



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, September 22, 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 Xavier Garcia  
Councilman Bob Best  
Councilman Paul C. Dotson  
Councilman Rob Youngs

Also Present:

City Manager James R. Borgmann  
Assistant City Manager Ronald K. Gorland  
City Attorney Jan K. Seiden  
Chief of Police Peter G. Baan  
Finance Director Leacroft E. Robinson  
Interim Comptroller Alicia E. González  
Public Works Director Robert T. Williams  
Human Resources Director Loretta M. Boucher  
Golf Director Michael W. Aldridge  
Golf Superintendent Sandy Pell  
City Planner Richard E. Ventura  
Elderly Services Director Karen Rosson  
City Clerk Magalí Valls

**2. Invocation:** Councilman Youngs offered the invocation.

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

**3. Awards & Presentations:**

None.

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

##### **Commercial Shutters**

Michael Chenoweth, P. O. Box 236, Homestead, stated that he represents Burgess Limited Partnership, which owns property in Miami Springs at 254 Westward Drive. He asked Council to read the letter that he submitted regarding installation of shutters on commercial buildings and he understands the Architectural Review Board is considering the issue. He informed Council that the shutters were installed in the 1980's specifically for security purposes and he would like Council to permit closing of commercial shutters at night.

Pam Pierce stated that she is one of the original partners who installed the shutters in the 1980's on the business at 254 Westward Drive and it is important for the tenants to feel secure in order to keep businesses in Miami Springs.

##### **Movies on the Circle**

Terry Alexander of 780 Hunting Lodge Drive spoke on behalf of All Angels Academy to request the City's assistance and partnership in providing a service to the community. She said that according to the Recreation Survey, movies were one of the most requested items by the participants. All Angels is ready to provide movies on the Circle, but they cannot continue this service without assistance from the City. They were informed that at least two police officers must be present, but All Angels cannot afford the cost and they would like the City to help. This service is available to the entire community at no cost on the third Friday of each month.

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

##### **5A) 08/25/2008 – Regular Meeting**

Minutes of the August 25, 2008 Regular meeting were approved as written.

**Councilman Best moved to approve. Vice Mayor Garcia seconded the motion, which carried unanimously on roll call vote.**

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

##### **6A) 08/26/2008 – Ecology Board – Minutes**

Minutes of the August 26, 2008 Ecology Board meeting were received for information without comment.

**6B) 09/11/2008 – Board of Parks and Parkways – Cancellation Notice**

Cancellation Notice of the September 11, 2008 Board of Parks and Parkways meeting was received for information without comment.

*Agenda Item 10I was considered at this time, followed by 9A and 9B.*

**7. Public Hearings:**

**7A) PUBLIC HEARING – Resolution – A Resolution of the City Council of the City of Miami Springs, Florida Adopting the Final Levying of Ad Valorem Taxes for General Operations and Voted General Obligation Debt Service for the City of Miami Springs for the Fiscal Year 2008-2009; Providing for an Effective Date**

City Attorney Jan K. Seiden read the resolution in its entirety.

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

City Manager Borgmann stated that Capital Expenditures were reduced by \$100,000 related to improvements to the telephone system and the interior painting of City Hall. Depending on the final change in the unreserved fund balance for FY 2007-2008, the Administration will consider a mid-year appropriations request to put those items back into the budget. There is an additional savings through the reduction of civilian employees in the Police Department in the amount of \$79,019.

City Manager Borgmann stated that the Hurricane Contingency was removed with a recommendation that any unused FY 2007-2008 appropriations be added to the current unreserved and designated amount of \$500,000, increasing the balance to \$858,350 for FY 2008-2009. The \$1,060,000 designated fund balance for the community center is recommended to stay as such until the contract and bank loan for the construction is finalized. At that time, a project budget will be set up for construction and the funds will be added during the upcoming fiscal year. The anticipated planned reduction in the fund balance will reflect only the community center expenses when incurred. These funds were designated by Council over the last two years.

City Manager Borgmann emphasized the fact that because a budget is established for a particular item, it does not mean that the funds will be utilized. He explained that there had been many times during the middle of a budget year that an expense the Administration thought would be needed turned out to be unnecessary and the funds were not spent. Council always holds the final decision on spending.

City Attorney Seiden suggested that Council advance to the second resolution listed under Agenda Item 7B, open the public hearing and approve both resolutions at the same time. The first resolution addresses the millage rate and the second resolution deals with the fund balances.

*(Council discussed Agenda Item 7B at this time)*

**Councilman Youngs moved to adopt the resolution setting the millage rate at 6.4305. Vice Mayor Garcia seconded the motion.**

Councilman Dotson stated that there is a deficit in the amount of revenue compared to expenditures. Property owners with lower assessments benefit because their homes are below market value, but at the same time many of those people are long-time residents who are retired senior citizens who are on a fixed income.

Councilman Dotson explained that the residents were looking forward to the additional exemption and his intention was for them to be able to realize that savings. He would like to reduce the millage rate to 6.1000 and he would vote against 6.4305 mills.

