and April 25, 2008. He commented that the April 4th letter stated that signed and sealed drainage calculations had not been submitted, but in checking with Michael Lee at PBS&J it was determined that they had been included. The April 4th letter was revised and reissued on April 25th.

One feature of the site plan is the retention of one curb cut for access to the site and also for egress from the site, according to Mr. Ventura. There is an existing curb cut that was granted to the original owners of the site when it was a service station in the early 1990's. However, Mr. Isaac has indicated that FDOT is only allowing the new owner use of the curb cut further to the west and the other would have to be closed, leaving one curb cut for entering and exiting the site and another one on Minola Drive.

City Planner Ventura stated that the Code regulations for the AHMBD were initially drafted to discourage access to businesses from 36th Street due to concerns with backing up traffic; however, the curb cut that was initially granted to the original owner was grandfathered in and future projects will be discouraged from gaining access to the proposed businesses from 36th Street.

City Planner Ventura followed up with Michael Lee at PBS&J to discuss concerns they might have regarding the traffic issue and access from N. W. 36th Street. His response was that this particular depiction of a convenience store/gas station is typical for a project of this type. He recommended approval of the proposed site plan with the following three recommendations:

1. Compliance with Building Department policy with regard to obtaining original signatures, dates and original seals on all applicable plans, reports, etc., when those documents are submitted to the Building Department.
2. Since N. W. 36th Street is a Florida Department of Transportation (FDOT) right-of-way, FDOT permits must be obtained prior to the issuance of a building permit.
3. Department of Environmental Resource Management (DERM) review and approval is required as part of the building permit review process.

City Planner Ventura stated that per the vote at the May 5, 2008 Zoning and Planning Board there is an additional condition number four to provide appropriate directional signage when deemed necessary. Staff recommends approval of the proposed site plan, subject to the four conditions.

To answer Councilman Dotson's question, City Manager Borgmann explained that tanker trucks would enter from Minola Drive and exit through the alley onto N. W. 36th Street.

Councilman Best asked if there were problems anticipated with DERM relative to soil.

Mr. Isaac responded that a Phase I Environment report indicated that everything was clear and DERM also approved the storage tanks.

City Planner Ventura added that since this would be a new service station it would be subject to the State requirement for an on-site generator to provide power to the site. The incoming business heading west on 36th Street could be tremendous during a power outage, but it is something that cannot be avoided.

City Planner Ventura suggested that another condition could be added to address the concern about trucks damaging the alley.

Council agreed to the fifth condition being that the owner accepts the responsibility of widening and/or maintaining the alley if necessary.

Councilman Best moved to approve the site plan, subject to the five conditions. Vice Mayor Garcia seconded the motion.

To answer Vice Mayor Garcia's question, Mr. Isaac confirmed that the Building Official has the Phase I Environmental report.

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

10B) Consideration of Recommendations Made by the Code Review Board at their Meeting of April 24, 2008:

City Manager Borgmann explained that the Code Review Board met on April 24, 2008 and asked Council to consider the following recommendations:

10B1) Amending Code Section 150.013 (C) to read that any side and rear yard fences constructed of any materials with exposed framework shall be erected in such a manner that the support posts and framework be placed facing to the inside of the property.

To answer the Mayor's question, City Attorney Seiden said that the framework for the fencing had been an issue in many communities.

City Manager Borgmann explained that neighbors are always complaining about the side of the fence because the people who install it want to see the good side.

Councilman Dotson moved to approve the recommendation. Councilman Youngs seconded the motion, which was carried 3-2 on roll call vote, with Vice Mayor Garcia and Mayor Bain casting the dissenting votes.

The City Attorney will draft the appropriate ordinance.

10B2) Amending the Code to read that corner lot side yards be subject to the same height restrictions as front yards (fences and hedges).

City Attorney Seiden clarified that this item is not a result of direction from the Building Official; it is the Board's recommendation to restrict the height of side yard hedges.

By consensus, Council **did not approve** this recommendation.

