



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, September 8, 2008, at 7:00 p.m.

1. Call to Order/Roll Call

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

The following were present:

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

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: Vice Mayor Garcia offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Certificate of Recognition – Elizabeth F. Kourtesis

Mayor Bain presented a Certificate of Recognition to Elizabeth F. Kourtesis, who received the Congressional Medal of Merit from Congresswoman Ileana Ros-Lehtinen for her community service.

Ms. Kourtesis stated that she had planted 140 trees that were donated by various south Florida nurseries. She won the Silver Knight Award in Science, her academic grades were good and her focus is on community service.

Ms. Kourtesis expressed appreciation for the recognition and thanked her mother for her continuing support and helping her to achieve 13 years of perfect attendance.

3B) Oath of Office – Chief of Police Peter G. Baan

The oath of office was administered by City Clerk Magalí Valls, followed by a standing ovation for Chief of Police Peter G. Baan.

Chief Baan thanked the City Manager and Council for the confidence and support they have shown him by giving him the opportunity for this position. He promised to do his best to ensure the Police Department continues to deliver the level of service that the citizens of Miami Springs expect and deserve.

Chief Baan introduced his wife Susan, sons Michael and Christopher, and daughter Alyssa. He expressed his gratitude to everyone who was in the audience to show their support. He also thanked Administrative Staff Leah Cox, Graciela Vázquez and Eneyra Encarnación and all of his fellow officers for their daily support.

Mayor Bain congratulated Chief of Police Baan and wished him the best of luck.

4. Open Forum:

Building & Zoning Department

Dan Espino of 289 Laurel Way recently closed on a new home in Miami Springs, which was possible with the actions of the Building and Zoning Department who provided exemplary service in clearing up a matter with open permits.

Board of Adjustment Case

Dan Espino stated that the Board of Adjustment heard and approved a case regarding the placement of a boat in the side yard at 500 Hunting Lodge Drive. He was notified by several residents that almost six years ago the Board approved a similar variance that was subsequently overturned by Council because Hunting Lodge is a scenic route that is part of the history of Miami Springs. He stated that it would have been helpful if this information had been provided to the Board in the agenda packet. There were also complaints that the surrounding residents did not receive a notice because they were outside of the 375-foot radius notification area.

5. Approval of Council Minutes:

5A) 08/20/2008 – Special Meeting

Minutes of the August 20, 2008 Special Meeting were approved as written.

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

5B) 08/20/2008 – Workshop Meeting

Minutes of the August 20, 2008 Workshop Meeting were approved as written.

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

6. Reports from Boards & Commissions:

6A) 08/28/2008 – Code Review Board – Cancellation Notice

Cancellation Notice of the August 28, 2008 Code Review Board meeting was received for information without comment.

6B) 09/02/2008 – Code Enforcement Board – Minutes

Minutes of the September 2, 2008 Code Enforcement Board meeting were received for information without comment.

6C) 09/03/2008 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the September 3, 2008 Zoning and Planning Board meeting was received for information without comment.

6D) 09/09/2008 – Recreation Commission – Cancellation Notice

Cancellation Notice of the September 9, 2008 Recreation Commission meeting was received for information without comment.

6E) 09/10/2008 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the September 10, 2008 Golf and Country Club Advisory Board meeting was received for information without comment.

6F) 09/03/2008 – Board of Adjustment – Approval of Actions Taken at their Meeting of September 3, 2008, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of September 3, 2008 were approved subject to the 10-day appeal period.

Councilman Youngs moved to approve the actions taken by the Board of Adjustment at its September 3, 2008 meeting. Councilman Dotson seconded the motion which was carried 5-0 on roll call vote.

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 93-50, Garage Sales, by Adopting Special Economic Condition Exceptions with a Sunset Provision; Providing for Suspension of Operation of Conflicting Provisions; Effective Date (First Reading: 8/25/2008 – Advertised: 8/28/2008)

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

Attorney Seiden stated that one change had been made which reduced the number of garage sales from six to four in subsection G (1). The four garage sales permitted will be for a period of one year from the date it is passed and any garage sales held previous to this will not be counted against the four allowed.

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 approve the Ordinance. Vice Mayor Garcia seconded the motion which was carried 5-0 on roll call vote (Ordinance No. 970-2008).

7B) Public Hearing – Resolution – A Resolution of the City Council of the City of Miami Springs Tentatively Approving Fiscal Year 2008-2009 Budget; Confirming Date, Time and Place of Final Public Hearing

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.

Finance Director Robinson presented the Tentative Budget for Fiscal Year 2008-2009, highlighting some of the key points as outlined in his memorandum to Council. He said that the budget incorporates reductions of more than \$267,360 from the first draft budget presented to Council prior to the first budget workshop of August 4th. Staff has worked diligently to balance the budget despite the reductions in revenues, skyrocketing expenditures and a poor economic outlook.