**The motion was carried 4-1 on roll call vote with Councilman Dotson casting the dissenting vote (Resolution No. 2008-3409).**

**7B) PUBLIC HEARING – Resolution – A Resolution of the City Council of the City of Miami Springs, Florida Adopting the Final General Fund, General Obligation Debt Service Fund, Enterprise Funds, Special Revenue Funds and Expendable Trust Funds Budgets for the Fiscal Year 2008-2009; Authorizing the City Manager to Proceed with Implementation of Service Programs and Projects; Prohibiting Unauthorized Liabilities and Expenditures of Funds; Providing for an Effective Date**

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

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

City Manager Borgmann stated that Council was presented a budget at the first public hearing that was balanced at 6.4305 millage rate, which is the same as presented tonight. The changes that were made are related to the fund balance. The numbers were reduced, specifically the Hurricane Contingency, which will stay in the reserve, and the \$538,000 for the Canal Street Linear Project.

City Manager Borgmann distributed a chart showing the difference between the 6.3000 and 6.4305 millage rates.

The transfer of the water and sewer to the County reduced the budget from \$28,158,100 for Fiscal Year 2007-2008 to \$20,000,000 for Fiscal Year 2008-2009, according to Mr. Borgmann. The number of full-time employees was reduced from 144 to 125.

City Manager Borgmann explained that the median assessed value of a homesteaded single-family home is \$165,215 and at the proposed millage rate of 6.4305, the owner will pay approximately \$112 less in City taxes than last year. The average assessed value is \$196,000 on a homesteaded single-family home and at 6.4305 the property owner would pay \$102.00 less in City taxes, as compared to last year. There are only thirty-three homesteaded properties where the 3% increase in assessed value will negate the \$25,000 additional exemption, based on assessed values of \$500,000 and the millage rate of 6.4305.

Sanitation fees will not increase in this budget, while Recreation and Golf fees will experience increases, according to Mr. Borgmann. The Aquatic Center is expecting a contribution of \$15,000 from the City of Doral for use of the facility by their residents and Swim Club.

All sworn Police Officers will receive a 5% cost of living allowance (COLA), including non-union command staff per contract. A 3% COLA is recommended for the remaining full-time City employees. Employee health insurance costs increased, but the amount is \$10,000 less than the budget estimate. There are other cost saving measures that the Administration will propose to Council over the next few months and the effectiveness of the changes will be evaluated for the next budget year.

City Manager Borgmann reviewed a list of budget items that Councilman Dotson had discussed during the preceding meetings. He explained that Councilman Dotson had recommended reducing the annual salary for a Recreation Director to \$80,000 and the amount for three-quarters of the year would be \$60,000 or a \$15,000 savings. Assistant City Manager Gorland would only receive additional pay for the months that he serves as the Acting Recreation Director. The Recreation Coordinator position for \$35,000 would be eliminated if the Director's job is filled.

City Manager Borgmann explained that COLA for any vacant position would not apply unless an existing employee fills the vacancy. The new accounting position for \$45,000 was eliminated, along with the associated payroll tax.

Vice Mayor Garcia would not recommend eliminating the position of Recreation Director, although he would like to reduce the salary if someone qualified is found who will accept the position for that amount. He would not want to turn away a perfect candidate based on the budget reduction.

City Manager Borgmann stated that \$75,000 for three-quarters of the year is included in the budget for the Recreation Director based on a salary of \$100,000. He suggested leaving that amount and trying to hire someone for \$80,000 or \$85,000.

Mayor Bain felt that the position of Recreation Director is very important and if a good candidate accepts the job for a salary more than \$80,000, the City Manager could bring the recommendation to Council for approval.

City Manager Borgmann clarified that the additional funds would have to be taken from a contingency or reserve fund.

Councilman Dotson was of the opinion that based on the size of the City, someone should be hired for Recreation Director that will grow or develop into the position. The City cannot afford to compete for people who have worked in the Recreation field for a long time and he especially would not look for someone who must relocate from another state. He felt that there are university graduates who are willing to develop and grow, with gradual salary increases.

Mayor Bain stated that he was only considering the salary range, not setting hiring guidelines.

Councilman Best commented that there were current employees who already have a Master's Degree in Sports Administration.

Vice Mayor Garcia stated that he had confidence in the City Manager's hiring ability and if he were to find the perfect candidate he could come back to Council to request an increase in the salary range.

Council **agreed** to set the salary for the Recreation Director at \$80,000, with \$60,000 included in the budget, assuming that someone is hired in January 2009. The Recreation Coordinator position is open; a part-time employee is currently assuming the responsibilities and the position will be eliminated when a Director is hired.

Mayor Bain stated that the cost of living allowance (COLA) for vacant positions would be eliminated from the budget. He added that the temporary increases were for employees working out of their classification.

City Manager Borgmann commented that employees who receive additional pay for working out of their classification would continue to receive the pay. He explained that this is an excellent opportunity, especially in Public Works, for employees to work in a higher rank and show their performance.

Councilman Dotson was of the opinion that the job description and rate of pay should be changed for those employees who receive "Other" pay for assuming additional responsibilities. He would like a fair pay plan that does not indicate bias or favoritism and people should be paid for performance, longevity and cost of living increases.

Councilman Best asked Councilman Dotson if he felt that his recommendation would cost more.

