



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, February 26, 2007, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

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

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
Finance Director William Alonso
Human Resources Director Loretta Boucher
Public Works Director Robert T. Williams
Golf Director Michael W. Aldridge
City Planner Richard E. Ventura
City Clerk Magalí Valls

2. Invocation: Mayor Bain offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Annual Golf Course Turf Review (Tabled: 2/12/2007)

City Manager Borgmann stated that every year a presentation is made regarding the agronomist's report on the condition of the Golf Course and John Foy from the USGA is present to report his findings after touring the course.

John Foy, Director of the USGA Green Section's Florida Region, said that the USGA provides the turf advisory service as an unbiased agronomic consulting service to any golf course or club. They have eighteen agronomists working across the county who conduct site visits and course reviews with the objective of helping golf course owners to have the type of facilities that are best for their particular clientele.

Mr. Foy explained that it had been over three years since his last site visit and he conducted a half day review of the Golf Course going over all aspects of the management practices and programs. He noticed nice improvements since the last time, the Golf Course is in better shape with fewer weeds, there is better overall turf quality and the big step that was made is the renovation of the greens. Smooth putting greens are one of the main criteria when golfers select a course to play.

Mr. Foy stated that overall the programs under the supervision of Golf Superintendent Sandy Pell are very sound and they discussed a few suggestions for changes. The Golf Course is an asset to the City and the residents, which needs renovation and updating from time to time in order to keep it up to standards. There are other areas that need to be addressed such as leveling and replanting the tees, re-grassing the fairways and the roughs, reshaping and sanding the bunkers and the main issue is the irrigation system, which is inadequate. Irrigation is the most important management tool on a golf course and the current system cannot water efficiently, which is the reason for the complaints about the wetness of the course, especially on the front nine holes.

Mr. Foy said that proposals to update the piping on the front nine is a step in the right direction, but it would not solve the problems and a complete new irrigation system should be considered, which would cost approximately \$1MM.

Mr. Foy stated that as a follow-up to his presentation he would submit a written report of his findings and recommendations.

(Proclamation under Agenda Item 3B Presented after the Salute to the Flag)

3B) Proclamation – Miami Springs Optimist Club Day

Mayor Bain proclaimed February 26, 2007 to be Optimist Club Day. He pointed out that many members had been involved for more than thirty years working for the benefit of the kids in the community.

Mayor Bain introduced Optimist Club Presidents in the audience, former Mayors John A. Cavalier, Jr. and Richard L. Wheeler, Ray Graulich, Paul Bithorn, Jimmy Carter, Karl Bithorn, and Optimist Club President George Lob.

3C) Report on School ABC Boundaries (Requested by Vice Mayor Youngs)

Vice Mayor Youngs introduced Connie Kostyra, Supervisor of the School Operations Attendance Boundary Committee for Miami-Dade County Public Schools.

Vice Mayor Youngs stated that the Education Advisory Board requested that Council adopt a resolution supporting the three plans for boundary changes and to send a letter of commendation to the Region 3 Office and Superintendent George Núñez, Director Robert Kalinsky and Carlos Ríos.

Vice Mayor Youngs reviewed the three plans through maps that were shown on the overhead projector and a Power Point presentation.

Vice Mayor Youngs referred to Resolution 2002-3205 that was adopted by Council in December 2002, which urged alleviation of the overcrowding at Miami Springs Senior High School that resulted in double shifts. At that time a number of recommendations were made, including the construction of a new school in South Hialeah, the refurbishing of Miami Springs Senior High School and appropriate boundary changes to further alleviate overcrowding conditions, split shifts and portable classrooms.

Vice Mayor Youngs stated that he is a member of the county-wide Attendance Boundary Committee (ABC) that adjusts the school boundaries for all the schools in the County and twenty-one were adjusted this year. He thanked former School Board representative Frank Bolaños for appointing him and Representative Renier Diaz de la Portilla for re-appointing him to his third term.

Vice Mayor Youngs said that currently Miami Springs Senior High School has 3,397 students or 164% of the current capacity. Once the full effect of the boundary change for State School “WWW” takes place the population for Miami Springs will be reduced to 1,926 students or 93%.

Vice Mayor Youngs referred to a map showing areas in which the students would be assigned to “WWW” School in order to relieve Miami Springs, Hialeah and Hialeah-Miami Lakes Senior High Schools. The main effect for Miami Springs is that 717 students in area C will transfer to “WWW”. The transition will involve the 9th and 10th graders and because “WWW” will not be ready for occupancy until 2008, Miami Springs will house two schools with separate teachers, principals and classes for the first semester. This will not increase the number of students because of the extra grade that Doral Ronald Reagan Senior is housing.

Vice Mayor Youngs explained that there are two other plans that affect the City of Miami Springs. State School “JJJ” will include area B in Hialeah Gardens, which is currently in the boundary for Miami Springs. State School V-1 is being built on the same site as “JJJ” and it will house an elementary, middle and high school.

Vice Mayor Youngs stated that the effect of V-1 is that it will take 131 students from James Bright Elementary, which will pick up 141 students from Springview Elementary who live in South Hialeah. Springview Elementary has a permanent capacity of 442 students and the current enrollment is 655, or 148% capacity. When the boundary shift is fully implemented the student population will drop to 430 students or 97% capacity without portables.

Vice Mayor Youngs reiterated that the Education Advisory Board is requesting a resolution and letter of commendation to the Region 3 Office. The County ABC has approved the plans and they were submitted to the School Superintendent who approved them last week and he will submit them to the Diversity, Equity and Excellence Advisory Committee and finally to the School Board. Residents and people in the community can suggest alternative boundary plans to the members of the School Board, which is not likely, and it looks very positive that the three boundary changes will be approved by the School Board.

Connie Kostyra reported that next year the ABC will be looking at schools that are grossly overcrowded and under crowded and there could be shifting of those boundaries that are contiguous.

4. Open Forum:

Recreation Center

Optimist Club President George Lob of 860 Plover Avenue urged Council to continue the pursuit in the renovation or reconstruction of the Recreation Center. He was of the opinion that both options should be evaluated in order to secure the correct information and cost so that Council can make the necessary decision and keep the residents informed.

