



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Wednesday, August 20, 2008, at 7:00 p.m. (*This meeting was re-scheduled from Monday, August 18<sup>th</sup> due to Tropical Storm Fay*).

### **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

\* Vice Mayor Garcia arrived at 7:10 p.m.

Also Present:

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

### **2. Invocation:** Councilman Best offered the invocation.

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

**3. Resolution: A Resolution of the City Council of the City of Miami Springs Calling for the Holding of a Special Election for the City on Tuesday, November 4, 2008; Delineating an Additional City Charter Question for the Election Ballot; Providing Authorizations and Directions to the City Clerk; Effective Date**

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

Attorney Seiden explained that within the body of the resolution he refers to the additional question to be placed on the already existing ballot, pursuant to the previous resolution that was sent to the Miami-Dade County Elections Department. The proposed amendment is as follows:

*“Shall Charter Section 3.06 (5) be amended to eliminate Run-off elections and to provide that the candidate for Mayor and the candidate in each Councilmember group receiving the highest number of votes in the General Municipal Election, shall be declared to be elected to office upon the canvassing of the certified election results?”*

Attorney Seiden stated that the language follows provisions that are similar to the cities of Aventura, Coral Gables and Medley. The current Charter provides for the winner to receive a majority of votes and the proposed change would mean that the highest vote-getter would be elected to office without the need for a run-off.

Michael Gavila of 684 Morningside Drive stated that he has no problem with placing the question on the ballot, but he would vote against it because it would be unfair to eliminate run-off elections.

City Attorney Seiden commented that he did not include a provision for a run-off election in the event of a tie.

Councilman Best said that normally the strongest candidates would advance to the run-off and in effect the winner would be the one with the most votes. In addition, eliminating the run-off would save \$30,000.

Councilman Youngs stated that he is sorry that he missed the discussion at the August 11, 2008 Regular Meeting. He understands that the associated dollar amount is approximately \$30,000.

**Councilman Best moved to adopt the resolution (No. 2008-3406). Councilman Dotson seconded the motion, which carried 4-0 on roll call vote (Vice Mayor Garcia was absent at roll call).**

#### **4. Consideration of Entering Into a Letter of Intent with Link Construction to Permit Preliminary Work to Begin on the Project in Advance of the Execution of a Formal Agreement**

City Attorney Jan K. Seiden stated that the Administration is not prepared to deal with this item because Link was supposed to deliver something to the City a few days after the last meeting, which did not arrive until late in the week. The item may be placed on the agenda for the August 25, 2008 Regular Meeting.

City Attorney Seiden explained that Link is supposed to prepare a proposed contract for the City to review and if the contract review takes an extended amount of time, they suggested the option of executing a Letter of Intent. This would allow them to begin basic design work for which they would be compensated for based upon a schedule that will be attached to the document.

Attorney Seiden said that he normally does not like dealing with Letters of Intent because there are advantages and disadvantages. He may recommend against it, but it is not an outrageous suggestion. He would like to see Link's contract, which will be on an American Institute of Architect (AIA) form that would be subject to appropriate provisions based upon past discussions during the two meetings that address all the issues raised by Council when the contract was awarded.

Councilman Dotson inquired whether or not there was a draft contract that Council could review.

City Attorney Seiden responded that Link provided blank forms and the Administration is waiting for a draft contract showing what Link is proposing. He thought that they would provide this information within a couple of days, but it has not been received, perhaps because of the storm delay.

Councilman Youngs commented that AIA contracts and the provisions that are included in the schedules can make a world of difference. He is biased against the Letter of Intent because it helps some parties and hurts others. From the City's position, once Link is doing work under a Letter of Intent that could hurt the negotiating position as far as the other provisions. He felt that revisions to the plans within the cost structure could cause tension as to whether the change is an "add on" or included within the price. He felt that it would be better to complete the contract, even if it takes one or two weeks, because it is a long construction period.

City Attorney Seiden agreed with Councilman Youngs. He felt that Link is working on the contract expeditiously and there should not be a great delay. He added that Link has released a letter and proposed schedule that the City Manager could provide to Council for review. At the last meeting, the City Manager provided material for Link to incorporate into their understanding of what the transaction would be, including some revisions to walls.

City Manager Borgmann explained that during the process he accessed information on the internet regarding bleachers, scoreboards, etc. and he gave the information to Link to show them the type of equipment the City is looking to purchase.

The City Manager reminded Council that the City is going to pay for the basketball goals and will have the option for a fixed mounted unit or a collapsible unit that could be moved aside for other activities.

City Attorney Seiden stated that Link was mainly concerned with the design in order to be able to address how the equipment would be fastened to the ground or walls. He said that the detail would be in the plan, not in the contract.

Councilman Dotson asked if Council could have a copy of the design.

City Attorney Seiden responded that Link had not submitted the design.

The City Manager said that he presented suggested changes because one of the two basketball courts was incorrectly sized at 46-feet instead of 50-feet wide. A decision was made to decrease the length of the basketball courts from 94-feet to 84-feet, which is standard for the high school level. He added that there would not be a need for the telescoping type bleachers because they would be too close to the jogging track and it will save a significant amount of money by providing movable bleachers.

Councilman Dotson asked if the City should have an architect on retainer to sign off on the design plans.

City Manager Borgmann clarified that the City would have the final say on the design.

Councilman Dotson was of the opinion that an architect would be the only person qualified to make a judgment about technical features and he would like to retain the services of a professional.

Attorney Seiden commented that all the details would come back to Council for approval.

Mayor Bain stated that the first step would be for Council to review the contract.

City Manager Borgmann felt that the information he provided to Link would help them to make a determination of what will work or not as far as the dimensions.

Councilman Dotson reiterated that he would be more comfortable with the City having its own architect. He wants to be sure that someone will make sure that Link complies with what the City wants and also protects the City's rights.

**5. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 7:18 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: 9/8/2008

Transcription assistance provided by S. Hitaffer