Councilman Dotson responded that if his recommendation did cost more it would be because a higher salary is deserved. He reiterated that he does not like the temporary pay increases because it sometimes indicates favoritism.

Mayor Bain was of the opinion that temporary pay increases are based on the employee's responsibilities and performance. It is an incentive for the employee to work harder and it gives the Administration the discretion to eliminate the additional pay when it no longer applies.

The Mayor explained that the total is \$21,000 and half of that amount is paid to the Assistant City Manager. He asked Council to make a decision on whether or not they wanted to amend the budget.

Councilman Dotson mentioned that the “Other” pay applies to four or five positions including Finance, Public Works, Information Technology, Human Resources, etc.

Councilman Youngs stated that he would like the City Manager to have the discretion to allow temporary pay increases and leave the funds in the budget.

Council **agreed** to fund “Other” salaries, as recommended by the Administration.

City Manager Borgmann recapped the budget reductions, including \$16,987 for the Recreation Director and associated taxes.

To answer Councilman Youngs’ question, Finance Director Robinson clarified that there is \$11,678 in the budget for the Recreation Coordinator based on the salary and benefits for three months.

Mayor Bain asked what would be the amended millage rate considering the budget reductions.

Finance Director Robinson said that the summary pages reflect the budget changes based on the millage rate of 6.4305. He added that the budget is balanced except for a shortage of \$106,000 and the Assistant City Manager has some recommendations to offset that amount with additional revenue.

Councilman Dotson commented that the roll back rate is based on the mandated reduction last year, and with the additional homestead exemption the residents should save \$157.50 on City taxes. He said that the City Manager estimated that the average property owner will save approximately \$112.00 based on the assessed value of the property and the millage rate.

The City Manager reviewed the tax savings based on various property assessments and the additional homestead exemption. He explained that as the value of the property increases, the tax savings goes down.

Councilman Youngs noted there is a revenue deficit of \$106,000 based on the millage rate of 6.4305. He asked what would be the deficit based on a millage rate of 6.300.

City Manager Borgmann clarified that every 1/10 mill equals \$100,000.

City Attorney Seiden advised that Council should vote on the millage rate first and if the numbers do not change, he would read the second resolution in full.

*(Council considered Agenda Item 7A at this time)*

City Attorney Seiden read the resolution in its entirety.

Mayor Bain asked if anyone cared to speak on the item, there were no speakers and he closed the public hearing.

**Councilman Best moved to approve the resolution as amended. Councilman Youngs seconded the motion.**

Councilman Dotson complimented the City Manager for continuing to search for ways to achieve economies, especially for the work on the Canal Street project. He has a problem with removing the Hurricane Contingency with a recommendation that any unused Fiscal Year 2008 appropriations be added to the current “unreserved and designated” amount of \$500,000. He said that not showing the contingency in the budget is only making the statement look better.

Councilman Dotson commented that funds for the Community Center were designated for the past two years and \$500,000 was designated in the past few months, with the clear understanding that it was only a designation, not an appropriation. He felt that not including the total \$1,060,000 in the budget for the upcoming year would result in adopting an unrealistic budget.

City Manager Borgmann explained that when the Community Center project comes to fruition, the Administration would establish a Capital Project budget by transferring \$1,060,000 from the reserves into the fund. There will be a transfer of \$1,520,000 from the County’s General Obligation Bond (GOB) and the additional \$1 million pledged from the GOB. He added that the \$2.5 million loan will also be shown, as well as \$99,000 in Federal funds and \$250,000 from State funds. The budget will show all the revenues and expenditures as the project progresses. The City might have to spend dollars up front and apply for the reimbursements from the County, but the loan proceeds could be utilized first and the County provides 25% “seed” money.

In response to Councilman Dotson’s question, Finance Director Robinson explained that certain capital projects were eliminated per Council’s recommendation at the last meeting. The fund balance is expected to increase by \$344,491. The total projected unreserved fund balance is \$5,298,000.

Mayor Bain commented that the fund balance would decrease by \$1,060,000 when the appropriation is made for the Community Center. He added that the unreserved fund balance would remain the same unless Council approves funds for certain projects.

Finance Director Robinson explained to Councilman Dotson that \$500,000 for the Hurricane Contingency will remain in the unreserved fund balance. He clarified that there was \$358,000 appropriated in the budget for Fiscal Year 2007-2008.

Councilman Dotson stated that \$137,000 for the debt service on the Community Center loan was previously shown as a deduction from the half-cent sales tax revenue and now it is shown as an expense for a capital project. He felt that moving the numbers around obscures the reality of what is being done, in order to show a balanced budget.

Further discussion ensued regarding the \$500,000 Hurricane Contingency fund and whether or not the funds should be appropriated or added to the unreserved fund balance.

Councilman Dotson emphasized that he would like to see consistency and full disclosure of the funds.

Councilman Youngs questioned if Council should pass a budget showing an operating loss of \$106,000 that was reduced to \$86,503. He would vote no on the current motion until this amount is resolved.

City Manager Borgmann commented that there is a proposal to raise the fees for Golf and Recreation, which would increase the revenue.

City Attorney Seiden recommended tabling the final vote pending Council approval of the increase in user fees.