Recreation Center

Karl Bithorn of 1070 Wren Avenue stated that the Optimist Club is proactive in regard to the renovation or reconstruction of the Recreation Center and they want to move the process along because the gym has been falling apart for ten years. The Optimist Club would like to know the facts for different alternatives, with priorities being the gym, a new pool with a children's area, upgrading of lights at Stafford Park and Prince Field, and the Senior Center.

Mr. Bithorn was of the opinion that the people should be allowed to vote on the various alternatives for the Recreation facilities based on the proper information. He said that there are many good ideas in the 2006 Master Plan and many of the smaller projects could be done in-house and with community volunteers.

Political Signs

Owen Gay of 81 Morningside Drive read a prepared statement regarding Councilman Garcia's political signs, and the November 2006 election and when the signs of Xiomara Pazos were removed.

Golf Balls

Junior Silva of 41 Hunting Lodge Court stated that three to five golf balls go into his yard on a daily basis and he is concerned about the safety of his children and property.

City Manager Borgmann reported that plant materials had already been ordered and would soon be planted as a result of the discussion at the last meeting.

Tennis Program

Donna Hernandez of 769 Pinecrest Drive complained about the condition of the tennis courts. She said that her son's practice is cancelled many times because the coach is involved in other recreation activities and the kids are not able to play in tournaments.

Ms. Hernandez emphasized the importance of proper staffing when considering the recreation facilities and to consider all the programs before investing funds in the Recreation Center.

Assistant City Manager Gorland said that he challenged the Staff to develop a tennis program, including tournaments and special outings. He explained that he was not aware of the staffing issues when there are scheduled classes and he would look into the matter and report back.

To answer Councilman Dotson's question, Mr. Gorland said that a part-time person is assigned to the tennis courts when there is scheduled programming. Another employee oversees the program who teaches and the coordinator is responsible for making sure the activities are covered by Staff.

5. Approval of Council Minutes:

5A) 02/12/2007 – Regular Meeting

Minutes of the February 12, 2006 Regular Meeting were approved as written.

Councilman Best moved to approve the minutes. Vice Mayor Youngs seconded the motion which was unanimously carried on roll call vote.

6. Reports from Boards & Commissions:

6A) 02/13/2007 – Recreation Commission – Minutes

Minutes of the February 13, 2007 Recreation Commission meeting were received for information without comment.

6B) 02/15/2007 – Historic Preservation Board – Minutes

Minutes of the February 15, 2007 Historic Preservation Board meeting were received for information without comment.

6C) 02/22/2007 – Code Review Board – Cancellation Notice

Cancellation Notice of the February 22, 2007 Code Review Board meeting was received for information without comment.

6D) 02/27/2007 – Ecology Board – Cancellation Notice

Cancellation Notice of the February 27, 2007 Ecology Board meeting was received for information without comment.

7. Public Hearings:

<p>Council sat as the Board of Appeals at 7:40 p.m. until 8:40 p.m. Reference: Case #05-V-07 Yordanka Bella 33 Corydon Drive Zoning: R-1C, Single-Family Residential Lot Size: 62' x 21' x 103' x 48' x 103' (The Mayor recessed the meeting at 8:33 p.m. while the City Planner looked for additional information and reconvened the meeting at 8:35 p.m.)</p>

7A) Public Hearing – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150.010, Roof Materials, Requirements and Re-Roofs; by Eliminating the Need for Board of Adjustment Approval; Substituting the Approval Authority of the Planning and Building Departments; Delineating a Dispute Resolution Process for Further Application Review; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 2/12/2007 – Advertised: 2/14/2007)

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

Attorney Seiden explained that no changes were made to the ordinance since the first reading.

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

Councilman Garcia moved to adopt the ordinance and Councilman Best seconded the motion, which was unanimously carried on roll call vote (Ordinance No. 952-2007).

7B) Public Hearing – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-034, Installation of Central Air Conditioning and Heating Units; by Including Pool Pumps and Equipment and Sprinkler Pumps and Equipment Within the Provisions of the Ordinance; Providing a New Screening Requirement for Equipment in Side Yard Area Adjacent to Streets; Delineating a New Distance Requirement for Equipment Located in Side Yard Areas Adjacent to Streets; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 2/12/2007 – Advertised: 2/14/2007)

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

Attorney Seiden explained that no changes were made since the first reading of the ordinance. He called attention to Section (D) that states:

“Installation Standards and Requirements. All central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment shall only be installed in accordance with the rules, regulations and requirements of the City of Miami Springs, Miami-Dade County and the Florida Building Code of the State of Florida”.

Attorney Seiden said that one of the requirements of the Code is in the definition of rear yard that states that equipment cannot be placed within the minimum setback of the side or rear yards.

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

Councilman Best moved to adopt the ordinance and Councilman Dotson seconded the motion, which was unanimously carried on roll call vote (Ordinance No. 953-2007).

(Council recessed to the Board of Appeals meeting)

8. Consent Agenda:

8A) Recommendation that Council Approve the Renewal of Bid # 03-05/06 with Harrison Uniforms, and Waive the Competitive Bid Process and Approve an Expenditure of \$13,296.16 to Harrison Uniforms, as Provided in Section 31.11 (E) (6) (g) of the City Code

City Manager Borgmann read the titles of the consent agenda items.

Councilman Best moved the consent agenda items and Vice Mayor Youngs seconded the motion, which carried unanimously on roll call vote.

8B) Recommendation that Council Approve an Expenditure of, not to Exceed \$19,000, to The Miami Herald Publishing Company for Advertising

City Manager Borgmann explained that this request is related to Golf Course advertising, not to exceed \$19,000, for ads in the Miami Herald, El Nuevo Herald and the Herald Neighbor's section. The Administration will measure the effectiveness of the advertising in order to determine how to proceed.

Councilman Best moved the consent agenda items and Vice Mayor Youngs seconded the motion, which carried unanimously on roll call vote.