The following are some of the highlights of the Tentative Budget:

- Ad Valorem Tax revenues were calculated using the City of Miami Springs's current rolled-back rate of 6.4305 per \$1,000 of assessed value.
- Total General Fund expenditures are \$12,256,232, which is \$248,279 (2.0%) lower than the amended budget of \$12,504,511. Approximately 63% of the total General Fund is for fulltime staff salaries and benefits.
- The Tentative Budget maintains the City's current level of service to its residents.
- Maintains a Hurricane Contingency in the Non-departmental Department of \$500,000.
- Provides for \$3,582,486 in City-wide capital improvements. Improvements include several projects that are funded in-part by various grants totaling more than \$1.3 million.
- Provides \$18,000 in rent assistance to the Historical Museum.
- Administrative expenditures charged to the Water and Sewer Fund totaling \$114,392 for General Fund expenditures related to the wind-down of the utility.
- The budget includes a 3% COLA increase for General Employees and a 5% increase for sworn Police personnel per the negotiated contract.
- Merit increases have been included for all those positions that are not at the top of their respective salary ranges.
- Liability insurance has decreased from the FY08 amended budget by approximately 30%.

- Health insurance costs are projected to increase from between 10% and 18%. The budget was built using a 15% increase.
- The total number of full time employees was reduced from 140 in FY 2007-2008 to 125 for FY 2008-2009. This reduction included nine employees from the Water and Sewer utility.
- Pension contribution will decrease to 5.15% from 5.76% in FY 2007-2008.

Finance Director Robinson stated that total General Fund Revenues are \$12,324,648 or a reduction of 3.3% over the FY 2007-2008 budget. He summarized the General Fund expenditures as follows:

- Council - \$52,335 or a 6.6% reduction
- City Clerk - \$324,518 or a 23% increase
- City Manager - \$567,274 or a 35.5% increase
- City Attorney - \$116,500, a slight decrease of 0.4%
- Human Resources - \$222,089 or a 4.7% reduction
- Finance - \$645,093 or a 4.8% reduction
- Information Technology - \$355,589 or a 22.2% increase
- Planning - \$196,391 or a 19.18% decrease
- Building & Zoning - \$658,142 or a 4.2% decrease
- Police Department - \$5,367,686 or a 2.9% increase
- Crossing Guards - \$24,317 or a 2.3% increase
- Non-departmental - \$294,147 or a 46.9% decrease
- Public Works Administration - \$444,187 or a decrease of 11.9%
- Public Works Streets - \$336,478 or a 22.5% reduction
- Public Works Properties - \$1,011,586 or a 19.3% increase
- Public Works Building Maintenance - \$263,675 or a 15% increase
- Public Works Fleet - \$28,960 or a decrease of 18.4%
- Recreation Administration - \$884,996 or a decrease of 21.7%
- Recreation Pool - \$302,360 or an increase of 5.5%
- Recreation Tennis - \$19,274 or a decrease 83.3%
- Recreation Maintenance - \$140,635 or a 4.4% increase

Councilman Youngs asked whether or not the 15% projected increase for the cost of health insurance is sufficient. He understands that the requirements were adjusted in order to be able to accept bids from companies that are rated B+ and this should allow additional competition to keep costs under control.

City Manager Borgmann responded that if the bids for health insurance come in higher than anticipated that Council would have to amend the budget.

To answer the Mayor's question, Finance Director Robinson stated that a reduction of \$267,000 in General Fund expenditures was made since the first workshop meeting. The tentative millage rate is 6.4305 and the impact of the \$267,000 will be a little less than .04 mills.

Mayor Bain asked what monies are dedicated in the budget for Capital Improvements.

City Manager Borgmann confirmed that the 6.4305 millage rate delivers a balanced budget with a slight overage of revenues over expenditures of \$68,000. The Capital Project budget of \$848,682 is comprised of \$150,000 for a skateboard park, \$538,682 for Phase I Canal Street Linear Project, \$100,000 for the Trane A/C sound barrier and \$60,000 to replace the Stafford Park jogging path. He explained that the budgeted dollars would have to come from the reserve funds.

To answer Councilman Best's question, Finance Director Robinson explained that \$538,682 is the full amount for the Canal Street Linear Park Project. The City would receive approximately \$135,000 from a reimbursement grant to offset the total amount.

Councilman Dotson said that there is a deficit in the fund balance of \$1,634,204, which does not include \$1 million that is committed for the Recreation Complex. He stated that there would actually be a \$2,634,000 deficit.

Finance Director Robinson clarified that the fund balance would go from \$3.7 million to \$2.7 million.

Councilman Dotson stated that \$2,600,000 is a huge deficit for the City.

Councilman Youngs said that Councilman Dotson is making the point that the ending fund balance was reduced by \$255,000 in the last fiscal year and it will be reduced by \$1.6 million for the coming fiscal year.

Councilman Dotson added that half of the reserve funds were used within one year. The fund balance was slightly over \$3 million when he was first elected to Council and it increased to \$5.3 million. He felt that a reduction to approximately \$2.7 million could cause some difficulty if the City were to experience some hurricanes. He said that the decline in property value could be more severe in 2008, which would affect next year's budget.