**Councilman Youngs moved to table the item pending the other financial resolutions. Councilman Best seconded the motion, which carried unanimously on voice vote.**

*(Council considered Agenda Items 10F and 10G at this time)*

Councilman Youngs stated that he would like to insert the additional numbers that are projected by the fee changes and if the expenses and revenues are at a break-even level he would be in favor of approving the budget.

Finance Director Robinson calculated that a 5% increase over the \$118,000 revenue for golf memberships would equal \$4,500.00.

Discussion ensued regarding child care programs, how many families have more than one child and how much revenue the fee increase would generate.

Councilman Youngs said that the recreation revenues would increase by \$100,000 and the golf memberships would increase \$4,000, which means the budget would have more revenue than expenditures.

**Councilman Best withdrew his motion and Councilman Youngs withdrew his second.**

City Manager Borgmann stated that for budget purposes the expenditures would be the same and the revenue would be equal; any excess revenue at the end of the year would go to the fund balance.

**Councilman Youngs moved to approve the budget as proposed, with the changes in the golf and recreation revenue. Councilman Best seconded the motion.**

*Agenda Item 10A was considered at this time.*

City Attorney Seiden stated that the revenues and reserves and the expenses appropriation and reserves are like amounts. The numbers in the resolution remain the same as follows:

<u>Funds</u>	<u>Revenues &amp; Reserves</u>	<u>Expense Appropriations and Reserves</u>
General Fund:	\$12,411,151	\$12,411,151
Special Revenue Funds:	4,623,259	4,623,259
Debt Service Fund:	401,971	401,971
Capital Projects Fund:	137,000	137,000
Enterprise Fund:	2,620,094	2,620,094

**On roll call vote the motion carried 4-1 with Councilman Dotson casting the dissenting vote (Resolution No. 2008-3410).**

**8. Consent Agenda:**

None.

**9. Old Business:**

**9A) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the City’s Application for a Matching Grant from the State of Florida Department of Environmental Protection’s Florida Recreation Development Assistance Program for the Second Phase of the City’s Development of the Linear Park Along the Miami River Canal and Canal Street in the City’s Downtown Area; Authorizing the Amendment of the City’s Capital Improvement Plan and Budget to Provide the Required Grant Match Funding; Effective Date**

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

City Planner Richard E. Ventura stated that he prepared a breakdown of the costs associated with the initial phase of the Canal Street Linear Park Project, mainly the installation of a pedestrian pathway and landscaping along the Canal Street embankment between Curtiss Parkway and Esplanade Drive.

Mr. Ventura said that the three phases are projected to include the installation of the following primary project elements:

- 1) Pedestrian pathway and landscaping,
- 2) Fishing pier/boat launch and supporting infrastructure and,
- 3) Picnic area and supporting infrastructure.

City Planner Ventura stated that the City received a grant award of \$135,611 to initiate the construction and Phase I will be put out to bid shortly. He is in the process of finalizing the grant for Phase II and Phase III is further down the road.

City Planner Ventura explained that in August 2006, Bermello Ajamil estimated total construction costs of the Canal Street Linear Park and associated street improvements along the curb area and across the street would be \$1,633,190. He then added the components that would be utilized under Phase I of the project totaling \$538,682 and subtracted that from the total amount of the project in order to project the remaining costs for Phase II and Phase III.

City Planner Ventura stated that costs totaling \$134,860 had already been incurred by the City for the design and civil engineering work for the project. He reiterated that the City received a \$135,611 grant with the required \$135,611 match from the City to apply toward Phase I. He originally requested a grant award of \$200,000 with a \$200,000 match requirement.

City Planner Ventura clarified that he is finalizing the grant request for Phase II, which is due in Tallahassee no later than September 30<sup>th</sup>.

City Manager Borgmann stated that after the City Planner prepared the breakdown of the costs for each Phase, the information was sent to the Citizens Independent Transportation Trust (CITT) office and Nestor Toledo confirmed that the majority of the costs could be covered by CITT funding, while the remainder could be covered by the \$135,611 State grant.

City Manager Borgmann confirmed that the funds would not come out of the fund balance as originally shown in the tentative budget.

City Planner Ventura explained that he, City Manager Borgmann, Assistant City Manager Gorland and Finance Director Robinson went over each line item component for Phase I with Nestor Toledo during a conference call. It was verified that of the total \$538,682 for Phase I, the reimbursable costs through CITT would total \$507,682, or a difference of \$31,000.

To answer Councilman Bests' question, Mr. Ventura stated that funding for Phase II and Phase III is not certain at this time. He spoke with the State representative who indicated that they would be willing to work with the City to amend the grant application if necessary.

Councilman Dotson asked if there were available CITT funds for Phase I of the project.

City Manager Borgmann responded that \$508,000 was identified as a justified expense by the CITT representative and the funds are available. He explained that the funds are utilized for road, street and sidewalk improvements, as well equipment purchases to maintain roads.

City Manager Borgmann stated that currently there are available funds that were not spent on the shuttle portion; the cost of the shuttle is about \$10,000 per month, or \$130,000 per year, while the City receives close to \$500,000 each year. The balance of the fund is more than \$1 million, which is more than ample to operate the shuttle and fund this particular project.