8C) Recommendation that Council Award Bid # 04-06/07 to Commercial Energy Specialists, the Lowest Responsible Proposer, in the Amount of \$17,553.24, for a Thermal Pool Cover Pursuant to Section 31.11 (E) (2) of the City Code

City Manager Borgmann stated that Commercial Energy Specialists was the lowest responsible bidder, funds were included in the annual budget and they are the major supplier to most municipal facilities.

Councilman Dotson said that he visited the pool and there is no question that the pool blankets need replacement. He would like some assurance that good care will be taken of the new blankets and that someone is responsible for their condition.

City Manager Borgmann said that there would be less wear and tear on the new blankets because they are shorter, covering the width of the pool. The actual winding and unwinding is what causes the damage and the alternate length was recommended by the vendor. The pool staff will roll the covers into the alcove for protection from the elements.

Councilman Best moved the consent agenda items and Vice Mayor Youngs seconded the motion, which carried unanimously on roll call vote.

9. Old Business:

9A) Appointment to the Ecology Board by Mayor Bain for a Full 3-Year Term Ending on April 30, 2009 (Joe Podgor's seat)

Mayor Bain **deferred** his appointment to the Ecology Board.

9B) Appointment to the Ecology Board by Vice Mayor Youngs (Group IV) for an Unexpired Term Ending on April 30, 2007 Created by the Resignation of Donna Dawson

Vice Mayor Youngs **deferred** his appointment to the Ecology Board.

9C) Appointment to the Code Enforcement Board by Vice Mayor Youngs (Group IV) to Fill an Unexpired Term Ending on September 30, 2007 Created by Three Absences of Erik Michelson

Vice Mayor Youngs **deferred** his appointment to the Code Enforcement Board.

9D) Appointment to the Civil Service Board by Councilman Garcia (Group III) to Fill an Unexpired Term Ending on June 30, 2009 (Roslyn Buckner's seat)

Councilman Garcia **deferred** his appointment to the Civil Service Board.

9E) Appointment to the Ecology Board by Councilman Dotson (Group II) for an Unexpired Term Ending on April 30, 2008 Created by the Resignation of Maria Mikluscak

Councilman Dotson **deferred** his appointment to the Ecology Board.

9F) Appointment to the Recreation Commission by Mayor Bain for an Unexpired Term Ending on April 30, 2007, Created by Three Absences of Roger Del Rio

Mayor Bain **deferred** his appointment to the Recreation Commission.

Discussed after Agenda Item 9I

9G) "Fifth" First Reading – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-041, R-1A District; 150.042, R-1B District; 150.043, R-1C District, and 150-044, R-1D District, to Provide a New Building Height Exception, Lot Coverage Restriction, and Side Yard Requirements for Two-story Structures; Repealing all Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date

City Attorney Seiden read the ordinance by title.

Attorney Seiden stated that he made the changes that were agreed upon during the last meeting, which were in subsection (C) providing for 42 % of property site for parcels that exceed 115-feet in depth and in subsection (4) that reads: *"Exception to additional side yard required for two-story additions to new and existing structures"*.

Robert Krawcheck of 200 South Biscayne Boulevard stated that he represents Gary Johnson who owns the property at 457 Deer Run. He complimented Council and Staff for their professionalism and decorum.

Attorney Krawcheck stated that he and Stanley Price had been retained late in the process on Friday, February 23rd by Mr. Johnson who became aware of the proposed ordinance just before the last hearing.

Attorney Krawcheck said that the focus would be on the unintended consequences of the ordinance because some of the changes pertain to the percentage of lot coverage and the setback requirements for new or existing remodeling. He feels that there may not be an awareness of the consequences pertaining to Mr. Johnson and they would like to find a way to come together in order to avoid a potential conflict or claim that could arise.

Attorney Krawcheck explained that Mr. Johnson is a long-time resident of the community who has been in the business of developing and contracting on a small scale. Although the property had been in the family for many years, he recently acquired full title to the property in 2006.

Attorney Krawcheck said that Mr. Johnson paid full consideration in order to acquire interest in the property based on a fair market value appraisal, and the ability to fully improve and remodel the property consistent with the current code. There was a further appraisal that supported Mr. Johnson's ability to secure a line of credit on the property, which he has drawn against to hire the services of an architect and commenced the first phase of improving the property.

Attorney Krawcheck explained that the unintended consequences of the limits imposed by the new ordinance, particularly on the percentage of lot area that can be developed and the setbacks for first and second floors, would impact Mr. Johnson in terms of what can be done with the property. He stated that Mr. Johnson had conferred with the City Administration and Building Official in an attempt to reach a solution. They feel certain that Mr. Johnson would take a hit on his investment and the loans that he has secured would be an impact of a minimum of several hundreds of thousands of dollars.

Attorney Krawcheck stated that the Florida Legislature in recent years has passed legislation that would allow for monetary compensation to a person in this situation who has relied upon existing ordinances and gone forward to incur commitments and expenditures, which is known as the Bert J. Harris Property Rights Protection Act, or Chapter 70 of the Florida State Statutes. He said that it would be a long, expensive process and it is their desire to reach an agreement to everyone's mutual satisfaction.

Attorney Krawcheck said that a letter from Attorney Stanley Price was delivered to the City Manager asking Council to consider another deferral in order to give them an opportunity to present their position to Staff and possibly head off a potential conflict or damage claim.

To answer Councilman Best's question, Mr. Krawcheck stated that Mr. Johnson wants to build out to what the existing Code allows under the current setbacks and the primary impact of the ordinance is a substantial reduction in square footage and thereby a reduction in the amount that he can afford to invest in the property.

Councilman Garcia asked if Mr. Johnson had already submitted plans to the City.

Attorney Krawcheck stated that Mr. Johnson had begun working with an architect, the plans are incomplete for the totality of the project and he has secured permits for the construction of a wall and an out building in the rear, which is the first phase of the full redevelopment of the property.

Councilman Garcia asked Mr. Krawcheck if there are proposed changes for the ordinance that he has in mind.

Attorney Krawcheck said that assuming that Council is interested in going forward to a second reading, they would like to discuss with Staff some potential amendments to the Code that might be able to address the issue and avoid possible conflict.

