



City of Miami Springs, Florida

The Miami Springs City Council held a **SPECIAL MEETING** in the Council Chambers at City Hall on Monday, December 7, 2009, at 5:01 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 5:07 p.m.

The following were present:

- Mayor Billy Bain
- Vice Mayor Dan Espino
- Councilwoman Jennifer Ator
- Councilman Bob Best
- Councilman George V. Lob

Also Present:

- City Manager James R. Borgmann
- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Administrative Assistant Marilyn Newton
- City Clerk Magalí Valls

2. Invocation: Councilman Best offered the invocation.

Salute to the Flag: The audience participated.

Jose Fuentes, Miami Springs Lobbyist from the Wren Group updated the Council members via conference call with the latest information he had regarding the upcoming annexation meeting.

3. Resolution No. 2009-3467 – A Joint Resolution of the City of Miami Springs, Village of Virginia Gardens, Town of Medley, and City of Doral Proffering the Historical Perspective of the Pending Annexation Applications of the Four Municipalities; Expressing Opposition to Proposed Miami-Dade County Ordinance Section No. 20-4.1; Requesting Exemption from the Provisions of Proposed Miami-Dade County Ordinance Section No. 20-4.1; Effective Date

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

Attorney Seiden distributed information sheets summarizing the facts contained in the resolution as follows:

1. Annexation was originally suggested by the County for Miami Springs, Virginia Gardens and Doral.
2. The County began the annexation evaluations for the four cities in 2002.
3. The four cities began their own investigations and evaluations at the same time.
4. The County requested that the cities agree upon the new annexation boundary lines.
5. Many individual and group meeting were conducted by and between the four cities to reach agreement on the boundary lines of annexation.
6. Each city hired consultants, engineers and other professionals, such as surveyors, assist in their annexation efforts.
7. Both Assistant County Managers and other County Administrative Staff personnel attended and participated in the joint meetings of the four cities over the past six years.
8. In 2009 the four cities jointly agreed upon annexation boundary lines and amended annexation applications were filed by each city.
9. Over the past seven years many man-hours and substantial costs have been expended by the County and the four cities on annexation, involving investigations, evaluations, studies, joint meetings and public hearings. In Miami Springs, an election on whether to seek annexation was approved by the citizens.
10. The new County ordinance under discussion, Section 20-4.1 will suspend consideration and the approval of annexations until the ordinance is amended or removed from the County Code.
11. The four cities believe it is both unfair and inappropriate for the new ordinance to apply to them in light of their efforts over the past seven years and their pending annexation applications.
12. The cities believe it would be both fair and appropriate to exempt them and their pending annexation applications from the suspension of consideration and approval which would be imposed by the passage of Code Section 20-4.1

A copy of the provision was attached for review.

City Attorney Seiden explained that the first two sections of the resolution deal with the historical

perspective and the expression of opposition to the ordinance. The third and fourth sections request an exemption from the provisions of the ordinance with an effective date.

Councilman Best moved to adopt the resolution. Vice Mayor Espino seconded the motion which was carried 5-0 on roll call vote.

City Attorney Seiden advised that he has not been able to gather additional information since the last attorneys' meeting; attempts to contact other parties involved have been unsuccessful. He felt that if there were in fact other cities involved in annexation procedures, their situations were far different than that of the four cities involved in this discussion. Miami Springs, Virginia Gardens, Medley and Doral have a lot of time, money and effort invested in annexation efforts which should be recognized.

City Attorney Seiden further explained that the City of Miami Springs sent a resolution to the County Commission approving the annexation by the City of Sweetwater. ~~Sweetwater's Council passed a resolution in favor of annexation that has already been submitted to the County Commission.~~ He felt this ordinance would also have an impact on that city's application.

In response to Mayor Bain's questions, City Attorney Seiden replied that even if the ordinance is adopted, the County Commission will have the final approval. There were several different scenarios on what could happen if the ordinance was not approved.

City Attorney Seiden advised that the Committee was meeting the next day at 2:00 p.m. at the Dade County Commission Chambers, and this item was first on the agenda.

Councilman Best asked if there were any alternatives for the cities involved if the proceedings are not favorable towards annexation; he had heard incorporation mentioned.

City Attorney Seiden said that the only alternatives the city attorneys had discussed is the possibility of filing a lawsuit against the County. While the precedent and possibility exists, it would be very time consuming and expensive.

Discussion ensued regarding the feasibility of incorporating an area that has no residents.

City Attorney Seiden hoped that the County Commission would understand the position that the four cities have taken, reiterating several of the reasons stated earlier.

Mayor Bain noted that it was quite an accomplishment that the four cities were able to come to an agreement over the annexation boundaries, and the residents of Miami Springs voted in favor of annexation during an election.

City Attorney Seiden agreed that those facts should be a part of the favorable arguments made by the Mayors to the County Commission. He invited anyone interested to attend the meeting.

4. Adjourn.

There being no further business to be discussed the meeting was adjourned at 5:26 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as amended during meeting of: 12-14-2009

Correction:
Page 3, paragraph 4

Transcribed by M. Newton.