10B3) Amending the Code to read that for all re-roofs from 1/2- 2-1/2 - 12 inches in grade, there must be a gravel roof covering.

City Manager Borgmann explained that all references to gravel were removed the last time the Code was amended and Building Official Edwin "Skip" Reed is recommending gravel for very low pitched roofs.

By consensus, Council **approved** this recommendation.

The City Attorney will draft the appropriate ordinance.

10C) Consideration of Recommendations Made by the Historic Preservation Board at their Meeting of May 15, 2008:

City Manager Borgmann stated that the following are the recommendations of the Historic Preservation Board that were made at their meeting of May 15, 2008.

10C1) Recommendation that Council consider the proposal for the Golf Course designation plaque.

Mayor Bain stated that he would like the Board to make a recommendation for the placement of the plaque.

Councilman Dotson mentioned that the Board discussed a location along the incoming circular driveway.

Councilman Best added that the Board's recommendation is for a plaque that would be 32" wide by 42" high.

Mayor Bain suggested placing the plaque close to the first tee so that it would be seen by golfers as they are getting ready to tee off.

City Manager Borgmann agreed that the first tee would be a good choice because it is the Golf Course that was dedicated, not the building.

Vice Mayor Garcia stated that his recommendation would be to place it in the circle off to the right hand side before the start of the back nine holes, close to where the golf carts pull in. This way it would be seen by those people who do not play golf.

Mayor Bain agreed that the 10th hole might be a better choice exposure.

Council **approved** the recommendation and directed the Historic Preservation Board to come back with suggestions for the location.

10C2) Recommendation that Council recognize Pioneer Residents Arline Rodberg Paul and Vernon O'Neal Paul, Jr.

By **consensus**, Council approved this recommendation.

10D) Approval of New Agreement with Toshiba for Copier Leases City-wide

City Manager Borgmann stated that the Administration is recommending approval of a lease agreement for copier machines with Toshiba Business Solutions in the amount of \$11,711.28 per year, for a five-year period, utilizing State of Florida Contract # 600-340-06-1. Code Section 31.11 (5) (a) (b) and (c) of the City Code allows utilization of another bid from another jurisdiction. Funds are currently available in each department budget for their share of the contract.

The current monthly payment on seven machines located in various departments is \$1,155, according to Mr. Borgmann. Approval of this agreement would represent a savings of \$179.00 per month, or \$2,150 annually.

Councilman Best moved to approve and Councilman Youngs seconded the motion.

Councilman Dotson complimented Finance Director Robinson and Alicia Gonzalez for recommending this cost savings measure.

City Manager Borgmann also gave credit to Purchasing/Systems Manager Moira Ramos.

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

10E) Completion of ADA Requirements for the Recreation Fields

City Manager Borgmann stated that this item is a request to complete the American With Disabilities Act (ADA) requirements for the recreation fields. He explained that separate and apart from the contract to build the new restrooms at Stafford and Dove Avenue parks, years ago Staff identified the need to create asphalt or concrete wheel-ways from the various bleachers to the old bathrooms. In light of recent dealings with the ADA compliance office, it would be prudent to complete these paths now that the new restrooms are complete.

City Manager Borgmann explained that Stafford Park would need a straight piece of approximately 300-feet from the south baseball field bleachers that would connect to the existing jogging track surrounding the field. The north field already has access to the new restroom. Through a separate School Board contract, the City is installing the ramps to the new restrooms that will also require railings due to the height of the finished floor. The building was raised significantly to avoid potential damage from flooding in that area.

The price for the pre-cast steps, pre-cast ramps and rails will total \$17,615.00 utilizing Miami-Dade County Public Schools Bid # 100-FF-10 and the contractor is Russell Building Movers, Inc, according to Mr. Borgmann. At Dove Avenue Park, the wheel-way needs to be more extensive, encompassing the four T-ball fields, servicing all of the existing bleachers. There would also be a short piece that would go from the existing bleachers behind Peavy Field. All viewing areas would have proper access to the restroom and no separate ramps or stairs are needed to the building since the elevation is much lower.

