



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, August 11, 2008, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:00 p.m.

The following were present:

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

Absent: Councilman Rob Youngs

Also Present:

- City Manager James R. Borgmann
- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Interim Chief of Police Peter G. Baan
- Finance Director Leacroft E. Robinson
- Interim Comptroller Alicia E. González
- City Planner Richard E. Ventura
- City Clerk Magalí Valls

2. Invocation: Councilman Best offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Certificate of Appreciation to Starbucks – Miami Springs Education Partner of the Year for 2007/2008

Education Advisory Board Chair Mindy McNichols stated that the Board periodically recommends businesses in the community for Council to recognize as Education Partners.

Ms. McNichols explained that Starbucks had provided refreshments at Staff functions for the schools, as well as the opportunity for the Miami Springs Elementary Chorus to perform a song that was rewritten to apply to the business. She added that Starbucks Manager Cristina Lopez Trigo is a resident of Miami Springs and a former teacher who taught at Grace Lutheran.

Mayor Bain presented a Certificate of Sincere Appreciation to Starbucks, Miami Springs Education Partner of the Year for 2007/2008, in recognition of their interest and commitment to local education and the Miami Springs' schools.

Starbucks Manager Cristina Lopez Trigo thanked the Mayor and Council for the recognition.

(Agenda Item 3C presented at this time)

3B) Proclamation – American Cancer Society Relay for Life 2008 Day

Mayor Bain stated that the American Cancer Society Relay for Life was a special event that was held on March 1, 2008. He presented a proclamation to Suzanne Conlon Wolar, Chair of the event, proclaiming August 11, 2008 as American Cancer Society Relay for Life 2008 Day.

Mayor Bain said that he was honored to be selected as the Honorary Chair of the Event because cancer has touched so many people, including his mother. He complimented Suzanne Conlon Wolar for a great job, along with her many supporters.

Suzanne Conlon Wolar explained that she was the Event Chair for the Miami Springs 2008 Relay for Life, which was a wonderful event and the recognition goes to everyone who participated. She said that there were exceptional committees, team captains, participants and sponsors, including Tom Curtis with the River Cities Gazette and Starbucks.

Ms. Conlon Wolar stated that she was planning to be the 2009 Event Chair, but she was offered a position with the Cancer Society and she now serves as the Community Representative for the City of Miami Springs. She introduced Grace Bain who will serve as the new Event Chair.

Grace Bain said that she is very excited to head the 2008/2009 Relay for Life and hopes for a very successful event. She knows that everyone has been touched by cancer, whether it is a relative, neighbor or friend. She is proud that Virginia Gardens would join Miami Springs in the Relay for Life and she urged anyone who is interested to offer their support by participating or volunteering their time. She also hopes that the City of Miami Springs will sponsor a team this year.

Ms. Bain explained that the American Cancer Society helps cancer survivors, as well as those people who are being treated for cancer and their caretakers. She welcomed everyone to help in any way possible.

3C) Pioneer Resident Awards to Lois J. Hoobler and Keith R. Hoobler

Mayor Bain presented a Pioneer Resident Award to Keith R. Hoobler, a resident of Miami Springs since 1956, in recognition of his many valuable contributions to the City. Lois J. Hoobler was not present.

Mr. Hoobler stated that he has been married to his wife Lois for sixty-three years. They have six children, twelve grandchildren and twelve great-grandchildren. He said that Miami Springs is a very nice neighborhood and he never wants to leave.

3D) Presentation by Barbra Marr, President, Springs River Festival

Barbra Marr, President and Chairperson for the 2009 Springs River Festival, requested Council approval to hold the Springs River Festival on April 17, 18, and 19, 2009. She said that the Committee is very excited and welcomes new help. She added that the City had been very generous in the past and the Committee would be requesting a donation again this year.

Vice Mayor Garcia moved to approve the requested dates of April 17, 18, and 19, 2009. Councilman Dotson seconded the motion, which carried 4-0 on roll call vote.

3E) Presentation of Football Scoreboard by the Optimist Club

Optimist Club President George Lob stated that last year a grant was received that allowed the Club to purchase an \$8,000 football scoreboard for Prince Field. They have been trying to increase participation in the football program for the last four years; they are committed to the program and would like to see it go forward. He feels that the scoreboard could help to bring kids back to the program and the installation and design work is being donated by L & H Electric, T. M. Design and General Contractor Rafael Pérez.

Mr. Lob stated that the Club hopes to complete the installation within the next two months. There are still concerns about the support poles and concrete foundation. He added that the foundation holes will be dug by their great friend Spencer Deno.

Mayor Bain thanked the Optimist Club for their hard work.

4. Open Forum:

Parking Regulations

Eric Vallejo of 40 South Melrose Drive stated that he received a citation for parking on the canal bank for five or ten minutes while his grass in the swale was being cut. The Police Department issued the ticket because they were enforcing the “No Parking” regulations and he would like to either have the signs removed or to allow parking for a limited amount of time.