Councilman Dotson did not feel that much progress was being made to control expenditures and the alternative would be a huge tax increase next year. In order to give the residents the full benefit of the Homestead Exemption, the millage rate should be 6.09, according to his calculations. He said that the budget leaves a lot to be desired.

Councilman Dotson added that the Golf Course financing has a separate millage rate that eliminates the expense from the operating budget. Incorporating \$400,000 each year into the annual budget would make it more difficult to balance the budget; the people voted and accepted the special rate and that is how large projects should be handled.

Councilman Dotson said that the debt service on the new gym will take at least \$200,000 out of the operating budget and people should have a chance to vote on it. He was of the opinion that \$1 million should be eliminated that will come from the reserve fund and Capital Expenditures of \$848,000 should also be eliminated this year, as well as \$137,000 that is set aside for interest and principal, which would leave a deficit of \$648,000 instead of \$2,600,000.

Mayor Bain stated that Council voted to allocate reserve funds for the new community center, plus an additional \$400,000 was accumulated over time. He said that eliminating the capital projects to satisfy Councilman Dotson's concern is fine, but Council did a good job by approving and financing the community center and once the contract is finalized there will be an opportunity to raise additional funds to offset the \$1 million.

Councilman Youngs said that he would agree with Councilman Dotson to the extent that the budget will end up with a decrease in the fund balance. In terms of priority, Council has made it clear that number one is the new community center and it is important to keep the reserve balance high in the \$4 million to \$5 million range. He would suggest reconsidering the capital projects to see if any could be postponed. Another consideration is how Council feels about bringing a Recreation Director on board in the second quarter, as opposed to waiting until the community center is complete, which would amount to \$75,000 plus benefits.

Councilman Youngs stated that it is worrisome to project a budget that will decrease the fund balance. He commented that the Canal Street Linear Park Project is the largest capital project and even though the City Planner worked hard to get the \$173,000 grant maybe Council should consider losing those funds. Since it would be the second chance at the grant the funds could be lost forever.

City Manager Borgmann clarified that the \$500,000 for the Hurricane Contingency could remain in the reserve as an undesignated amount.

Councilman Dotson reiterated that the majority of the Council had voted for the new gym, but they went astray on the financing because there is no interest in having a vote.

Mayor Bain felt that there was good planning involved in the financing of the gymnasium or he would not support it. He reiterated that additional monies were put aside.

Vice Mayor Garcia added that the Recreation Assessment Survey polled the residents of Miami Springs, which is like a vote of the people.

Councilman Dotson agreed with Mayor Bain that a lot of hard work and effort was put into the planning for the new community center. He reiterated that the financing of a project with a bank note would come out of the operating funds for twenty years, as opposed to having a special millage rate designated for the project that does not affect budgeting.

Mayor Bain expressed his concern about the bid protest and the delay of negotiating a contract with Link. He said that the majority of Council voted to support the project with the \$500,000 from the reserve and to pledge \$200,000 per year from the ½ cent sales tax. He reiterated that there are people willing to donate money once the trust account is established and he would rather cut other capital projects. In addition, there is a possibility that \$500,000 dedicated for the Hurricane Fund will not be used this year.

The Mayor asked the Administration to review the budget before the next meeting to see if there are ways to make reductions in order to increase the fund balance. He would like to move forward with building the community center, which is a popular decision with the residents in the community.

Vice Mayor Garcia commented that Council could reconsider the capital projects that were already discussed and approved, but there is a very good chance that the City will lose future funding by being “penny wise and pound foolish”. He would like to look at the pros and cons to make an educated decision as to which projects could be delayed. He added that the skate park might not be a necessity at this time or perhaps the City could find a grant for the project. In addition, the situation with the Trane A/C is an issue with some residents due to the noise.

Vice Mayor Garcia said that he would not want to lose the Canal Street grants because the improvements will help to revitalize that part of the City and help the businesses to flourish.

Councilman Dotson moved to cancel contract arrangements for the bank note and to make special arrangements for a millage rate authorized by the vote of the people. Councilman Youngs seconded the motion for discussion purposes.

Councilman Youngs clarified that he seconded the motion because it is the proper parliamentary procedure. He stated that the replacement of a community center facility and the building of a new one would be expensive, but it is within the realm of an existing function of the City government to provide for the recreation of its citizens. He views the construction and replacement of the gym and the creation of a post-hurricane relief center as something that is mandated to be done without a vote of the public. He explained that Council had designated reserve funds so that the financing amount would be minimal. He reiterated that it does not justify a vote of the citizens of Miami Springs.

Councilman Youngs is in favor of going forward at this time because there are two things working to the City’s advantage. The amount of construction in the community has declined, the City was able to get favorable construction bids and the current interest rate climate is good. The City could miss a window of opportunity to obtain the best financing and the arrangement with the bank is better than he anticipated. The tax situation has worked against the City, but he is in favor of making sacrifices in other areas to keep the reserves as high as possible.

Councilman Dotson reiterated that the people should vote on any significant project that changes the community or is a big asset like the gym. It is very serious to reduce the fund balance by half. He could justify the need for everything listed under the capital projects because they are important, but at the same time there are not enough funds and Council must base their decisions on that fact.