City Manager Borgmann added that the City also receives Local Option Gas Tax funds that must be spent on road improvements.

Councilman Dotson asked for confirmation that no funding would be used other than CITT funds and there would be no commitments from the General Fund. City Manager Borgmann answered affirmatively.

Councilman Dotson commented that the 2006 estimate might be much higher now. He asked if there is any allowance for the possibility of additional costs.

City Planner Ventura could not guarantee the estimate, although Bermello and Ajamil added a 20% cost differential.

City Manager Borgmann clarified that the purpose of this discussion is to adopt a resolution supporting the grant application. He believes that the costs associated with Phase I will be covered by CITT funds. The work is put out to bid and Council always has the right to reject the bids, re-bid or decide not to pursue the project.

Councilman Youngs was concerned that there could be other projects of a higher priority that would be eligible for CITT funding such as a parking garage.

City Manager Borgmann explained that a surface parking lot would be cost prohibitive.

Councilman Youngs stated that he does not see any reason not to go forward with the grant application for Phase II. During year two or three of the grant proposal the funds may be returned based upon the circumstances at that time.

City Manager Borgmann clarified that Council requested a report breaking down the expenses and the items were tabled at the last meeting. It was determined through the CITT Staff that \$500,000 of the \$538,000 is valid for this type of project. The next process is to proceed with Phase II.

City Manager Borgmann understood Councilman Youngs' concern about utilizing the funds for a parking garage or another project. He said that a 100 space garage could cost more than \$3 million.

Mayor Bain interjected by saying that there is an opportunity to utilize CITT funds, but nothing can be approved until the final bids are presented to Council.

City Manager Borgmann added that CITT might not pay for the components in Phase II or III that are not transportation related. He felt that this factor could increase the chances of receiving a larger grant.

Councilman Best stated that it would not hurt to apply for the grant and Council could always change their mind about funding the project in the future if funds are not available. He felt that the project would be an improvement to the area.

**Councilman Best moved to adopt the resolution. Vice Mayor Garcia seconded the motion, which carried 5-0 on roll call vote (Resolution No. 2008-3411).**

**9B) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing and Approving the Amendment of the City’s Five-Year Budgetary Capital Improvement Plan to Include the Development of a Linear Park Along the Miami River Canal and Canal Street in the City Downtown Area; Effective Date**

City Attorney Jan K. Seiden stated that this is a companion resolution to the prior resolution. In order to apply for the grant, Council must amend the capital budget to include funds for the project. He read the resolution by title.

City Manager Borgmann assured Council that approving the resolution would not be a commitment; it shows that Council has considered the project and knows what the total cost will be.

**Vice Mayor Garcia moved to adopt the resolution. Councilman Youngs seconded the motion, which carried unanimously on roll call vote (Resolution No. 2008-3412).**

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

There were no appointments to the advisory boards.

**10. New Business:**

**10A) First Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-025, Awnings and Canopies in all Zoning Districts, by Substituting a Total Square Foot Permitted Area for Specific Length and Width Dimensions of Horizontal Canopy Areas; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date**

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

Attorney Seiden stated that the Code provides for canopies with horizontal areas to be 20-feet by 22-feet. The Board of Adjustment has suggested changing the length and width dimensions to 450 square feet because every situation is different. He explained that it would apply to all zoning districts where canopies are permitted.

To answer Vice Mayor Garcia's concern, City Attorney Seiden explained that the Code has a separate provision for accessories that are separated by at least ten-feet from the main structure. The Board of Adjustment felt that specific length and width dimensions for canopies were too restrictive and no one is prevented from requesting a variance.

**Councilman Best moved to approve. Vice Mayor Garcia seconded the motion, which was carried unanimously on roll call vote.**

*(Council went back to 7B)*

**10B) Recommendation that Council Waive the Competitive Bid Process, as provided in Section 31.11 (E) (6) (g) of the City Code, and Approve an Expenditure of, not to Exceed \$14,237.75 for Fiscal Year 2008-2009 to USA Software, Inc., for Software Maintenance for the Police Department**

City Manager Borgmann read the title of the award. He explained that this is a sole source provider for the software maintenance for the Police Department.

**Councilman Youngs moved to approve. Vice Mayor Garcia seconded the motion, which carried unanimously on voice vote.**

**10C) Recommendation that Council Approve an Expenditure of \$10,587.96, to Communications International, Inc., the Sole Source Supplier, as provided in Section 31.11 (E) (6) (c) of the City Code for the Police Department's Annual Radio Maintenance Contract**

City Manager Borgmann read the title of the award and informed Council that Communications International, Inc. is the sole source supplier for the Police Department's annual radio maintenance contract.

**Vice Mayor Garcia moved to approve. Councilman Best seconded the motion, which carried unanimously on voice vote.**

**10D) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$19,200.00 to C. R. DeLongchamp, as provided in Section 31.11 (E) (6) (g) of the City Code, Pursuant to the Contract Renewal Option for an Additional Twelve-Month Period, for the Community Policing Office at 274 Westward Drive**

City Manager Borgmann read the title of the award. He explained that this is the rental for the Community Policing Office at 274 Westward Drive.