Councilman Best stated that with all due respect, this is the “fifth” first reading of the ordinance and Mr. Johnson had not appeared before Council before.

Attorney Krawcheck said that he fully recognizes and is humble by the fact that he is requesting another deferral when the matter had already been considered a number of times. Mr. Johnson explained to him that he happened to find out about the proposed ordinance during the process and at that point he came to a meeting. He said that Mr. Johnson is sufficiently concerned to decide to retain their services to address the issue.

Councilman Garcia stated that Mr. Krawcheck had not spoken with Staff to make recommendations or suggestions. He hoped that if Council decides to move forward with the ordinance on the “fifth” first reading that it would not be taken in the wrong way. He explained that there would be a second reading and public hearing at which time recommendations could be made.

Councilman Garcia said that this is the first time he had heard about Mr. Johnson’s concerns and there will be other people who are not aware of the “Mc Mansion” issue even though Council had been discussing the matter for a long time. He is afraid that there could be a lawsuit, which he would like to avoid if possible.

Councilman Garcia asked if Council could move forward to the second reading and within the next two weeks Mr. Johnson and his attorney could meet with Staff to present their ideas.

City Attorney Seiden said that Mr. Johnson attended the last Council meeting and expressed his dissatisfaction to the Mayor and himself. He was not aware at that time that he would hire counsel, but that is his privilege. Mr. Johnson has a property with a depth that is greater than the exception within the ordinance.

Attorney Seiden advised Council that they could go forward with the “fifth” first reading if they are inclined to do so and there would be time to sit down with Mr. Johnson and his attorney to discuss their plans or proposal. The concern is that there might be more people who come forward to express their concern about the proposed ordinance.

City Attorney Seiden said that Council would not be prejudice either way and the goal is to find a solution to the “Mc Mansion” problem without hurting the established vested rights of citizens in the community. He said that the City had not hired a consultant in regard to the proposed change and perhaps some ideas could be obtained from Mr. Johnson and his attorney.

City Attorney Seiden referred to the Bert J. Harris Private Property Rights Protection Act. He said that the process is very complicated and even if an ordinance were passed on second reading they would have to present the City with notice of a claim and six months would be allowed to resolve the matter. The question is whether or not Council wants to get into the adversarial part before it is discussed.

Mayor Bain felt that Council had worked hard and there is no reason to move forward with the first reading if the ordinance is amended at the second reading. He felt that it could slow down the process and it would be better to understand what Mr. Johnson and his attorney want first.

Vice Mayor Youngs stated that municipal governments are allowed to burden property and change the zoning requirements based on the best interest of the citizens. The key phrase is whether it is an inordinate burden and there are not a lot of law cases related to the issue. Mr. Krawcheck could advise Council about where the line should be drawn in order to make the right compromise.

Vice Mayor Youngs said that if Council goes forward with the first reading it would mean 42% lot coverage for parcels that exceed 115 feet in depth and there is not a good handle on whether this is the right place to draw the line. The City Manager said that more than 50% of the lots in the City exceed the depth of 75 feet. He would like to move forward and determine if the 42% is sufficient for lot coverage and ask the City Attorney to conduct research to determine if the setback changes would be an inordinate burden.

Vice Mayor Youngs explained that it should be very clear what Council is trying to do and if Mr. Johnson feels the ordinance is too restrictive, this is information that Council should know.

Councilman Dotson agreed that a lot of work was involved in the process and that Council had tried to give consideration to as many elements and opinions possible. The process is fair and nothing was done that is intended to be illegal. He said that people who submitted building plans before the ordinance goes into effect were able to get approval but there comes a time when the line must be drawn.

Councilman Dotson suggested that Mr. Johnson could complete his plans within the next two weeks. He is not eager to stop the process and start over again because Council is very close to an agreement after considering many different opinions.

Councilman Best said that he would be interested in Mr. Johnson’s plans because Council has no idea what he is considering for his property.

Attorney Krawcheck reiterated that Mr. Johnson is approaching the redevelopment in phases, the totality had not been planned and it is only a vision at this point. Mr. Johnson has begun working with an architect and although his plans are not final, he has invested in the property and secured a line of credit in order to move forward.

Attorney Krawcheck stated that they would certainly respect and attempt to work with the City. The intent is not for Council to stop the process unless that is their choice in terms of what the policy objectives are. He clarified that if they were to meet with Staff and they mutually agree on proposed changes for inclusion on first reading, this could be done within the next two weeks if the item is deferred for another first reading.

Attorney Krawcheck explained that if the ordinance were passed on first reading tonight, there would be advertising requirements, the ordinance would go to the second reading and if there are mutually agreeable changes, the ordinance would have to go back to another first reading and this would lengthen the process. He felt that Attorney Price might be able to come up with some very innovative approaches that could potentially amend the ordinance in order to avoid an unforeseen problem.

Councilman Dotson stated that one concern is that there are only two more meetings before the election and there could be a new Council with different opinions. He would like to make a decision in order to capitalize on the work that had been done.

Mayor Bain said that the main concern is that whatever Council approves should be in the best interest of the property owners and for the welfare of the community. He felt that if Council were to approve the ordinance on first reading tonight and changes are agreed upon before the second reading, the ordinance would have to go back to another first reading.

Mayor Bain stated that it is possible that changes could be agreed upon before the first reading at the next meeting and the second reading could take place with this Council.

Councilman Garcia explained that he asked for an opinion on what is the best way to proceed because it will take longer to make changes at the second reading and go back to another first reading. He said that all the research had been done in-house and his position from the beginning was that the City should hire a consultant.

Councilman Garcia stated that Mr. Johnson has an issue and there could be other property owners with issues. A new Council with a different view would be able to amend the ordinance regardless of what this Council puts into effect. He reiterated that a consultant with an unbiased opinion should consider what would be in the City's best interest in order to avoid potential lawsuits.

Councilman Garcia felt that Council had not maximized the potential to obtain information for the process and there is not enough information to make the right decision. He recommended tabling the first reading to the next meeting to allow an opportunity for Staff to meet with Mr. Johnson's attorney.