Vice Mayor Garcia commented that he would rather work twice as hard to make sure that the quality of life is maintained for his family and the community. He felt that previous Councils had not worked hard enough to improve the commercial tax base and they reduced the millage rate when the tax dollars were more than was needed to function. He asked to consider the pros and cons and what will benefit the community. The gym is more than fifty years old and Council has performed due diligence with their decision to build a new community center. He would like to keep pushing forward to improve the community and not be complacent.

Councilman Best knows that Council had put together a budget in previous years that had effectively reduced millage rates. He said that Council could decide that some of the capital projects are not absolutely needed, including the Canal Street Linear Park Project, although \$173,000 is a lot of money to pass up. The City now has a grant writer that might be able to acquire future grants.

Councilman Best said that relative to a vote of the people, he has a good sense for what the community wants. The Recreation Assessment Survey came back with resounding results that recreation was foremost. He could side with Councilman Dotson to consider reducing other capital projects for the next year.

Vice Mayor Garcia said that when considering the hiring of a Recreation Director it was mentioned that the additional salary being paid to the Assistant City Manager would be eliminated. He explained that the Administration wanted to fill the position so that the new Director could assist in the process of the construction.

City Manager Borgmann clarified that the Recreation Director could begin working on the programming of activities that will be available for the community when the building opens. He added that the programs should consider the responses from the community in the survey and create community involvement.

Councilman Best asked to consider the comfort factor. It means spending funds for a project that makes sense or saving funds in fear of not having enough when needed, but it is a choice Council has to make.

Councilman Youngs added that in the current tax environment the City's budget should keep the level of service for the residents and the next priority is to build the community center that is desperately needed, while everything else can be sacrificed. Council may be sorry next year if there is a difficult hurricane season and is short in cash. He would oppose the motion to cancel the current financing for the community center.

On roll call vote the motion was denied 4-1 with Vice Mayor Garcia, Councilman Best, Councilman Youngs and Mayor Bain casting the dissenting votes.

Councilman Youngs asked if the \$1,060,000 for the community center could be shown separately in the budget.

Finance Director Robinson explained that funds could be appropriated at any time once they are designated.

Councilman Dotson added that the funds are still part of the reserve fund and \$ 1 million would come out of that fund.

Councilman Youngs stated that he would like to show the funds separately.

Mayor Bain was in favor of leaving the funds where they are.

Councilman Youngs asked Council to consider the other capital projects like the skate park. He said that perhaps people could raise funds similar to what was done for the dog park, or the City could match the funds that are raised for the project.

City Manager Borgmann commented that the \$1.6 million Canal Street Project was broken down into three phases. He said that the construction drawings are almost complete and Council could decide to put the project aside for one year and risk losing \$135,000 in grant funds.

City Planner Ventura explained that the original grant for the project was awarded in the amount of \$150,000 and the construction specifications came in at a much higher quote. The City had to install all the components that were specified in the grant application in order to be reimbursed for the expenses and since this was not possible, the grant was returned. He was told by the State representative that the City could apply again and the action of returning the grant award would not prejudice the City's application. He could not attest that this would be the same situation if the City returns the funds and applies again for the third time.

Councilman Youngs said that if the incentive is \$135,600 for a project that is of lower priority than the community center, it might be an incentive to turn down. Municipalities are laying off employees and reducing services in the current environment and he feels proud that the City of Miami Springs is able to maintain services and keep taxes low. The Canal Street Linear Project might be an option that could be sacrificed.

City Planner Ventura stated that ironically there are two upcoming agenda items asking Council to agree to the transmittal of the grant application for the next phase of the Canal Street Project.

City Attorney Seiden explained that there is a request for a \$200,000 matching grant on the agenda under item 10A.

Councilman Dotson understands that the County has grant money for recreational activities and there was discussion about outdoor basketball courts. He asked to see if funding is available for skateboard parks.

City Manager Borgmann advised Council that they could postpone the \$150,000 for the skateboard park to see if there is grant money available. He explained that \$538,682 is shown for the Canal Street Linear Park Project, but that total is not coming out of the fund balance because it includes \$137,000 in order to show the full amount of the project.

Councilman Youngs clarified that the Canal Street Linear Park Project would only cost the City approximately \$405,000. In his mind this is a lower priority item that puts the fund balance at risk, while the first priority is the community center.

Mayor Bain commented that the capital projects are shown in the budget; it does not mean that the funds will be spent. The funds for the Canal Street Linear Park have been shown in the budget for the last four years.

The Mayor stated that the replacement of the Stafford Park jogging path could be done in the future as long as it is shown in the budget and the location for the proposed skateboard park has not yet been decided. He reminded everyone that Council promised the kids who came to a previous meeting that they would do their best to try to build the park.

Mayor Bain said that personally he would not spend \$100,000 for the Trane A/C noise barrier; he would like to look into the cost of a new unit.

Mayor Bain asked the Administration to come up with some ideas before the next meeting in order for Council to be able to finalize the budget. He would like Council to communicate with Staff regarding the capital projects.