City Manager Borgmann stated that the total cost for Dove Park would be \$16,210 per Miami-Dade County Public School Bid # 55-FF-10. The contractor is Inland Engineering Contractors, Inc. This company has done sidewalk work in the past and the quality of their work is very good.

City Manager Borgmann mentioned that there is a similar need at Prince Field to complete the wheel-way that connects the north field to the restrooms in the Senior Center. There is no price for this particular section at this time, but the City could utilize this same contract and a price could be presented at the June 9, 2008 meeting.

To answer Councilman Dotson's question, Mr. Borgmann clarified that funding was not included in the budget, but contingency funds could be utilized.

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

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

No report.

12B) City Manager

Annexation

City Manager Borgmann stated that he received a phone call from Town of Medley City Attorney Mel Wolff asking if Miami Springs had made any decision on annexation. He advised him that there were cursory discussions and a visit from County Commissioner Rebeca Sosa, but the City Council had not made any final decision.

City Manager Borgmann explained that Attorney Wolff is putting together a document and Medley met with their County Commissioner to proceed with the annexation process. Mr. Wolff asked if Miami Springs was still interested in annexation.

City Manager Borgmann felt that at this point Miami Springs would probably be confined to a minimum amount of land, although Council has not set a maximum. Mr. Wolff was interested in putting together a map that would show the section that Miami Springs is interested in. The last information received from the County showed a section of land on the map that did not go all the way down to 36th Street, and he felt that from a planning and boundary standpoint that it would make more sense to set a new municipal boundary at a major intersection like 36th Street, as opposed to some side street four blocks to the north.

City Manager Borgmann stated that the other boundaries would be the Palmetto Expressway, which has limited access, the 74th Street connector and the F.E.C. rail yard to the east. He is aware of all the issues that had questions that needed answering. Commissioner Sosa was very clear on March 24th that there was supposed to be a public meeting that would be held in three or four weeks and it has been two months without hearing anything.

City Manager Borgmann said that a meeting was held with Commissioner Diaz and the three cities he represents, but Miami Springs was not invited. He thinks they are looking for confirmation from Miami Springs to be included for that area. He thinks that if the process goes much further the other cities may go ahead and move annexation forward assuming that Miami Springs no longer has any interest. He is personally concerned that given tax reform that the County may put a moratorium on annexation in the future.

Councilman Youngs said that for the sake of discussion, Council might want to talk about particular issues and see how they want to proceed with annexation. At the present time, Miami Springs has an application that was filed with the County, the same as Doral, Medley and Virginia Gardens. The application includes the land between Miami Springs and the Palmetto, from 74th Street south to almost State Road 836. Section 15 is west of the Palmetto and it includes the property by the airport that is south of the Embassy Suites property or the Miami Intermodal Center (MIC) area.

Councilman Youngs stated that there is an issue with Doral with regard to Section 15 and there is an issue with Medley with the regard to the boundary line being 74th Street or the Hialeah connector street. Another issue with Virginia Gardens is where to divide the line because they want some land between Miami Springs and the Palmetto.

Councilman Youngs explained another question is whether or not the MIC area south of the Embassy Suites is even on the table. The problem with Miami Springs' annexation is that the other cities have not been willing to bargain or split the difference in the land. Doral wants to take all of Section 15 and Medley wants the area between 74th Street south to the Hialeah connector. Virginia Gardens originally wanted all the land south of 58th Street, which was 80% of the taxable value and the current proposal shows the boundary at 43rd Street, north of 36th Street.

Councilman Youngs said that because Miami Springs has an application with the County that conflicts with the other cities, Miami Springs must reach some compromise. At present, the various maps they have been drawing have been three-party maps without an agreement from Miami Springs.

Vice Mayor Garcia stated that he last heard that the County asked the cities to meet together on their own to come up with the compromise.

Councilman Youngs explained that a series of meetings were held in the year previously.

City Manager Borgmann said that at the last meeting with the County they brought an entirely different map that showed nothing was going to be annexed below 36th Street or east of Le Jeune Road. The County gave Virginia Gardens a little strip of land on 36th Street and Miami Springs was given the land from 44th Street up to the 74th Street connector and west to the Palmetto. That took Miami Springs out of play with Medley and Doral.