Skate Park

A resident of Virginia Gardens heard that there might be a skate park built in Miami Springs, which she is in favor of because it would help to keep kids off the streets and away from the front of buildings. She knows that Miami Springs is a family oriented town and it would be great to have the park.

Mayor Bain stated that Council would discuss the skate park during the budget Workshop meetings.

5. Approval of Council Minutes: (approved with one motion)

5A) 06/04/2008 – Special Meeting

Minutes of the June 4, 2008 Special Meeting were approved as written **on motion by Vice Mayor Garcia, seconded by Councilman Best, and carried unanimously on roll call vote.**

5B) 06/09/2008 – Regular Meeting

Minutes of the June 9, 2008 Regular Meeting were approved as written **on motion by Vice Mayor Garcia, seconded by Councilman Best, and carried unanimously on roll call vote.**

5C) 06/23/2008 – Regular Meeting

Minutes of the June 23, 2008 Regular Meeting were approved as written **on motion by Vice Mayor Garcia, seconded by Councilman Best, and carried unanimously on roll call vote.**

5D) 06/30/2008 – Special Meeting

Minutes of the June 30, 2008 Special Meeting were approved as written **on motion by Vice Mayor Garcia, seconded by Councilman Best, and carried unanimously on roll call vote.**

5E) 07/24/2008 – Special Meeting

Minutes of the July 24, 2008 Special Meeting were approved as written **on motion by Vice Mayor Garcia, seconded by Councilman Best, and carried unanimously on roll call vote.**

6. Reports from Boards & Commissions:

6A) 06/19/2008 – Historic Preservation Board – Minutes

Minutes of the June 19, 2008 Historic Preservation Board meeting were received for information without comment.

6B) 06/25/2008 – Code Enforcement Board – Minutes

Minutes of the June 25, 2008 Code Enforcement Board meeting were received for information without comment.

6C) 06/26/2008 – Code Review Board – Cancellation Notice

Cancellation Notice of the June 26, 2008 Code Review Board meeting was received for information without comment.

6D) 07/02/2008 – Ecology Board – Rescheduling Notice and Minutes

Rescheduling Notice and Minutes of the July 2, 2008 Ecology Board meeting were received for information without comment.

6E) 08/05/2008 – Code Enforcement Board – Minutes

Minutes of the August 5, 2008 Code Enforcement Board meeting were received for information without comment.

6F) 08/06/2008 – Architectural Review Board – Lack of Quorum

Notice of lack of quorum of the August 6, 2008 Architectural Review Board meeting was received for information without comment.

6G) 08/13/2008 – Golf and Country Club Advisory Board – Cancellation Notice

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

7. Public Hearings:

7A) Public Hearing – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-032, Portable Storage Units; By Eliminating Specific Fee Amounts and Substituting a Reference to the Schedule of Charges for the Building Department; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 06/23/2008 – Advertised: 7/31/2008)

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

Attorney Seiden explained that no changes have been made since the first reading. There were some conflicting amounts within the ordinance, all number amounts were eliminated and fees are now referred to the Building Department Schedule of Charges.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Councilman Best moved to adopt the ordinance on second reading. Councilman Dotson seconded the motion, which was carried unanimously on roll call vote (Ordinance No. 968-2008).

8. Consent Agenda:

8A) Approval of the City Attorney’s Invoice for July 2008 in the Amount of \$9,685.50

There was no discussion regarding this item.

Councilman Dotson moved the item. Vice Mayor Garcia seconded the motion, which was carried unanimously on roll call vote.

9. Old Business:

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

Mayor Bain **confirmed the appointment** of Walter M. Dworak to the Code Enforcement Board for an unexpired term ending on September 30, 2010.

Councilman Best **confirmed the appointment** of Marlene Jiménez to the Code Enforcement Board for an unexpired term ending on September 30, 2009.

10. New Business:

10A) First Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-010, Roof Materials, Requirements, and Re-Roofs, by Reinstating the Requirement of Gravel Roof Coverings on Low Slopping Roofs; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden explained that this item and the following agenda item were matters that were referred to the Code Review Board on the suggestion of the City Building Official. The recommendations of both the Building Official and the Code Review Board are characterized in the ordinance.

Attorney Seiden said that originally the Code had a provision for gravel cover on low slopping roofs and it was removed for some reason a number of years ago. The Building Official saw a number of roofs that were not aesthetically pleasing in his opinion and the Code Review Board agreed because the roofing paper bleeds out, requires resealing, or it deteriorates without proper maintenance. The ordinance will reinstate the requirement for gravel coverings on all roofs with a slope of one-half to two and one-half to twelve.

To answer Councilman Dotson's question, Attorney Seiden responded that the ordinance would only apply to new roof replacements.

Councilman Dotson moved to approve the ordinance on first reading. Councilman Best seconded the motion, which was carried unanimously on roll call vote.

10B) First Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-013, Residential Plantings, Fences and Walls, by Providing that Fences Constructed of Materials with Exposed Frameworks shall Face the Fence Owner's Property; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden explained that this matter was brought to Council by the City Building Official who had received a number of complaints between neighbors. The matter was reviewed by the Code Review Board who upheld the Building Official's recommendation to require fences with exposed frameworks to face the fence owner's property.