Councilman Dotson clarified that Council agreed to look into the skateboard park before they made the decision on the gym. He said that the kids were at the meeting when the gym was being considered. He made it very clear at that meeting and prior to that if all the funds are spent on the gym project there would not be enough funds for a skateboard park, a new Police station or Downtown parking.

Vice Mayor Garcia stated that he liked the City Manager's recommendation to reduce the cost of the skateboard park from \$150,000 to \$75,000. He added that it does not mean that the amount would be spent, but the project would be earmarked in the budget.

Regarding the Canal Street Linear Project, Vice Mayor Garcia said that postponing it would risk the \$135,000 grant.

City Planner Ventura explained that funds had been spent for the Canal Street Linear Project for the construction documents. Council approved an expenditure of \$97,700 in August 2007, and Agenda Item 10 C is a budget amendment that includes this amount so that the purchase order can be issued.

Attorney Seiden clarified that the first phase of the grant is not an issue. The City applied and was granted the funds, which Council approved and the work is finished. If Council decides not to continue with the project then they will deny the request to approve authorization to apply for the grant for the next phase under Agenda items 10A and 10B.

To answer City Attorney Seiden's question, City Planner Ventura stated that the deadline to apply for the grant is September 30, 2008 and the funds will normally be awarded in July 2009.

City Attorney Seiden explained that if the City is awarded the grant, that the \$200,000 funding would not come into play until Fiscal Year 2009-2010.

Vice Mayor Garcia asked the City Planner if the \$135,000 grant for the Canal Street Linear Project is contingent upon actually spending the funds.

City Planner Ventura explained that he is required to submit progress reports to the State on a quarterly basis. He said that the construction documents would be ready to go out to bid in a few weeks and he would be able to prepare a chain of reports showing progress.

Vice Mayor Garcia asked to consider removing the Trane A/C sound barrier and delaying the Stafford Park jogging path repaving until next year.

Councilman Youngs stated that if Council were to decide to postpone the Canal Street Linear Project as a matter of priority, the responsible thing would be to return the funds to the State for other projects. He felt that the State would understand due to the current budget crisis that all municipalities are experiencing.

Mayor Bain explained that the City should pursue the project when funds are available next fiscal year.

City Attorney Seiden stated that Architect Perez-Vichot is completing the construction documents. He asked what would be the next obligation.

City Planner Ventura responded that once the construction documents are finalized, the project is put out for bid.

City Attorney Seiden explained that it would not cost anything to put the construction specifications out to bid and the next step would be to award the work.

City Planner Ventura reminded Council that only 15% of the grant funds can be utilized for design work and the remaining 85% is for construction, which is the next phase for the pedestrian pathway and the associated landscaping.

City Attorney Seiden calculated that the City would lose less than \$30,000, but they would have to pay for most of the architectural work.

To answer Vice Mayor Garcia's question, City Planner Ventura said that additional expenses included \$27,500 for the design work, \$5,000 for survey work, \$1,800 for additional elevations and \$2,856 for soil boring and percolation tests. Including \$97,700 for Architect Perez-Vichot, total expenses are \$134,860 of which 15% is reimbursable from the grant.

City Manager Borgmann explained that during the construction phase there would be expenses that would be covered by the Citizens Independent Transportation Trust (CITT) fund and Local Option Gas Tax fund. He reiterated that the estimate for the total project is \$1.6 million.

Vice Mayor Garcia asked to consider the positive and negative aspects of returning the grant funds for the second time and jeopardizing future opportunities to move forward with the project.

Councilman Best suggested reducing the skateboard park to \$75,000, proceeding with the Canal Street Project, eliminating \$100,000 for the Trane sound barrier, postponing the jogging path for \$60,000 and eliminating \$75,000 for the Recreation Director, which would total \$310,000.

Councilman Youngs stated that he would be in favor of Councilman Best's suggestion, but it would merely be taking the funds from the capital category and placing them in the reserve, which is important. He would like for the City Manager and Finance Director to look for ways to reduce the \$1,634,000 decrease in fund balance. Removing \$75,000 for the Recreation Director may or may not be a priority, but he would like to reduce the number.

City Manager Borgmann commented that \$500,000 for the Hurricane Fund could remain in the reserve. A big hurricane could hit the fund balance hard; the City would be responsible for 12.5% and the remainder of the expenses would be reimbursed from FEMA.

Councilman Dotson commented that that \$500,000 is for the Hurricane Contingency Fund and cutting it would be like giving up your insurance.

Councilman Youngs stated that the only "big ticket" item he could think of would be \$75,000 for the Recreation Director. He reiterated that he would like Council and the City Manager to see if there were any other reductions that could be made.

City Manager Borgmann explained that the amount of taxes that the average homeowner will pay depending on their property assessment will go down in Miami Springs. He stated that each 1/10 mill is approximately \$100,000. Council would have to go back to the General Fund and make additional cuts.

Councilman Dotson hoped that additional cuts could be made at the second budget hearing. He said that his proposed reductions totaled \$137,864, which he would like Council to consider. His argument is that a new Recreation Director should not be paid more than \$80,000.