Mayor Bain suggested scheduling an agenda item for further discussion. He knows there are concerns and questions to be answered.

Councilman Dotson thought that during the last discussion approximately six weeks ago, Council decided to hold a Special meeting to discuss annexation. He would like to see if there is any consensus on the various elements and all issues should be on the table. Council can discuss what they feel is profitable or financially advantageous, as well as the problems with the terminal ordinance and contiguity with Area "C" west of the railroad. He would like everyone to express their opinions and vote how to proceed.

Vice Mayor Garcia suggested that all questions should be submitted to the City Manager prior to the meeting in order to be able to get answers for Council. There are recommendations from the County and the other cities for the boundary lines, although Miami Springs has not changed their boundary lines since the application was submitted. He would like to look at all the possibilities and make a decision.

City Manager Borgmann explained that during the most recent Council discussion on annexation he presented a list of ten questions and a few were added. The Special Meeting that Councilman Dotson mentioned was to take place after the public meeting with the County when the questions would be answered and the information would be brought back to Council.

Councilman Dotson felt that it would be advantageous for Council to reach a unified position before going to the meeting.

City Manager Borgmann offered to contact County Staff to get the answers to the questions.

Mayor Bain said that Council was told in March that there would be a public meeting with the two County Commissioners and the other cities that are involved, but this did not happen. He knows it is a major issue and would like to schedule an agenda item and reach a unified decision.

Councilman Dotson felt that it would be a lengthy discussion that might require a Special meeting, but he is fine with scheduling it as an agenda item.

Mayor Bain stated that if all the information is gathered it might be enough to understand and the matter could be finalized at the meeting.

Councilman Best felt that it would be wise to allow the City Manager to continue discussions with the other municipalities to find out where they are heading with annexation and whether or not the boundary lines are the same as shown on the most recent map. There are many questions, including the FEC railroad yard. He emphasized that Miami Springs should be included in the negotiations.

City Manager Borgmann asked the City Attorney if it would be appropriate for the City to say that we are still interested in annexation and the minimum amount of land would be 36th Street to 74th Street, and the Palmetto over to the FEC property.

City Attorney Seiden responded that it would be appropriate if Council were to agree.

Mayor Bain stated that he could not make a commitment until Council discusses the matter as an agenda item.

City Attorney Seiden explained that the most the City Manager can say is that the City remains interested in annexation, has a pending application and wants to be part of the process, but has a number of questions that have been proposed to other officials and has not yet received a response.

Councilman Dotson said that it would not be a good idea based on Attorney Wolff's need for information, be he would like to let them know that Miami Springs is still interested in annexation, meetings are scheduled, decisions will be made and communicated to him. The City has an application on file with the County.

Attorney Seiden stated that the County has an ordinance that says that if there is a conflict between contesting municipalities a resolution must be passed approving annexation or it will not go forward. The City is still in the ball game, an application has been filed, but Council has yet to make a decision pending a number of questions that need to be answered.

City Manager Borgmann clarified that Attorney Wolff is representing the other three cities at the behest of their County Commissioner.

Shuttle Bus

City Manager Borgmann reported that the shuttle bus was operating without a logo because it was a replacement bus. The "Name the Shuttle" contest is ready to go and a decision must be made as to what the prize will be for the winning entry.

Hurricane Briefing

City Manager Borgmann reported that a hurricane senior leadership briefing will take place for elected officials and City Managers at the Miami-Dade Fire Rescue Headquarters at 9300 N. W. 41st Street from 1:00 to 3:00 p.m. on Thursday, May 29, 2008. He recommended that Council should attend if they have the opportunity.

Budget Kick-off Meeting

City Manager Borgmann stated that a budget kick-off meeting will be held on Friday, May 30th with all department heads. A budget schedule will be provided to Council once it is in its final form.