City Attorney Seiden stated that if someone wants to provide their expertise at no cost, and the City is free to choose to accept or reject recommendations based upon reasonable judgment, there is nothing wrong with having more information.

Councilman Dotson said that he would also like to have as much information as possible but Council could never get all the input and a decision should be made after five first readings whether or not what has been done is right.

Attorney Seiden said that it would be foolhardy to not schedule a meeting to hear what Mr. Johnson's attorneys have to say.

Mayor Bain felt that everyone understands a meeting should be scheduled with Staff. He said that Council must decide whether or not to table the first reading. He still believes that the current code would be sufficient as long as people do not vary from the provisions in the ordinance.

Attorney Krawcheck stated that he and Mr. Price represent Mr. Johnson; however, to the extent that they might make suggestions, it is in everyone's best interest that the suggestions make sense and accomplish a result for all parties concerned, as well as being constitutional and valid so that it could withstand any attack.

Attorney Krawcheck explained that he and Mr. Price have extensive experience in protecting private property rights and they would present information to Staff for consideration if Council were inclined to consider a short deferral.

To answer Councilman Dotson's question, Mr. Krawcheck said that they are asking for a deferral of two weeks minimum.

City Manager Borgmann stated that this is the type of problem that will be encountered with properties in the R-1A District because they are much larger lots, and the property in question is 200 feet deep with a 60-foot front setback as opposed to thirty. The 42% rule for Mr. Johnson's house would reduce the square footage by approximately 675 square feet. There could be worse case scenarios along Hunting Lodge Drive for those lots that are 300 feet deep along the Golf Course.

City Manager Borgmann said that there might be a way to deal with the R-1A District. Council decided earlier in the process to include R-1A and continue to look at the entire process.

Councilman Garcia moved to defer a decision on the "fifth" first reading until March 12, 2007 and Councilman Best seconded the motion.

Councilman Best stated that in all fairness, Mr. Johnson had gone to the effort of hiring an attorney and it would be in the City's best interest to listen to his recommendations and table the first reading to the next meeting on March 12, 2007.

Vice Mayor Youngs asked the City Planner and City Manager to prepare for a discussion on the number of lots in the R-1A District that exceed 115 feet in depth and how they would be affected by the 42% lot coverage restriction.

City Manager Borgmann stated that unfortunately there is no data source to capture all the lot dimensions. The County's data base can be incorporated into an Excel spreadsheet but it would not match up. He has found that the majority of the lots are more than 125 feet deep and a significant number of residents would be affected by 115 feet.

Vice Mayor Youngs said that Council had endeavored to do the right thing and he would not want to inordinately burden the property rights of 30% of the residents. He is in favor of deferring the item for two weeks in order to get more input.

City Manager Borgmann stated that he would try to determine the average lot size or at least some groupings of the percentage of lots that are a certain depth.

Attorney Seiden suggested contacting surveying companies that have worked in the City.

Councilman Best said that properties on Deer Run and Hunting Lodge Drive have very large lots, which is not the concern.

To answer Councilman Garcia's request, City Manager Borgmann said that if he receives the information in advance that he would disseminate it to Council.

On roll call vote the motion was unanimously carried.

(Mayor Bain asked for a five-minute recess at 10:40 p.m.)

Discussed after Agenda Item 10F

9H) Approval of Contract with CEMUSA Miami Ltd. for the Provision of Covered Bus Shelters Within the City

City Manager Borgmann stated that this item is a request for approval of a contract with CEMUSA Miami Ltd. for the provision of covered bus shelters within the City with no advertising. The City Attorney has reviewed the contract and found everything included that the City had asked for.

City Attorney Seiden said that Public Works Staff had also reviewed the contract for technical specifications.

Councilman Best moved the item and Councilman Garcia seconded the motion, which carried unanimously on roll call vote.

Discussed after Agenda Item 9F

9I) Presentation Regarding Safety and Security Issues at the Recreation Center

Assistant City Manager Gorland stated that the Recreation Program Safety and Security Committee that was assembled in April 2006, has been working hard to identify and correct as many safety and security issues as possible, meeting weekly initially in order to significantly tighten-up and/or change the program's policies, procedures, processes and practices.

Mr. Gorland explained that the Safety and Security Committee members include himself as Chairman, Marty Frady, Patti Bradley, Noel Acosta, Joel Watts, Steve Albritton, Human Resources Director and Risk Manager Loretta Boucher, CPO personnel Cheryl Mulet, Officer Kelly, Lieutenant Khan, and Public Works management Robert Williams, and Tom Nash.

Council viewed a Power-Point presentation outlining information that was compiled by the Committee from April 2006 through April 2007, covering the security audit of all aspects of the Parks and Recreation Department, including facilities and fields, equipment, training, personnel, staffing, documentation and policies.

Assistant City Manager Gorland added that there were several events that led to the formation of the Committee. Meetings were weekly initially, monthly and now quarterly. Minutes are provided in the information packet and CPO staff has conducted research and audits on an ongoing basis. The Aquatics Division has been meeting on their own as well as a part of the main Committee meeting.

Mr. Gorland stated that there were concerns about the mixing of children within age groups, including campers and after school children with adults using the facility, pool and gymnasium.

Assistant City Manager Gorland said that other issues include:

- Facility flow and control of the facility
- Background checks
- Security of the fields, including the tot-lot and the bathrooms
- Security, especially at night, in the various parking lots
- Ventilation in the gymnasium – heat and humidity reach unsafe levels
- An ordinance that would prohibit dogs, alcohol, skateboards, motorbikes, etc. at parks
- Amount of Staff and their qualifications
- Lightening predictors

Assistant City Manager Gorland outlined the following successes:

- Replacement of the bus and van
- Staffing improvements
- Camper security policies tightened

- Sign-in and sign-out log implemented
- Code of conduct for parent signature implemented
- Progressive discipline policy written and implemented
- In service training improved to include CPR and security
- Field trip permission slips implemented
- Facility repairs
- Utilization of Incident Reports
- Improved programming
- Staff and Camper uniforms improved
- Issuance of identification cards for 2007 Summer session
- Monthly field check implemented
- Two lifeguards on duty at all times
- Temporary gymnasium roof covering
- Combining exercise and weight rooms for additional space and storage to keep children separated from adults and other kids not participating in the programs
- Miami Springs Police Department escort for Recreation Center daily openings

Assistant City Manager Gorland said that issues included suspected drug dealing in the parking lot and known sexual predators within the vicinity. There are kids in the program that need more supervision and attention than the Staff is trained for or physically able to provide. Problems can be controlled by additional personnel and closure of certain parts of the facility during the summer, after school and holiday programs. He explained the problem with the restroom facilities that are open to the public.