The City Attorney clarified the following ordinance provision:

“All side and rear yard fences constructed of any materials with exposed framework shall be erected in a manner that the support posts and framework shall be placed facing inward toward the fence owner’s property.”

Attorney Seiden explained that the provision would not apply to “shadow box” fencing that does not have a bad side, which is more expensive.

Mayor Bain stated that he would not vote in favor of amending the ordinance because his opinion is that the homeowner should have the right to look at the good side of the fence.

Councilman Dotson moved to approve the ordinance on first reading. Councilman Best seconded the motion, which failed, since Mayor Bain and Vice Mayor Garcia voted “no”.

10C) Resolution – A Resolution of the City Council of the City of Miami Springs Calling for the Holding of a Special Election for the City on Tuesday, November 4, 2008; Delineating the City Charter Questions for the Election Ballot; Providing Authorizations and Directions to the City Clerk; Effective Date

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

Attorney Seiden explained that the resolution calls for a Special Election for the City with City Charter questions to be placed on the County Presidential Ballot. The form was submitted and approved by the Elections Department as amended.

Attorney Seiden stated that the subject of the resolution is included in the fourth Whereas clause and reads as follows:

“The proposed Charter Amendments provide for changing the current date for City General Elections from the First Tuesday in April to the Fourth Tuesday in April, beginning with the 2011 General Municipal Election, and by reducing the qualifying period for the offices of Mayor and Council from sixty (60) to thirty (30) days.”

Attorney Seiden explained that within the body of the ordinance the questions are spelled out as Amendment No. 1 and Amendment No. 2.

Councilman Best moved to adopt the resolution. Councilman Dotson seconded the motion, which was carried unanimously on roll call vote (Resolution No. 2008-3403).

10D) Discussion Regarding Possible Charter Amendment to Eliminate Run-off Elections (Requested by Vice Mayor Garcia)

City Manager Borgmann stated that the Administration was approached by Vice Mayor Garcia at the end of the August 4, 2008 Budget Workshop meeting when it was announced that \$70,000 would be needed for election expenses, including \$30,000 for the primary and \$30,000 for the run-off.

The City Manager provided information in the agenda packet to illustrate how the run-offs can happen in close situations and three or four way contests that do not result in one candidate receiving more than 50% of the votes.

Vice Mayor Garcia stated that he researched the election results and history shows that normally there is one candidate in the run-off that wins by a large amount of votes, except when there is a low turn out of voters.

Vice Mayor Garcia added that the cost for a run-off is the same as the General Election and he wanted to bring the matter to Council's attention as a cost savings measure.

City Manager Borgmann said that it would be critical for Council to make a decision at this meeting because the ballot question must be submitted to the County by August 21st. He informed Council that a Special meeting could be held before the Workshop meeting on August 18th to approve the resolution if Council so desires.

Vice Mayor Garcia clarified that the residents of Miami Springs would have to vote on the Charter Amendment and he would like to see the question on the November ballot.

Councilman Dotson agreed to place the question on the ballot because it would be the decision of the voters. He has given the matter a lot of thought and one of the problems in run-off elections is that there is a very light voter turn-out. He would always like to have a person elected by a majority of votes, but the problem is that the majority of voters do not come out to vote. He added that there would be a significant savings and if the question is not approved by the residents it would not go into effect.

Councilman Dotson moved to approve. Vice Mayor Garcia seconded the motion, which carried 4-0 on roll call vote.

City Attorney Seiden stated that he would draft a new resolution to include the third question and if this is approved it would be sent to the Elections Department.

City Clerk Magalí Valls said that when Vice Mayor Garcia approached her with the subject of run-offs she contacted the Elections Department. She advised them that she would contact them first thing on Tuesday, August 12th to let them know about the resolution and that if the matter of the run-off was approved by Council there could be another meeting before August 21st and she would be sending another resolution.

Vice Mayor Garcia asked when the change would go into effect if Council approves the resolution and the voters approve the amendment.

Attorney Seiden responded that it would take effect for the 2009 election unless Council designates it not to go into effect. It is not something that would be a benefit or detriment to any Council member running for office again; it would apply equally to an incumbent or a new person running for office.

The City Clerk will contact Miami-Dade County Elections Department to find out if they want separate resolutions.

A Special meeting was scheduled for Monday, August 18, 2008 at 7:00 p.m. prior to the Workshop meeting.

10E) Resolution – A Resolution of the City Council of the City of Miami Springs, Florida Authorizing Signatories for all City Bank, Savings and Trust Accounts; Authorizing Acceptance of Two Facsimile Signatures of City Manager, James R. Borgmann and Finance Director Leacroft E. Robinson; Authorizing the Combined Manual Signatures of two of the following: City Manager James R. Borgmann, Assistant City Manager Ronald K. Gorland, Finance Director Leacroft E. Robinson, or Interim Chief of Police Peter G. Baan; Rescinding all Resolutions in Conflict; Effective Date

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

Attorney Seiden explained that this is the standard resolution that allows the banks to honor the signatures of the City since Chief Dilling departed and Peter G. Baan is the Interim Chief of Police.