Volume Sewer Customer Report

City Manager Borgmann reported that a letter was received from the Department of Environmental Resources Management (D.E.R.M.) accepting the City's annual report for the Volume Sewer Customer ordinance.

Little League Baseball

City Manager Borgmann stated that Little League baseball playoffs are in progress and championship games will be held on Saturday with awards and ice cream at Prince Field and Stafford Park.

Summer Camp

City Manager Borgmann reported that the Recreation Department Summer Camp begins on June 9th with three age groups consisting of 40 kids for each group.

Summer Pool Programs

City Manager Borgmann announced that the summer pool schedule includes a Family Night each Friday from 6:00 to 9:00 p.m. and a Teen Night for ages 13 to 17 every Saturday from 7:00 to 10:00 p.m.

To answer Vice Mayor Garcia's question, Assistant City Manager Gorland confirmed that swimming classes would be held regardless of the number of students that participate. The swimming lessons are scheduled for three hours in the morning and three hours in the evening.

12C) City Council

High School Graduation

Councilman Best mentioned that he is very proud of his daughter who is graduating from Miami Springs Senior High School with honors on Monday, June 2nd. He wished all the graduates well and the best in their future endeavors.

Shuttle Bus

Councilman Dotson asked if there were any numbers available on the shuttle bus riders.

The City Manager responded that numbers were not available, although he does see people riding the bus.

Deer Run Traffic Calming

Councilman Dotson inquired about the status of the traffic calming measures for Deer Run.

City Manager Borgmann stated that the project was put on hold with everything else that the Administration had been working on. Two areas were identified and Public Works will do the initial preparation.

Memorial Day Ceremony

Councilman Dotson stated that the tribute to the Veterans at the Memorial Day ceremony was a very moving experience. It was an outstanding ceremony with a good turn out.

Fundraiser

Mayor Bain stated that his sister-in-law Vivette Bain has a cousin named Amanda who had a brain tumor and approximately \$6,000 from the Miami Springs' car washes was donated to her family for her medical treatment. He reported that the last test shows that she is cancer free. He said that it is a miracle that everything is positive so far and he will keep her in his prayers. He thanked everyone who participated, including the Village of Virginia Gardens' police officers.

Donation

Mayor Bain received a check for \$84.00 from Tony Palazzolo who donated \$1.00 to the Dog Park for every pet item that he sold at the Springs River Festival.

Optimist Club Fishing Tournament

Mayor Bain announced that the Optimist Club Fishing Tournament will take place on Saturday, June 14th. He asked the City Manager to meet with him and the committee to go over the details.

Eagle Scout Ceremony

Mayor Bain reported that an Eagle Court of Honor ceremony would be held for Christian Michael Tapanes on Saturday, June 7th, at 6:00 p.m. at Blessed Trinity Church preceded by a 5:00 p.m. Mass. He hoped that Vice Mayor Garcia and the other Council members would attend on behalf of the City.

University of Miami Baseball Team

Councilman Best announced that the University of Miami Baseball team is on a roll. He congratulated his neighbor Ryan Jackson who is the starting shortstop.

Miami Springs Senior High School Graduation

Mayor Bain said that the Miami Springs Senior High graduation is on Monday, June 2nd at 3:00 p.m. and he previously spoke at his son's graduation ceremony, but now political figures are no longer allowed to speak. He explained that this graduating class is very important to him because of the girl's soccer team and Councilman Best's daughter. He said that he would get as close to the stage as possible.

Mayor Bain congratulated Miami Springs Senior High soccer players Holly Bain, Allie Llaneras, Codi Rinehart, Abbie Carr and Jessica Drew who were recognized at the Miami Herald All-Dade Awards. He added that Coach William Drew was selected as Coach of the Year and T. Y. Hilton was selected for football. It was a nice breakfast function and they had a great time.

City Manager Borgmann reported that as President of the Junior Orange Bowl he gave two presentations at the awards ceremony for Gulliver Prep and he was honored to speak at the Scholar Athlete luncheon for Miami-Dade County Public Schools.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:25 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 6/23/2008.

Transcription assistance provided by S. Hitaffer.