Assistant City Manager Gorland discussed the problems associated with the ventilation in the gymnasium and the various issues with the facilities. He offered to answer questions from Council.

Councilman Best asked if any thought was given to hiring a security person.

Assistant City Manager Gorland stated that there was no discussion about a security person and the police personnel is used when there are specific issues. He added that the facility is hard to secure due to the size and configuration of the building and the Police Department had been very cooperative by opening the facility in the morning.

Councilman Garcia asked about the procedure for closing the facility at night and if there was a check list to follow so that all areas are inspected and one person is responsible. He suggested the use of a wand system similar to what is used in parking facilities.

Assistant City Manager Gorland stated that the facility is checked at night but it is not documented at this point. Cheryl Mulet explained that the issue was discussed and it would be one of the next steps for security.

Councilman Dotson complimented the Staff for their efforts and excellent job they are doing. He is impressed by the safety and security audits and hopes that they are continued on a regular basis. He said that the mixing of the children in the programs with the adults in the weight lifting rooms was mentioned as a problem in the report of April 24, 2006 and it continues to be a problem.

Assistant City Manager Gorland stated that the problem could be solved but there were more pressing issues to address and they were looking for a long-term solution. The CPO suggested combining everything in one room and installing security cameras. People would have to sign in to use the weight room, there are limited hours for its use, and any children in the area would have an escort.

Councilman Dotson expressed his concern that there should be a temporary solution until a permanent solution is in place.

Assistant City Manager Gorland stated that more staff is being utilized as well as incident reports as part of evaluating the performance as a group and the CPO has been very supportive.

City Manager Borgmann explained that the Florida League of Cities is the City's insurance carrier and they looked at the facilities and equipment that may or may not have related safety issues and pointed out areas that could cause a problem in the future.

Councilman Garcia noticed that in the safety check there were items stacked around the gym that indicates there could be a storage problem.

Councilman Dotson said that he had asked about the background check certification process that was supposed to be discussed.

Assistant City Manager Gorland stated that anyone who works for the City in any capacity is given an extensive background check. The Optimist Club has a background check program and the Little League has a separate program, so there is no standardization. He explained that they are in the process of checking with other communities to see how they handle background checks and identification for volunteers.

To answer Mayor Bain's question, Cheryl Mulet said that the Optimist Club performs full background checks through a private company for the soccer and football programs. The Little League was conducting sexual predator checks on every volunteer, including the people working the concession stands and beginning this year, they will be doing the full criminal background checks.

Councilman Garcia asked what are the guidelines for people with a criminal background who had served their time and if they are allowed to volunteer.

Ms. Mulet stated that the guidelines are set by the Extreme Football League and the Little League, which she would print and distribute to Council.

Assistant City Manager Gorland said that the problem is that the level of the background checks conducted by the private firms is unknown and the question was raised as to whether the City should subscribe to a national program with a standard level for everybody. They have not reached a point where they are able to make a recommendation.

Mayor Bain stated that the safety of the children is a problem everywhere and the Police Department is doing a good job taking care of the situation. He said that he appreciates the report and he knows that the Staff is correcting the problems as fast as possible with the available resources.

Discussion ensued regarding shade for the Tot-lot and the playground equipment.

Mayor Bain suggested a portable canopy for the Tot-lot similar to the one at the driving range.

City Manager Borgmann stated that the Tot-lot would be a difficult area in which to move the canopy and secure it during a high wind event.

Mayor Bain asked the Administration to research various alternatives for shade and Vice Mayor Youngs suggested looking at options, possibly a series of smaller shade screens that could be economical and wind resistant.

Mayor Bain stated that he spoke with the City Manager about the dug outs and many problems had been taken care of in preparation for the Little League Opening Day on March 17th. He said that there is still a problem with the dinosaur that needs to be moved because it could be blocked from visibility from a van or large car.

To answer the Mayor's question, Officer Kelly said that there is a spot between first and second base at Peavy Field on the main field abutting the Dog Park that has an electrical pump underneath with wires and a plastic top.

Officer Kelly stated that the chance of a problem related to sexual predators is small compared to other safety issues. He explained that Staff is being very diligent in their observation of who comes and goes, they question people who are hanging around and the Police Department assists in any way possible.

Junior Silva of 41 Hunting Lodge Court stated that he used to have a management contract with the Coral Gables Youth Center who was open for summer camp programs and closed to the general public until 5:00 p.m. He said that he would not want anyone with a criminal background around his kids and since the playing fields are shared with Virginia Gardens, they should adhere to the same policies and procedures.

Officer Kelly said that children over the age of 13 years do not fit in with the Summer Camp Program and they are trying to reach an agreement so that the facility can serve the entire community.

Councilman Garcia pointed out that the City of Coral Gables has multiple recreation facilities and Miami Springs only has one.

Programs Coordinator Patti Bradley stated that the City is responsible for the safety in the summer camp program and while they do not want to mix the younger kids and the teenagers, there must be an agreement in order to accommodate both age groups.

To answer Councilman Dotson's question, Ms. Bradley explained that there are currently no programs available for kids over the age of thirteen. They are considering an extreme camp on every other Friday for this age group.

City Manager Borgmann stated that one of the problems is trying to figure out what the teens want and it would be more beneficial to have exercise activities as opposed to another place to play with the video games. The Club Room has a pool and ping pong table and there was never funding for an employee who is qualified to work with teens. Hopefully the recreation assessment survey will identify what the teens want in order to develop programming.