Vice Mayor Garcia moved to adopt the resolution. Councilman Best seconded the motion, which was carried unanimously on roll call vote (Resolution No. 2008-3404).

10F) Consideration by Council to Enter into a Local Agency Program Agreement with the Florida Department of Transportation in Order to Provide Funding for the North Royal Poinciana Boulevard, Curtiss Parkway and Ludlum Drive Bike Paths Lighting Project

City Manager Borgmann read the title of the agenda item.

The City Manager said that funds were included in the State's budget for approximately five years totaling almost \$800,000.

City Planner Richard Ventura clarified that the City applied for \$800,000, which is a \$720,000 grant from the State and an \$80,000 match required from the City.

City Manager Borgmann stated that the City must enter into the Local Agency Program agreement before it obtains funding. The City went out to bid for an electrical contractor to design the project and a bid came in under \$10,000, which was approved. The majority of the funds will pay for the actual construction and the installation of the lights.

City Planner Ventura said that the template for the agreement is the same as the one that was approved for the Curtiss Mansion. The agreement assures the County and the Florida Department of Transportation that the City is capable and well staffed to supervise and complete the bike path lighting project.

City Manager Borgmann clarified that prices had changed since the project was proposed five years ago. He said that the project could be bid by sections so that prioritized areas are completed first, second or third and if the entire project is not completed the Administration would look for additional funding sources.

To answer Councilman Dotson's question, City Attorney Seiden clarified that the City would be reimbursed as long as the monies are not spent in advance of the grant award.

Vice Mayor Garcia moved to approve. Councilman Best seconded the motion, which carried 4-0 on roll call vote.

10G) Presentation of Third Quarter Financial Statements for Fiscal Year 2007-2008

Finance Director Leacroft E. Robinson presented the third quarter financial statements in a format similar to previous reports with new schedules added for the Law Enforcement Trust Fund and the Capital Fund.

Finance Director Robinson stated that overall, the fiscal year end cumulative General Fund unreserved fund balance is projected at approximately \$5.3 million. Current revenues are projected to fall slightly by approximately \$149,115 and 6% less expenditures than budgeted are projected, which is a savings of \$772,000. This represents a projected increase in Fund Balance of approximately \$344,491, which compares favorably to last year's projection of \$179,000.

Mayor Bain asked about the \$400,000 that was set aside because of the pending litigation with BFI.

City Manager Borgmann clarified that the \$400,000 is shown as a payable.

Mayor Bain said that he would like the Administration to report back on where the \$400,000 was allocated in the budget.

Attorney Seiden stated that neither BFI nor the City responded in the 60-day period provided by the court. BFI did respond within the five-day discretionary grace period provided by the court for determination as to allowing the case to continue. He went to the hearing and was fortunate to convince the judge that so much time had gone by, the case was dismissed and it could be filed again. He will instruct the Clerk that even though there is a record of the Executive Session it does not become a public record until the Statute of Limitations for the case expires.

Finance Director Robinson reviewed the Revenue Summary showing the amended budget of \$12.7 million. He said that revenues at the end of the third quarter total \$10.5 million or 82% of the overall projections. General Fund expenditures for the end of the third quarter total \$8.4 million or 65% over budgeted annual expenditures of \$12.9 million. The increase in fund balance ending June 30th is approximately \$2,000.

The Senior Center Fund reflects a positive net change in fund balance of \$29,556 with year-to-day deficiency of revenues over expenditures of -\$77,481 or \$10,500 lower than the same time period in 2007. The Senior Center has reduced their operating costs.

Finance Director Robinson will provide details of the Golf Course financials at the August 25th Regular Meeting. The net change in fund balance is -\$39,656; transfers in are currently zero for the third quarter, although transfers are anticipated in the fourth quarter.

The Water and Sewer Fund income before transfers total \$381,857 compared to a budget of \$797,497. Expenditures are on track and revenues are slightly lower than budgeted. Transfers to other funds total -\$332,088 and Capital Outlay is \$10,247 compared to \$1.5 million. Principal payments on debt will occur in the fourth quarter.

The Sanitation Fund income before transfers totals \$216,890 as compared to a full year of \$200,510. Revenues are on track at \$1.6 million versus a budget of \$2.2 million for the year. Expenditures are lower at 69% of budget and transfers are on target. There is no Capital Outlay and principal payments on debt will occur in the fourth quarter.

Income before transfers in the Stormwater Fund totals \$7,623 versus a budget of \$69,097. Transfers are on target. There is a change in net assets totaling -\$7,377 versus a positive \$49,097. Principal payments on debt will occur in the fourth quarter.

Finance Director Robinson provided investment schedules and graphs showing revenue/expenditure analysis for the third quarter compared to prior years, as well as an analysis of total fees collected for Building & Zoning/Code Enforcement compared to expenditures. He explained that Building and Zoning shows an excess of \$57,143 in charges for services over expenditures compared to a negative -\$65,622 for the same time period last year.