Mayor Bain clarified that the recommendation is to reduce the skateboard park allocation to \$75,000 and eliminating \$100,000 for the Trane sound barrier, \$60,000 for the jogging path and \$75,000 for the Recreation Director. He wanted to leave the Canal Street Linear Park the same.

Councilman Best said that reducing the amount for the skate park would not be eliminating the project. It will remain in the budget with the hope of obtaining grant funding.

Vice Mayor Garcia moved to approve the recommendation as stated by the Mayor. Councilman Best seconded the motion.

City Attorney Seiden recommended that consideration of eliminating the Recreation Director position should be considered as a separate motion since it is not a capital item.

Vice Mayor Garcia clarified that the motion would be to reduce the skate park from \$150,000 to \$75,000 and eliminate \$100,000 for the Trane sound barrier and \$60,000 for the jogging path. The Canal Street Linear Park Project would remain in the capital project budget. Councilman Best seconded the motion.

Councilman Dotson stated that he does not agree with the deficit in fund balance and including capital project funds that may or may not be spent. He said that budget figures are intended to be control figures and if there is an urgent project that comes forward later on then the budget can be amended. He does not want to clutter the budget with projects that the City cannot afford so he would like to remove the entire \$848,682.

On roll call vote, the motion carried 3-1 with Councilman Dotson casting the dissenting vote. Councilman Youngs was absent at roll call.

Councilman Dotson proposed that the salary for the Recreation Director should be \$80,000 instead of \$100,000, which means budgeting \$60,000 if the position is filled in January. He felt that if the person is competent and progresses well, he/she would receive raises over time. The payroll tax would be \$3,060.

Mayor Bain interjected by saying that there was a consensus to eliminate the Recreation Director position from the budget.

Vice Mayor Garcia moved to eliminate \$75,000 for the Recreation Director position. Councilman Best seconded the motion.

To answer Councilman Dotson's question, City Manager Borgmann clarified that there would be no funds in the budget to hire a Recreation Director, which means eliminating \$75,000 plus benefits. From the Administration's point of view, he strongly recommends against this action. He explained that the Assistant City Manager cannot continue to assume the responsibility of Recreation Director although he is an excellent manager and finance person.

City Manager Borgmann explained that the City will be spending \$6 million for a new facility and a real recreation person is needed to operate and develop programs. He would not want to wait until the last minute to hire a person. A Director should be hired in advance in order to find out what the needs are, develop support and find volunteers.

Vice Mayor Garcia withdrew his motion and Councilman Best withdrew his second.

Vice Mayor Garcia stated that there was a previous discussion about reducing the salary for the Recreation Director. He said that the Administration had done the research on the salaries and recommended \$100,000 to hire someone of the caliber that the City needs. He understands Councilman Dotson's point about hiring a young person who is energetic and wants to do the job, but based on the information it will be extremely difficult to find the right person. He hopes that someone can be hired for \$80,000, but he would not want to reduce the budget amount.

Assistant City Manager Gorland reminded Council that the Recreation Coordinator position was eliminated, which amounts to \$35,000 and this was an important part of the recommendation to hire a Recreation Director. It is important to the community and the Recreation employees who deserve to work for a professional director.

Vice Mayor Garcia said that he fully supports the position and he looks forward to hearing the rest of the recommendations. The main goal is a new community center as well as recreation programs for the entire community of all ages. He said that waiting to the last moment to hire someone is not a wise move to make professionally or fiscally.

Mayor Bain stated that the motion should be whether or not to budget for the Recreation Director position. There is already \$75,000 in the budget based on the Administration's recommendation, but it is an issue that should be voted on.

Vice Mayor Garcia explained that Council already approved budgeting \$75,000 so no motion is needed. He felt that a motion would be needed to remove or reduce the amount.

City Attorney Seiden agreed that if Council wanted to eliminate or reduce the salary for the position that someone could make a motion.

Councilman Youngs clarified that he is asking for some way to reduce the fund balance deficit other than by shifting \$500,000 from the Hurricane Contingency Fund.

Vice Mayor Garcia asked Councilman Dotson the total of his rough estimate for reductions.

Councilman Dotson clarified that he estimated \$137,864 and a few items had already been cut.

Vice Mayor Garcia stated that he would like Councilman Dotson to make his recommendations now so that they can be analyzed and researched before the next meeting.

Councilman Dotson reiterated that the salary for the Recreation Director should not be more than \$80,000 for the entry level, which means \$60,000 would be included in the budget if the person is hired in January 2009. The payroll tax would be \$3,060. The Assistant City Manager's salary supplement would be reduced from \$6,156 to \$4,617. The Recreation Coordinator position is \$38,828 and the payroll tax is \$2,970 for that position.

Mayor Bain clarified that the Recreation Coordinator position was already eliminated from the budget.