City Manager Borgmann explained that once the kids leave the Recreation programs there is a short period until they reach the 9th grade when there are many high school activities that are extended to them.

Councilman Dotson stated that it is important to have adequate staffing first before implementing programs, and the City Manager said that staffing would be provided based on the program.

Councilman Dotson stated that if the City had a Recreation Director, he or she could do the planning and develop ideas. He was of the opinion that the City is handicapped without a Director.

City Manager Borgmann would not disagree with Councilman Dotson. He explained that one qualified person received a better offer outside of the recreation field and the majority of the other candidates did not meet the expectations of what the City is looking for in the position. He added that another individual who works in another field in a different city is being considered who formerly worked for Hialeah and Miami Beach.

10. New Business:

Discussed after Agenda Item 9H

10A) Resolution – A Resolution of the City Council of the City of Miami Springs Urging the Members of the Florida Legislature to Adopt Legislation Providing Clearer Disclosure Language in the Advertisement Requirements of the Mandatory TRIM Notification Allowing Reference to the Prior Year's Millage Rate as it Compares to the Proposed Millage Rate; Effective Date

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

Attorney Seiden explained that the resolution is based on a copy of a resolution that Mayor Bain gave him from the City of Hialeah Gardens. Many times when the TRIM Law notification goes out, people tend to blame the City for tax increases that are really imposed by other governmental entities and they are asking that the law be clarified or adjusted so that proper notification can be provided.

Councilman Dotson was of the opinion that the resolution is defective and does not indicate any increase in taxes that occur. People get confused even if the millage rate stays the same and it is wise to abide by the original requirement under the TRIM Law because it is more of a communication of understanding, not a problem. There is a current rate, proposed rate and a roll back rate and the notification system is proper.

Councilman Garcia moved to approve the resolution. Vice Mayor Youngs seconded the motion, which carried 4-1 on roll call vote with Councilman Dotson casting the dissenting vote (Resolution No. 2007-3349).

10B) Resolution – A Resolution of the City Council of the City of Miami Springs, Authorizing the City to Apply for and Enter into an Urban and Community Forestry Grant Agreement with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry; Authorizing Proper Execution of all Required Documentation; Effective Date

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

City Manager Borgmann stated that the City is applying for a forestry grant in the amount of \$9,858.60, which is a 50/50 matching grant and the City funding would come from Local Option Gas Tax, Peoples Transportation Tax or the Tree Replacement Trust Fund.

Public Works Director Robert Williams clarified that the matching grant is split \$4,929.30 from the State and \$4,929.30 from the City.

To answer Councilman Dotson's question regarding stump removal, Public Works Director Robert Williams said that the information was not clear and he would make a clarification and report back to the City Manager.

Councilman Dotson moved to approve the resolution. Councilman Best seconded the motion, which carried 5-0 on roll call vote (Resolution No. 2007-3350).

Councilman Garcia moved to extend the meeting for fifteen minutes to 11:45 p.m. and Councilman Dotson seconded the motion, which carried 5-0 on voice vote.

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10C) Approval of Appointees to Make up the Audit Firm Selection Committee for 2007

City Manager Borgmann stated that new language in the State Statutes requires the City to establish an audit committee to review the audit and prepare and assemble the Requests for Proposal (RFP). He explained that in the past this was done with Staff, including Assistant City Manager Gorland, City Attorney Jan Seiden and Chief of Police H. Randall Dilling, which worked fine; however the State regulations requires Council approval.

Councilman Dotson said that he knows the Staff members are honest people but since it is an audit situation it might be better to appoint a new member each time so that no accusations could be made about collusion. He suggested that someone from outside the City Administration could be a member of the committee.

City Attorney Seiden stated that the committee would evaluate the presentations from new auditing services as part of the selection process.

Finance Director Alonso explained that the City would solicit proposals for auditing services. The evaluation committee would evaluate each proposal and each firm will make a presentation. The committee ranks each firm, submits their recommendation to the City Manager and he presents the recommendation to Council for final approval.

Councilman Garcia moved the item and Councilman Best seconded the motion, which carried 4-1 on roll call vote with Councilman Dotson casting the dissenting vote.

10D) Request that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$13,000 to Gabriel Roeder Smith & Company (GRS) for the GASB 45 OPEB Actuarial Study Pursuant to Section 31.11 (E) (6) (g) of the City Code

City Manager Borgmann read the title of the request. He explained that Gabriel Roeder Smith & Company (GRS) had been the actuarial firm for the City's pension boards for more than twenty-five years and they provide excellent service.

City Manager Borgmann stated that the Administration recommends the selection of GRS for this particular purpose. He asked Finance Director William Alonso to provide information on the GASB requirements and what the actuarial firm will provide.

Finance Director Alonso explained that the Governmental Accounting Standards Board (GASB) has issued GASB Statement No. 45, which deals with Other Post Employment Benefits (OPEB). The reason for recommending GRS is because they have worked with the City pension plans for more than twenty years and they have the foundation to begin the study. If the City were to solicit Requests for Proposals a new firm would have to start from scratch, and compared with what other cities are paying, \$13,000 is low.

Councilman Dotson asked if the other cities were comparable in size to Miami Springs.

Finance Director Alonso stated that he spoke with cities that are larger, smaller and similar in size and the difference in prices ranged from \$5,000 to \$10,000. He explained that the cost depends on the type of benefits and the only OPEB that Miami Springs offers now is the health insurance for the retirees, even though they pay for it because they are covered on the City's plan and it raises the rate, which is a liability that an actuary must determine.

Councilman Best moved the item and Vice Mayor Youngs seconded the motion, which carried unanimously on roll call vote.

Discussed after Agenda Item 10H

10E) Site Plan Review – Zoning and Planning Board Case No. 01-ZP-07 – 657 South Drive – Ramon Valdes-Denis – Total Lot Size: 21, 300 sq. ft. – Zoning: Airport Highway Marine Business District (AHMBD)

City Planner Richard Ventura stated that Mr. Valdes-Denis is requesting approval of the proposed site plan. The proposal is for a four-story office building consisting of off-street parking on the ground floor and second floor, and offices on the third and fourth floors.