**Councilman Best moved the item. Vice Mayor Garcia seconded the motion.**

City Attorney Seiden asked if the three provisions that were included were new, including the 90-day advance provision. He said that it was fine if it was the same, but he would like to change it to 30-days.

City Manager Borgmann explained that the language should be the same as the original contract.

**The motion carried unanimously on voice vote.**

**10E) Recommendation that Council Approve an Expenditure of \$21,000.00 to Communications International, Inc., Utilizing Florida State Contract No. 725-001-01-1, as provided in Section 31.11 (E) (5) of the City Code to Purchase Eight New Portable Two-way Radios and Required Accessories for Police Communications**

City Manager Borgmann read the title of the award.

Chief of Police Peter G. Baan stated that this is a request to replace eight fourteen-year old radios currently used by the Department that no longer have available parts if they are in need of repair. There are approximately 50 radios that can remain in service for awhile, but he would like to begin purchasing new ones on an annual basis. The County has verified that the new radios are compatible with their radio system. He added that this would allow additional equipment in case annexation is approved.

**Vice Mayor Garcia moved to approve. Councilman Best seconded the motion, which carried unanimously on voice vote.**

**10F) Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Effective Date**

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

City Manager Borgmann stated that Golf Director Mike Aldridge is recommending a 10% increase for non-resident memberships and 5% for Miami Springs' resident memberships.

Councilman Dotson asked Mr. Aldridge if he felt there is room to raise the fees.

City Manager Borgmann commented that all rates were increased last year and there was no drop in membership.

Golf Director Mike Aldridge stated that the rates are the lowest in the County and he has not heard one person say that they would not renew their membership.

Mayor Bain commented that the annual single membership would increase from \$850.00 to \$895.00 and the 7-day family membership would increase from \$1,150 to \$1,200.

To answer Councilman Dotson's question, Mr. Aldridge explained that revenues are approximately 4% higher than last year.

Mayor Bain added that the Golf Course gives back to the community by allowing the high school students to play for free, while Miami Beach charges for high school tournaments.

**Councilman Dotson moved to approve the resolution. Vice Mayor Garcia seconded the motion, which carried unanimously on roll call vote (Resolution No. 2008-3413).**

*Mayor Bain called for a 5-minute recess.*

**10G) Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Current Schedule of Charges for the Use of City Recreation Facilities and Related Services; Effective Date**

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

City Manager Borgmann stated that the Assistant City Manager had some recommendations for amending the Recreation fees. He explained that the Administration must begin looking at user fees for activities that were supported by property taxes in the past.

Assistant City Manager Gorland stated that many of the fees would remain the same and the majority of the recommended changes are related to child care programs, including after school, holiday and summer camp.

Assistant City Manager Gorland explained that the increases are recommended in order to recapture the direct operating costs for personnel, electricity, fuel, supplies, etc. The increases do not capture general overhead, insurance, management, facility operations, maintenance or capital expenditures and equipment.

Mr. Gorland said that assuming the fee changes had been in effect for the current year, the results would have been an additional \$120,000 in receipts. In addition, Doral is approving \$15,000 to be provided to Miami Springs in order to keep the pool open so their residents have year-round access to a swimming facility.

Assistant City Manager Gorland recommended the increases because the fees had not changed over the last five years and there was a huge registration demand for the programs this summer. He added that there are accommodations for those families in need of special assistance. The current facility provides summer camp for 120 kids, but typically there are not 120 kids that attend every day and the open slots are temporarily filled by kids who are on a waiting list.

Vice Mayor Garcia was of the opinion that parents are willing to pay more for child care programs.

Assistant City Manager Gorland said that people are willing to pay for the improved programming, which was shown by the survey. He stated that the Programs Supervisor is responsible for special events and does a fantastic job to develop interesting programming. In addition, counselors and assistant counselors with higher qualifications were hired.

Mayor Bain asked about the adult punch card listed under the pool fees.

Assistant City Manager Gorland explained that the punch card is a convenient method of keeping track of pool admissions.

Vice Mayor Garcia felt that more people would take advantage of the punch card if they knew it was available.

City Manager Borgmann stated that the adult punch card allows twenty pool admissions for \$70.00, which is a \$10.00 discount over the regular admission price.

To answer the Mayor's question, Mr. Gorland explained that the activity fee pays for events and supplies and the amount is low compared to other professional summer camp programs.

Mayor Bain commented that the Summer Camp weekly fee for the first child is going up from \$55.00 to \$100.00.

Assistant City Manager Gorland said that the fee is still lower than other summer camp programs and a survey indicated that the parents are willing to pay the increase.

Mayor Bain suggested that the fee for the second child could be adjusted to \$50.00, instead of the proposed \$75.00.

Councilman Youngs was in favor of increasing the fees to meet the market demand. He suggested that special need situations could be identified and funding assistance might be provided by the local churches.

Assistant City Manager Gorland explained that no family or child had ever been denied for financial reasons and they had worked actively with different families.

Mayor Bain suggested that there could be grant funds to subsidize the program.

City Manager Borgmann stated that Commissioner Sosa has discretionary funds that might be available to help those families in need of assistance.

Mayor Bain asked about notation 7B allowing the City Manager to adjust rates based upon promotional and marketing activities to encourage use of the City's recreational facilities.