Councilman Dotson commented that the vacant position for the Aquatic Division Supervisor shows a cost of living allowance (COLA), which does not apply and should be eliminated. The amount is \$1,077 and there is \$1,103 for the same situation in the Sanitation Division. There is also a COLA totaling \$1,448 for a new position in the Stormwater Fund. He added that there two Maintenance Workers showing COLA totaling \$973.00 and \$709.00.

Mayor Bain agreed that the budget should not include a COLA for any vacant position this year. He would like a report for the next meeting of how much was eliminated from the budget.

Councilman Dotson said that the temporary increases totaled \$21,230, which was discussed at length. The situation with the Assistant City Manager should be dealt with individually because there is a problem with his salary.

City Manager Borgmann offered to clarify the amount of the salary for the Assistant City Manager and report back to Council.

Human Resources Director Loretta Boucher advised Council that due to the deletion of the Golf Course positions there are civil service employees with seniority that will bump the vacant positions.

Councilman Dotson asked the City Manager to review the entire budget to see if he can identify additional reductions.

Mayor Bain requested a report before the next meeting showing all the reductions and how much will go back into the fund balance and how the millage rate will be affected.

Vice Mayor Garcia moved to adopt the resolution and Councilman Best offered the second.

Councilman Dotson mentioned that Agenda Item 10B is about \$1,600,000 for the Canal Street Linear Park for three succeeding years. He asked if funding could be budgeted every other year.

City Planner Ventura was concerned that the project would break ground and come to a stopping point. He would not recommend a gap between phases.

The motion carried 4-1 on roll call vote with Councilman Dotson casting the dissenting vote (Resolution No. 2008-3407).

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for August 2008 in the Amount of \$9,927.50

There was no discussion regarding this item.

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

9. Old Business:

9A) Community Center Financing with SunTrust Bank

This item was heard before item 7B.

City Manager Borgmann stated that Finance Director Robinson would be making the presentation since he had been instrumental in preparing the resolutions and working with SunTrust.

Finance Director Robinson explained that the draft resolution presented at the last meeting had not changed since that time. The capital improvement revenue note encompasses the entire closing package that they intend to sign once Council makes the decision to go forward. He continued to say that Ms. Jolinda Herring of Bryant Miller Olive, the law firm representing the City in the transaction with SunTrust was present to address any questions Council may have.

City Attorney Seiden stated for the record that the package has been reviewed and there were some changes that have to be made, which Ms. Herring agreed to and will make before closing. He explained that the documents in the package are closing documents, the resolution is slightly different and it authorizes the transaction and the documentation to be executed by the proper officers and officials of the City.

City Attorney Seiden read the resolution by title.

Councilman Dotson noted that the phrase in Section 1 'Authority for this Resolution' is repeated in several sections of the document, but 'Charter of Miami Springs' is not mentioned in the bond note. He also pointed out a typographical error in another section of the document.

Ms. Herring said that the phrase could be added and that the typographical errors would be corrected.

Councilman Dotson said that he understood that the interest rates would be locked in two days before the closing and the swap rate was 91.5%. He would like the information as soon as possible, so they could also determine the annual debt service that the City would be required to pay. He also inquired if they had a closing date in mind.

Ms. Herring stated that the information would be provided to the City as soon as a closing date is established and the numbers would be calculated to determine the debt service amount.

Finance Director Robinson replied that sometime within the next two weeks, or September 22nd, would be good, as the Mayor would need to be available to sign papers.

City Attorney Seiden advised that the approval of the resolution approves the transaction and provides the necessary authority, direction and approval from Council for the proper officials to sign on behalf of the City.

Councilman Best moved to approve the item. Vice Mayor Garcia seconded the motion.

Councilman Dotson noted that he would have some statements to make at the next budget meeting that might reflect on the resolution. He doubted that it would change any minds or opinions, but he wanted to let Council know ahead of time.

The motion carried 5-0 on roll call vote.

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

Mayor Bain **re-appointed** Francisco Fernández to the Board of Adjustment for an unexpired term ending on April 30, 2009.

10. New Business:

10A) 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

Mayor Bain confirmed that the City Planner needed Council’s decision by September 30th and the next meeting is on September 22nd. He would like to see this added as an agenda item and the complete project broken down so an educated decision can be made before a vote is called.

Council **tabled** this item for discussion at the next meeting.

10B) 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

Council **tabled** this item for discussion at the next meeting.

10C) Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the Second Amendment to the Fiscal Year 2007-2008 General Fund, Special Revenue Fund and Enterprise Fund Budgets; and Providing for an Increase in the Police Department Budget Within the General Fund; Authorizing Funding for the Current Year’s Grants Fund Budget; Providing for an Increase in Funding for the Roads and Transportation Special Revenue Fund Budget; Providing for an Increase in the Sanitation Budget; Finding the Appropriateness of the Budgetary Amendments Set Forth Herein; Effective Date

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

Councilman Dotson confirmed that the total \$97,700 would be coming out of the Roads and Transportation Special Revenue Fund.

Vice Mayor Garcia moved to adopt the resolution. Councilman Best seconded the motion, which was carried unanimously on roll call vote (Resolution No. 2008-3408).