The Schedule of Recreation Department Operations reflects a 9.2% percentage of expenditures collected in fees versus 11.4% last year.

Road and Transportation shows an excess of revenues over expenditures totaling \$201,251 versus a budgeted loss of -\$67,482 with a current fund balance of \$1,797,066.

The Law Enforcement Trust Fund has a deficiency of revenues over expenditures totaling -\$32,680 versus -\$142,922 for the budget year. The beginning fund balance was \$997,004 and the ending fund balance as of June 30th is \$964,324.

The new schedule for Capital Fund reflects the amended budget of \$3.6 million with expenditures of \$125,740 through June, which are primarily design fees related to the Curtiss Mansion.

10H) Discussion Regarding Placing Shutters on Commercial Buildings

Mayor Bain stated that on July 25th he received color photographs with a copy of a Notice of Violation for the commercial property at One South Drive. He asked that the matter be brought to Council for consideration and a copy of the photographs was placed on the dais for Council.

City Manager Borgmann explained that according to the Code it is the policy of the City that the storm protection devices shall not be used as a method or means of providing security or crime prevention while the premises are being occupied.

Mayor Bain stated that Maria de la Portilla came into the office regarding a Courtesy Notice that was issued by Tex Ziadie. She said that because of vandalism they close accordion shutters when their business at 1 South Drive is closed. Code Compliance told her there is nothing they can do to make an exception to the ordinance and she wanted to speak with him.

The Mayor said that he likes to bring these types of issues to Council because he alone cannot help solve the problem. He asked Council to review the photographs, consider the situation and discuss the issue as an agenda item for the next meeting.

City Manager Borgmann added that years ago the business was originally a 7-11 convenience store that is located where South Drive dead ends at Royal Poinciana Boulevard.

City Attorney Seiden recalled that Bob Shultz came to the podium at a previous meeting to discuss the same issue. He wanted the City to consider an ordinance that would be stronger to prevent storefronts from closing shutters at night.

Attorney Seiden explained that the current ordinance is not meant to deal with this type of situation because it is more of a commercial situation versus residential. It might be a matter that Council should refer to the Architectural Review Board because it falls within their jurisdiction. They could make a recommendation as to whether these types of shutters should be allowed at night in a business district or not.

Council agreed to schedule an agenda item for discussion at the next Regular meeting.

Councilman Dotson asked if there were any other businesses that were also using shutters for security at night.

Attorney Seiden said that he assumes that shutters are used in many commercial areas.

Mayor Bain commented that the business in this particular case is not on the Circle or on a main thoroughfare; it is set aside with little visibility and he understands why there is vandalism. He agreed it is located in the Downtown District, but it is separated.

Attorney Seiden suggested checking with Hialeah, Medley and the surrounding communities to see if they permit shutters for security in a commercial area.

10I) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$13,600 to David Plummer & Associates, Inc. of Coral Gables, for Preparation of a Traffic Study Associated with the City's Proposed Comprehensive Plan Amendment Package, as Requested by the Florida Department of Community Affairs (Bid No. 08-07/08)

City Manager Borgmann read the title of the award.

City Manager Borgmann stated that two bids were received; the lowest bidder was David Plummer & Associates for \$13,600 and the high bid was \$46,000 submitted by the Corradino Group. He said both bid on identical specifications and the bid for \$13,600 meets the needs for the study.

City Planner Richard E. Ventura said that the Corradino Group goes into more detail in terms of the traffic counts, the oversight with regard to a steering committee, scheduled meetings and the study was projected to take six months. David Plummer & Associates will represent the City at five meetings for presentations, they would analyze fewer intersections in terms of traffic counts and they project their study to take three months or less.

City Planner Ventura explained that the Department of Community Affairs (DCA) did not provide any parameters with regard to the traffic study; they wanted to know what would be the result of the revised Comprehensive Plan Amendment package along the 36th Street Corridor. He feels that David Plummer & Associates provided a more appealing proposal based on his review of the documents.

City Planner Ventura stated that he contacted Florida International University Metropolitan Center and all documents, except for the traffic component, will be ready for transmittal to the South Florida Regional Planning Council for their informal review prior to being brought back to the City for formal adoption and transmittal to DCA. He said that the time frame of three months or less for the completion of the traffic study is most appealing.

City Attorney Seiden added that David Plummer & Associates has a very good reputation in the community.

Vice Mayor Garcia moved to approve. Councilman Best seconded the motion, which carried 4-0 on roll call vote.

10J) Council Request to Review and Approve the Transmittal of the Attached Draft Water Supply Facilities Work Plan and Water Supply Comprehensive Plan Amendments to the Florida Department of Community Affairs for Comments Prior to Final Adoption by the City, per Section 163.3177 (6) (c), F. S.