The City Manager explained that he would have discretion to reduce a rate if it was good marketing for the City. He said that it would be related to special events.

Councilman Dotson asked if this would allow the City Manager to negotiate the cost of swim meets.

City Manager Borgmann responded that adjusting the rates could apply to swim meets. He explained that there was a situation when a very prestigious organization approached the City to hold a golf tournament during the season on the weekend and he and the Golf Director tried to accommodate them.

Assistant City Manager Gorland explained that it is not a new provision and the same provision applies to the golf fees, which serves the City well.

To answer Councilman Youngs' question, Assistant City Manager Gorland estimated that the rate changes would generate an additional \$120,000, plus there is an additional \$15,000 from Doral.

**Councilman Youngs moved to approve the resolution, with one change in the summer camp weekly fee for each additional child to be \$50.00 instead of \$75.00. Councilman Best seconded the motion, which carried unanimously on roll call vote (Resolution No. 2008-3414).**

#### **10H) Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the Third Amendment to the Fiscal Year 2007-2008 Budget**

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

City Manager Borgmann stated that this is strictly a resolution that takes into account the \$106,270 that was appropriated for Post Buckley Schuh and Jernigan, Inc. (PBS&J) for the Hunting Lodge Drive drainage project that was approved at the last meeting.

**Councilman Dotson moved to approve. Councilman Youngs seconded the motion, which carried unanimously on voice vote (Resolution No. 2008-3415).**

**10I) Recommendation that Council Award Bid # 10-07/08 for Health Insurance Coverage for Employees and Their Dependents**

City Manager Borgmann stated that this item is related to the annual bid for employee health insurance. In the past, only “A” rated companies were allowed to bid and this year the pool was enlarged to allow “B+” companies who still meet the City’s criteria for health insurance coverage.

City Manager Borgmann explained that the City put out a Request for Proposals (RFP) and insurance consultant Robert Shafer is present to review the RFP process and responsive bids.

Robert J. Shafer of Robert J. Shafer & Associates, 4206 Laguna Street, Coral Gables stated that the employee health insurance coverage was put out for proposals in the regular process by accumulating historical data, background information and meeting with Staff. The RFP was sent out in early August, which allowed sufficient time for review and questions and answers from those companies bidding. There were a total of eight vendors who responded, including some “no bids”.

Mr. Shafer stated that the carriers were provided a framework as to what they should be looking for in their response, including quality benefits, reduced expenses, fixed cost, effective claims management and a strong network for the employees to utilize as part of the program. He mentioned there was a pre-determined set of benefits in order to have a better comparison.

Mr. Shafer explained that the City currently offers an HMO and Point of Service (POS) plan design through Humana. HMO is the base plan and the employees can choose to move up to the POS plan.

The responses from the community were few in number, according to Mr. Shafer. Four companies provided quotations with only two meeting the City’s qualifications. The A.M. Best award was lowered to B+, one carrier was “B” rated so the bid could not be entertained and another carrier did respond to the entire RFP specifications.

Mr. Shafer stated that corporate clients and municipal clients are experiencing large increases and Humana’s renewal offer was for a 32% rate increase, which is very large. One respondent was AvMed who is a “B++” carrier, which is the carrier for the County and well recognized in South Florida.

The cost differential between the renewal option with Humana and the AvMed program is approximately \$125,000, according to Mr. Shafer. He said that it is a significant savings and still offers quality benefits, a good network and administrative capabilities.

Mr. Shafer recommended that the City award the bid to AvMed, utilizing Rosson Insurance Group, to contract for the HMO and POS programs. AvMed offered a multi-year rate cap of 12% for the next year, assuming that the City's profile remains the same. If the demographics or the entire group changes dramatically the cap will not apply, but this is not expected to happen.

City Manager Borgmann commented that by virtue of approving AvMed, the budget effect would be a savings of approximately \$10,000.

To answer Councilman Dotson's question, Mr. Shafer said that he did not feel that AvMed's proposal for \$125,000 less would indicate any lesser service to the employees because they have a very strong network in this area. At the same time, they have performed well for other municipalities.

Councilman Youngs asked how the list of doctors on the AvMed plan compared with the Humana plan.

Mr. Shafer stated that according to the geographic access report, 90% of the employees could find two primary care physicians within two miles of their home, which is a strong network. The total size of the physician list is comparable, although a disruption analysis was not available, he feels confident that it is adequate.

To answer the Mayor's question, Mr. Shafer clarified that AvMed's proposal included the yearly rate and the 12% rate cap option, which would only require one vote. City Attorney Seiden agreed.

City Attorney Seiden stated that the motion would be to approve the RFP for health insurance for Fiscal Year 2008-2009 to AvMed, pursuant to the request for proposal that was published, reviewed and presented to Council.

**Councilman Youngs moved to award the contract pursuant to the RFP to AvMed for Fiscal Year 2008-2009. Councilman Best seconded the motion, which carried unanimously on roll call vote.**

City Manager Borgmann thanked Robert Shafer for the excellent work he provides to the City throughout the year. He said that he is always available to answer questions related to insurance and does what is in the best interest of the City.