10D) Consideration of Proposed Charter Amendment Petition as to Form and Sufficiency

City Attorney Jan K. Seiden stated that Council received a copy of a letter that was hand-delivered to the City Clerk proposing a new Charter Amendment regarding votes on annexation. Under Miami-Dade County Charter Section 7.01 – Initiative and Referendum, any person proposing a ballot language and petition must come to City Council for approval as to form.

City Attorney Seiden said that the form is the standard format used by the County, although the language is not correct because the words “outside of the existing boundaries of the City” should be eliminated because that is what annexation is in his opinion. He assured Council that the form was fine.

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

City Attorney Seiden asked the City Clerk to notify the person that is responsible that the petition form was approved and they have sixty days to obtain the petition signatures.

10E) Consideration of Post Buckley Schuh & Jernigan's Proposal for Storm Drains

City Manager James R. Borgmann explained that this is a request to waive the competitive bid process and award an agreement for services to Post Buckley Schuh & Jernigan (PBS&J) to provide construction drawings for additional storm drains as established in the Stormwater Master Plan.

City Manager Borgmann stated that the City acquired a State grant approximately two years ago that was to be applied to Phase 5, 6 and 7 of the Stormwater Master Plan. Council was advised last year that the project could be delayed because it would cost an additional \$500,000 or more from its stormwater fund. He explained that the \$150,000 grant was tied to those three projects; the City lost \$30,000 and the State has re-appropriated \$120,000 to pursue Phase 8, which was the most expensive project.

City Manager Borgmann recommended proceeding with the project based on discussions with the South Florida Water Management District representatives who indicated that the continuation of the \$120,000 grant would be based on the immediate start of the project.

City Manager Borgmann said that PBS&J has presented an amount of \$106,720 for creating the construction drawings, which can be paid for out of the Stormwater Utility Fund. If the item is put out to bid it could increase the cost or jeopardize the grant funds because of the time frame. He added that PBS&J created and is very familiar with the Master Plan and the South Water Management has indicated that it would be willing to help fund the whole project if the City takes the initiative to start right away.

Councilman Dotson stated that this was a very critical area around the Golf Course that is prone to flooding and the project should be next in line.

Vice Mayor Garcia moved to waive the competitive bid process and award the bid. Councilman Youngs seconded the motion, which carried unanimously on roll call vote.

10F) Consideration of Redefining Garage Sales

City Manager James R. Borgmann said that there were concerns voiced about the definitions of garage sales, so the portions of the Code pertaining to the regulations were presented to Council.

Councilman Dotson stated that he would like to postpone the discussion. He believed that the definition in the Code was good, but he would like more information on a couple of aspects. He asked to **postpone** the item and place it on a future agenda.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

Annexation Letter

City Attorney Seiden provided a copy of a letter that was requested as part of the annexation meeting. He responded to Town of Medley Attorney Mel Wolfe's letter agreeing and acknowledging his statement.

12B) City Manager

Soccer Registration

City Manager Borgmann reminded everyone that soccer sign ups are still going on and anyone interested in registering their child should contact the Recreation Center.

Happy Birthday

City Manager Borgmann wished Mayor Bain a Happy Birthday.

Pool Leak

City Manager Borgmann reported that there was a leak at the swimming pool and the City was one of the first customers to call Miami-Dade Water and Sewer for assistance. He explained that it is a serious issue that was repaired in the past and is occurring again because the pipe brackets and hangers under the deck are rusting and breaking, which caused a crack at a joint. The pipe was fixed and the Administration is trying to find a remedy for the remaining brackets that are in need of repair.

Park Restrooms

City Manager Borgmann stated that the Certificates of Occupancies for the bathrooms should be issued by Friday, September 12th. Signage will be installed, the Fire Marshall will make one final inspection and the Building Official verified ADA compliance.

Water and Sewer Transfer

City Manager Borgmann reported that the Water and Sewer Transfer, including equipment and employees was flawless. He thanked the City Attorney, Public Works Director and County Staff for their hard work. He also congratulated Council for moving the transfer forward.

Hurricane Ike

City Manager Borgmann stated that everyone should be thankful that the City was spared from the impact of Hurricane Ike. He was very concerned on Friday, September 5th and sent out a notice of what action the City would take if necessary.

12C) City Council

Pelican Playhouse

Councilman Best thanked everybody who supported the Pelican Playhouse and the Summer Program that was successful, which shows the good things that will come down the road.

Legislative Policy Committee

Councilman Best reported that he will be traveling to Orlando on Thursday, September 11th for the new Legislative Policy Committee meeting for the upcoming legislature. He explained that the Florida League of Cities abolished the Home Rule Charter Committee and it is now called the Growth Management and Transportation Committee, which includes annexation. This will be very interesting for those members of the Committee who will be discussing what has happened relative to this throughout the State of Florida.

Annexation

Mayor Bain called Town of Medley Mayor Ramón Rodríguez to schedule a meeting regarding annexation, but it was postponed due to the weather. He is attempting to schedule a meeting on Wednesday afternoon to finalize the annexation border between the cities.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:40 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

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

Transcription assistance provided by M. Newton and S. Hitaffer