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

“A Resolution of the City Council of Miami Springs Approving the Transmission of the Water Supply Facilities Work Plan and Comprehensive Plan Amendments for the City of Miami Springs Comprehensive Plan to the Department of Community Affairs in Accordance with Florida Statutes Section 163.3191; Expressing the Intent of the City Council to Amend the Comprehensive Plan Based Upon Recommendations Contained in the Work Plan; Effective Date”

City Attorney Seiden stated that this is basically just the transmittal of the Plan for comments and when it comes back it will be finalized for approval and re-submittal to the Department of Community Affairs.

To answer Vice Mayor Garcia’s question, City Planner Ventura said that the Water Supply Facilities Work Plan and Educational Element should be approved before the remainder of the Comprehensive Plan Amendment package. The Educational Element received a finding of support from the Staff of the South Florida Regional Planning Council and the Water Supply should be the same.

Councilman Best moved to approve. Councilman Dotson seconded the motion, which carried 4-0 on roll call vote (Resolution No. 2008-3405).

11. Other Business:

11A) Discussion Regarding Increasing Number of Yard Sales per Year

City Manager Borgmann stated that he received one request from a resident who is suffering the ill effects of the economy, as well as two additional similar requests in the interim. He thanked Councilman Dotson for responding to the e-mail and Mayor Bain for asking to place this item on the agenda for discussion.

Mayor Bain said that the Code currently allows three sales per year and he would like to increase the number of garage sales per year.

City Manager Borgmann explained that the residents are requesting sales on back-to-back weekends or more than one in a month in order to be able to liquidate items to be able to pay their bills.

Councilman Dotson stated that the economy is expected to be difficult until the middle of next year and he would like to set a timeframe for exceptions to the ordinance. He would have no objection for the same person holding additional sales at another house, possibly a friend, and it would be recorded as their extra sale, not the person that owns the home.

Councilman Dotson said that he would like to recognize the fact that people are struggling, but at the same time he would still want to have control over the sales. He would let the City Manager use his judgment, but everyone should be treated in the same manner. He suggested that there could be specific permission to allow additional sales and he would not object to three sales in a quarter or additional sales permitted by special approval.

Vice Mayor Garcia asked if consecutive garage sales are allowed under the current ordinance.

City Attorney Seiden clarified that the sales can be held on consecutive days and they have to be thirty days apart.

City Manager Borgmann said that he would make an exception if a sale was rained out or if the people were moving and had applied for a Certificate of Re-occupancy, which has only happened maybe twice.

Vice Mayor Garcia supported the recommendation to allow three sales in one quarter or allow two back-to-back, one weekend to the next, but limiting them to three in one quarter. He would like to set a timeframe for exceptions until mid 2009.

City Manager Borgmann said that the first sale would begin the calculation of the quarter on a thirty day basis. The sales are registered and logged in on a certain date and it is easy to check the file.

Vice Mayor Garcia commented that every week there are garage sales within his block alone at different homes and he has not heard any complaints.

Mayor Bain stated that garage sales are an event for residents and every week people check the bulletin board at the Recreation Center. He would like to allow more opportunities for sales.

The Mayor said that the purpose of a yard sale is to sell extra household goods; it should not be a business situation where goods are brought to the home and sold. His idea was to allow twelve sales in one year.

Attorney Seiden said that times are tough and it might be time to grant relief, but it took a lot of time to develop this ordinance that should not be discarded. Regulations and restrictions are put in place for a good reason and changing them could open the door to complaints. There is always another side to the situation.

Vice Mayor Garcia said that not everyone can be pleased, but at the same time Council should consider the economy. He suggested relaxing the ordinance for a year with a review in six months.

Attorney Seiden asked to consider how many garage sales a person really needs to legitimately get rid of their personal belongings. After one or two sales, there should not be much more.

Councilman Best was of the opinion that twelve is too many. It might make sense to increase the number from three to six per year, conditioned upon a timeframe.

Attorney Seiden said that the ordinance could have a sunset provision. Since it cannot be considered an emergency, his recommendation would be to amend the provision in ordinance form with an automatic sunset provision for one year.

By consensus, Council agreed that six garage sales instead of three would be allowed. Two would be allowed during any one month, and no thirty day period between sales shall be required.

Vice Mayor Garcia asked when the clock would be reset because some people have already had their sales.

Attorney Seiden said that the calculations could begin anew and six sales would be allowed within one year from this time. He clarified that the ordinance will automatically sunset and go out of operation or Council could increase the time one year from now.

11B) Budget Workshop Follow-up Items

City Manager Borgmann stated that various comments and inquiries were made during the August 4th Workshop meeting and the Administration has additional information to present.

City Manager Borgmann said that the Non-departmental Rentals and Leases include the Miami Springs Historical Museum rent of \$1,600 monthly or \$18,900 annually. It also includes the International Data Depository fee for record retention totaling \$19,633.

City Manager Borgmann added that Non-departmental Printing and Binding includes holiday greeting cards, personnel forms, copying and binding Request for Proposals, reimbursement expense for the community center, W-2 and 1099 forms, window envelopes, etc. for a total of \$3,863.