## **11. Other Business:**

### **A) Scheduling of Board of Appeals Meeting to Hear Case No. 25-V-08 – Cindy Dwyer – Applicant**

City Manager Borgmann stated that an appeal was filed on Board of Adjustment Case No. 25-V-08.

City Attorney Seiden explained that it is a simple case of a request for variance to the requirement of a cut-out in a fence for the garbage receptacle. There are mitigating circumstances regarding electrical poles.

Council **scheduled** a Board of Appeals meeting for Monday, October 13, 2008.

## **12. Reports & Recommendations:**

### **12A) City Attorney**

#### **Congratulations**

City Attorney Seiden congratulated his son and Board of Adjustment member Dan Espino, who was present at the meeting, recent law graduates of Nova Law School, who both passed the Florida Bar exam.

### **12B) City Manager**

#### **SunTrust and Link Contracts**

City Manager Borgmann stated that the contracts with SunTrust and Link were not included as agenda items because there might be pending litigation to stop the process that was filed by the Florida branch of the American Institute of Architects. Staff contacted the attorney who helped with the Lemartec protest and he is in contact with the attorney for this particular group in Tallahassee.

The City Manager explained that the City cannot move if there is pending litigation and both items are being held in abeyance.

City Attorney Seiden added that he stands behind the City's position. This is an independent group that represents the architects in the State of Florida. They are impacting a few architects, and the attorney has come up with a strategy to resolve the problem in anticipation of not having litigation filed in a way that is satisfactory to both parties that would be non-monetary in nature. He is hopeful that they will accept what is proposed and he is waiting for the final word. It would be a declaratory judgment action to stop the process and the City's position is that stopping the process would do more harm than good.

#### **Swimming Instruction Program**

City Manager Borgmann reported that the Swimming Instruction Program would be running year-round. The funds from Doral will be used to offset the cost of the gas to heat the pool.

## **Halloween Program**

City Manager Borgmann stated that this year's Halloween Program is Saturday night October 25<sup>th</sup> at Prince Field.

## **Soccer Registration**

City Manager Borgmann announced that it is not too late to sign up for soccer.

## **Curtiss Mansion Restoration**

City Manager Borgmann reported that the bid is out for the Curtiss Mansion restoration. A pre-bid meeting was held with the contractors that visited the site and the bids are due Friday, October 17, 2008.

## **Guard Rails**

City Manager Borgmann stated that the County installed guard rails down North Royal Poinciana Boulevard at no charge to the City.

## **Park Restrooms**

City Manager Borgmann stated that the park restrooms are ready except for one hurdle. The builder will have to incorporate the ramps that the City purchased for installation into his drawings and re-submit them to the Fire Department for approval in order to be able to sign off on the document and open the facility.

## **Dug Outs**

City Manager Borgmann reported that phase two of the dug outs involves the relocation of the benches, fences and the expansion of the pads. The work will be done in-house by the Public Works Department employees.

Assistant City Manager Gorland explained that the softball infield was larger than regulation size and more playing area for soccer can be created by reducing the two softball fields.

## **12C) City Council**

### **Budget**

Councilman Best thanked Council for a healthy budget discussion that resulted in some reductions. He is satisfied that they reached a balanced budget.

## **Pelican Playhouse**

Councilman Best reported that the Pelican Players would be performing “The Canterville Ghost” the first two weeks in October.

## **Police Assistance**

Vice Mayor Garcia thanked the City Manager for expediting his request for Police assistance at Stafford Park during soccer practice, which is appreciated by the parents. His request was because of a County delay and he appreciates the memo from the Chief to Officer Danny Kelly. They are waiting for the County to approve the plans and perhaps he could expedite the request through the County Commissioner.

## **Movie Night**

Vice Mayor Garcia referred to All Angels’ request. On those movie nights at the Circle people came out from other churches and it was a non-denominational event. The cost to provide two off-duty police officers for four hours is approximately \$280.00 and he would like the City to sponsor the event and allow for some businesses to contribute. He requested an agenda item for the next meeting.

Chief of Police Baan stated that if the City were to pay the officers it would not be considered extra duty, it would become overtime, which would be \$45.00 to \$50.00 per hour.

## **Budget**

Councilman Youngs thanked Council for a good discussion on the budget. He is proud to have exercised fiscal restraint over the past years, this is the fourth year working together and there have been some tough budget times. He appreciates the input of each Council member, which is a good faith effort, which is possible due to the good work of the Finance Director, Interim Comptroller, City Manager and Staff.

City Manager Borgmann complimented Finance Director Robinson and Interim Comptroller González.

## **Annexation**

Mayor Bain stated that he met with Medley Mayor Ramón Rodríguez and Attorney Mel Wolfe to discuss the annexation border on the north side and they reached an agreement that will be discussed at the next meeting.

## **Budget**

Mayor Bain complimented the Finance Director on his first budget with the City. He did an excellent job with the assistance of the City Manager and Assistant City Manager. He felt that Council did the best they could with the available resources. It is the sixth consecutive year that Council has lowered the taxes for the residents.

### **13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 10:22 p.m.

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Billy Bain  
Mayor

### **ATTEST:**

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Magalí Valls, CMC  
City Clerk

Approved as written during meeting of: 10/13/2008.

Transcription assistance provided by S. Hitaffer