The City Manager reviewed the analysis of new hires provided by the Human Resources Department. He said that one advertisement for the position of police officer is approximately \$1,000. Psychological examinations are \$250.00 per candidate, background checks are \$33.00 each, drug screening is \$35.00, the physical exam is \$155.00 and once a candidate is selected they receive the hepatitis B vaccination series costing \$258.00. The total cost for each new hired officer is \$1,725.00.

Finance Director Leacroft E. Robinson distributed schedules showing the changes made between budget draft # 1 that was presented at the tentative millage hearing and draft # 2 that was presented at the first budget workshop.

Finance Director Robinson noted a few changes on the revenue side, including Intergovernmental revenue to reflect the additional ½ cent sales tax set aside for the possibility of one principal payment against the SunTrust community center loan. Interfund transfers increased by \$10,121.

Mr. Robinson explained that an adjustment of \$8,896 was made to the Finance Department budget to include two cashiers through March 2009. There is \$1,000 under Planning due to an increased cost for a seminar that the City Planner will attend. Public Works Administration increased \$4,319 to reflect one staff promotion. Recreation Administration changed by \$4,498 due to an increase for part-time salaries and operating costs and lower machinery and equipment costs.

Finance Director Robinson added that Recreation Pool reflects a change of \$83,956 due to higher projected part-time and seasonal employees and operating costs. He said that this number should be reduced at the next budget workshop. Tennis decreased by \$2,167 to adjust for contractual services and reduced operating supplies.

Transfers out for the Senior Center Fund was increased by \$14,500 to adjust for the City's match for a recent grant that Council approved. Golf Course was adjusted by \$16,367 due to new capital lease for golf maintenance equipment. The Capital Fund was reduced \$500,000 for the appropriation anticipated to occur this fiscal year.

Councilman Dotson asked if the \$500,000 was the capital payment for the gymnasium.

Finance Director Robinson confirmed that it was the payment for the gym that was previously in draft #1 of the 2008-2009 budget.

Councilman Dotson said that he would discuss this matter further in the Workshop meeting, but he will be wondering about moving numbers around to try to make the budget look better. If the payment is coming out of the reserves, which it is, it does not make any difference whether or not it comes out of this year's budget or next year. His interest in the changes between the first and second drafts is to be able to understand the additional items that are coming forward and review them during the next Workshop session.

Councilman Best asked if there was any advantage to making the principal payment against the SunTrust Community Center loan before year end.

Finance Director Robinson responded that it would be an advantage to lock in the interest rate because there is no guarantee that the rate will be stable for the next 30-days.

Finance Director Robinson presented a schedule showing the changes that were made since the last Workshop meeting in each department. Council was reduced by \$2,500; the City Clerk's merit increase was reduced; overall pension contributions were reduced; the City Manager's merit increase and benefits were reduced; Planning was reduced \$50,000 for Professional Services. The General Fund expenditure reduction totals \$62,319.

Finance Director Robinson stated that there was a \$48,999 reduction in the Golf Course Fund due to the elimination of the Assistant Golf Director and lower estimated lease costs for one piece of equipment that will not be replaced. There was a Capital lease proceeds adjustment and a reduction for pension costs.

Workshop changes totaled \$111,318 and other changes totaling \$48,797, according to Mr. Robinson. Overall, there was a \$160,000 reduction from the first draft.

Councilman Dotson commented that the additional position for the Finance Department is included. There was some discussion at the Workshop meeting about the proposed position, which he would like the Administration to give further consideration to between now and the next Workshop. The Mayor also indicated that he wanted to give the position further consideration. He does not feel that the City can afford any new positions at this point with the revenue reduction.

Councilman Dotson thanked Mr. Robinson for the additional information.

To answer the Mayor's question, Finance Director Robinson confirmed that the reductions made since the Workshop meeting totaled \$111,318, plus another \$48,797 due to lower pension costs or a grand total of approximately \$160,000.

Finance Director Robinson stated that the General Employee Retirement Board met last week and he was informed that because the fund had done fairly well overall the contribution has been reduced. The total for General Employees was \$189,000, which translates in a change from 5.76% to 5.15% for the City's contribution. The Police and Fire Pension costs also dropped from 11.76% to 10.15%.

City Manager Borgmann explained that the employees must contribute their share, but the City's contribution is based on the health of the fund. The reduction is based on the percentage of total payroll.

12. Reports & Recommendations:

12A) City Attorney

Water and Sewer Transfer to the County

City Attorney Seiden reported that he completed a lot of pre-closing work for the Water and Sewer transaction that is expected to close at the end of the month. He is preparing binders with the documents inside sleeves. A pre-closing meeting is anticipated for some time this week or next week with County Staff. He has prepared every easement and assignment document for the various pump stations for which he needs County approval.

BFI Litigation

Mayor Bain congratulated Attorney Seiden for his work representing the City versus BFI.

City Attorney Seiden explained that BFI is going through so much turmoil regarding the sale of the company, and their case against Miami Springs is relatively small compared to the bigger numbers.

12B) City Manager

Soccer Registration

City Manager Borgmann reported that soccer sign ups begin next week and anyone interested should contact the Recreation Center.

Football Registration

City Manager Borgmann announced that football sign ups are already under way.

Summer Camp

City Manager Borgmann stated that the Summer Camp program will end on Friday, August 15th. He said that it was a very successful summer camp as far as the activities offered to the kids and the quality of the leaders. He gave credit to Assistant City Manager Ronald K. Gorland for instituting a training program for the counselors.

Mayor Bain added that the kids working at the Recreation Center had a good time as well. He congratulated Staff and Assistant City Manager Gorland for making the kids feel welcome.

To answer Vice Mayor Garcia's question, City Manager Borgmann responded that Summer Camp registration begins in May for residents and after 30-days registration is opened to others.

Assistant City Manager Gorland stated that the program filled up during the month of May during the Miami Springs registration.

Annie Grimm

City Manager Borgmann asked everyone to keep Annie Grimm, who is in a coma, in their prayers. Her husband Gene is staying with her around the clock and hopefully she will recover to resume a normal productive life as a resident of Miami Springs.

Geezerpalooza 2008

City Manager Borgmann reported that many Miami Springs' residents attended Geezerpalooza 2008. Everyone in attendance had a good time and the event raised approximately \$5,000 for the Majic Children's Fund. He said that they were asked to hold the event next year and he hopes more people will come after the word gets out.

12C) City Council

Water and Sewer Transfer to the County

Councilman Best stated that the County mailed out an excellent brochure regarding the transfer of the Water and Sewer System. He said that it is very informative and explains everything about water and sewer and how the County will be conducting the systems.

City Manager Borgmann added that the City will also be sending out a letter in the final utility bills to help explain the new method of billing by cubic feet instead of gallons. He said that the City is doing everything possible to inform the residents, including a posting on Channel 77 and the City's website.

Stafford Park Restrooms

Councilman Dotson inquired about the status of the completion of the restroom project at Stafford Park.

City Manager Borgmann responded that he was informed that the handicap ramp would be delivered on Friday, August 15th. It will also include guardrails and a set of steps and there will be a minor modification to the bike path.

Deer Run Traffic Calming

Councilman Dotson asked about the status of the Deer Run traffic calming project.

City Manager Borgmann explained that the Administration had been busy working on the budget and the transfer of the Water and Sewer Systems, so they had not had a chance to focus on the Deer Run project. He knows that the work would involve moving the bike path on the Golf Course, which involves additional expense. The County indicated that they are not interested in three or four-way stop signs for traffic control.

Mayor Bain suggested installing rumble strips to slow down the traffic on Deer Run as well as in front of Starbucks on Curtiss Parkway. He felt that this alternative would be less expensive and help to slow down the traffic.

Vice Mayor Garcia stated that police presence sends a message throughout the community, especially when they were stopping cars that did not yield to pedestrians at the crosswalk in front of Starbucks on Curtiss Parkway.

Water and Sewer Transfer to the County

Vice Mayor Garcia stated that in spite of all the hard work and discussions, he received calls from residents who were not aware of the transfer of the Water and Sewer systems to the County. He would like to continue efforts to inform the residents by utilizing the community bulletin board on the Circle.

City Manager Borgmann said one of the reasons for keeping the cashiers is to handle calls from the residents to explain the transfer of the system.

Vice Mayor Garcia suggested utilizing the reverse 911 calling to let residents know before the transfer takes place.

Prayers

Vice Mayor Garcia stated that the last time he offered the invocation he asked everyone to keep Nicole Ramos and Christopher Cosio in their prayers. He said that Nicole is still not well, but Christopher is doing much better and his family thanks everyone for their prayers.

Beginning of School Year

Vice Mayor Garcia reminded everyone that school will begin on Monday, August 18th. There will be additional traffic around the schools and extra care should be exercised.

Water and Sewer Transfer to the County

Mayor Bain congratulated Council for the fact that the transfer of the Water and Sewer systems to Miami-Dade County was approved in spite of the July recess. He commented that it was a lot of work and he appreciates Council supporting the idea, which was one of his goals since he became Mayor. He said that Commissioner Rebeca Sosa was instrumental in setting up contact with Mr. Renfrow, which was the beginning of the process.

Lemartec Bid Protest

Mayor Bain announced that Lemartec had dropped their bid protest and now the Administration and City Attorney can move forward to negotiate the contract with Link.

Gymnasium/Community Center

Mayor Bain reported that he received a telephone call from a party who is interested in donating funds for the new gymnasium. He would like people to understand that the project was approved and it is their responsibility to help support the new gymnasium.

Annexation

Mayor Bain spoke with County Commissioner Sosa and her sentiments about Area 9 is that she is in favor of taking it off the table. He said that this should help in negotiations with Virginia Gardens Mayor Deno who returned from vacation this morning. He felt that progress had been made and he would continue his discussions with Mayor Deno tomorrow.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:09 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 8/25/2008

Transcription assistance provided by S. Hitaffer