The building site is 21,300 square feet or .48 acres. The proposed four-story office building would be 53'10" to the height of the roof or 55 feet to the top of the entry parapet. The project will have a total of 28,162.79 square feet of parking area. Above the parking there would be two floors of office space with a gross area per floor of approximately 10,650 square feet or 21,300 square feet total office area for both upper floors.

Mr. Ventura said that staff had reviewed the proposal and has concluded that it meets code requirements for development in the Airport Highway Marine Business District (AHMBD). It is within the maximum allowable floor area ratio (FAR) of 1.0 and meets all other requirements with reference to minimum setbacks, maximum height and parking.

Mr. Ventura referred to the review from Post, Buckley, Schuh & Jernigan, Inc. (PBS&J). He said that Mike Lee states that the major issues have been resolved and the remaining are minor issues that could be resolved at the building permit level.

Councilman Garcia moved to extend the meeting fifteen minutes to 11:15 p.m. and Vice Mayor Youngs seconded the motion, which carried 5-0 on voice vote.

City Planner Ventura said that this particular proposal is the first “from the ground up” development proposal for the AHMBD since the district boundary regulations were adopted and it will be an improvement for the area, as well as the entire City.

Councilman Garcia moved to approve the site plan and Councilman Dotson seconded the motion, which carried 5-0 on roll call vote.

Discussed after Agenda Item 10E

10F) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing and Permitting the Placement and Installation of Decorative Columns in the Sidewalk Area Adjacent to the Properties Fronting on the West Side of Curtiss Parkway and on Canal Street Which are More Particularly Described and Identified on the Floor Plan Elevation Attached Hereto; Effective Date

(Request by Miller-Rose Properties, Inc. to Maintain Existing Decorative Columns at 6 Curtiss Parkway)

City Attorney Seiden read the title of the resolution.

City Planner Ventura referred to a letter from Randy Rose of Miller-Rose Properties requesting Council approval to maintain a series of columns that were installed along the outside wall of the structure at 6 Curtiss Parkway on the northwest side and along Canal Street.

Code of Ordinances Section 96-12 – Excavations; permit; fee requires that “When any person shall desire to disturb, cut into, dig up or excavate any public street, alley, or public right-of-way, or into any parkway, curb, gutter or sidewalk, an application for a permit to perform such act or acts shall be made to the City on the permit application form provided for such purpose.”

City Planner Ventura explained that the columns at 6 Curtiss Parkway were installed without a permit being acquired beforehand. There are existing columns and a trellis roof over the sidewalk at 1 Curtiss Parkway and that particular proposal received Council approval on August 11, 2003, and subsequently a building permit was applied for, which was perceived as part of the downtown improvement program. During the process, it was determined that the sidewalk fronting 6 Curtiss Parkway is a County right-of-way, while Canal Street is a City right-of-way.

City Attorney Seiden said that in the case of One Curtiss Parkway, City Manager Maria Davis contacted the County at the time and found that the County does not care and they consider it to be within the City’s jurisdiction. He said that Mr. Rose did not realize that a permit was needed.

Dona Kelley of 830 Swan Avenue stated that it would be a mistake to allow the columns to remain because they are strictly decorative, they impede the sidewalk and do not support the structure of the building. She would not want to encourage this type of impediment on the City sidewalks.

Randy Rose of 1981 N.E. 163rd Street, North Miami Beach said that the decorative pre-cast concrete columns were placed to enhance the beautification of the building and he would maintain them if they are approved by the City.

Councilman Dotson felt that Ms. Kelley made a good point and approval could encourage people to avoid the permit process.

City Attorney Seiden said that Mr. Rose did not feel a permit was necessary and as soon as it became an issue he came to the City to find out what he was required to do. The main issue is the encroachment on the sidewalk.

Councilman Garcia said that he would be willing to approve the columns with a stipulation that Mr. Rose would be responsible for any maintenance or repairs. He asked if Mr. Rose could be asked to change the columns in the future if they are not part of the façade improvement plan for Downtown.

Councilman Dotson complimented Mr. Rose for his interest in improving the property.

City Manager Borgmann said that the City could not make Mr. Rose take the columns down in the future once they are approved; however, if a plan is adopted in the future and funds are available, perhaps Mr. Rose would use those dollars to consider bringing the façade into compliance.

City Attorney Seiden said that to satisfy Councilman Garcia's request, he could add another section to the resolution regarding the maintenance of the columns. If approved, the resolution, survey, and photographs would become part of the street file.

Vice Mayor Youngs moved to extend the meeting to 11:30 p.m. and Councilman Dotson seconded the motion which carried unanimously on voice vote.

Councilman Garcia moved to approve the resolution as amended and Vice Mayor Youngs seconded the motion.

Vice Mayor Youngs asked what would happen if the City were to change its mind in the future because the columns are on City property.

City Attorney Seiden stated that the resolution is the same as the one that was adopted for the property across the street at One Curtiss Parkway.

Vice Mayor Youngs explained that future Councils might want an opportunity to make a change.

To answer Councilman Dotson's question, City Attorney Seiden clarified that the penalty for not getting a permit is that the property owner is not granted the relief or they are charged a double permit fee.

Councilman Best stated that he did not approve of the way the process transgressed in terms of the columns appearing and the amount of sidewalk that they take away.

Mayor Bain felt that the columns are an improvement to the appearance of the building. Mr. Rose should have been aware of the permitting process.

City Manager Borgmann said that the City will make sure that the columns were installed in a safe manner and will stand the wind load during a hurricane. If the columns are not installed to the City's satisfaction, then they will have to be removed.

Mr. Rose said that he obtained the building permit and paid the double fine in November 2006.

The motion carried 5-0 on roll call vote (Resolution No. 2007-3348).

10G) Recommendation that Council Award Bid # 06-06/07 to Computer Electric Inc., the Lowest Responsible Proposer, in an Amount not to Exceed \$50,000, on an "As Needed Basis", for City-wide Electrical Repairs, Pursuant to Section 31.11 (E) (2) of the City Code

City Manager Borgmann read the title of the award. He said that the City had a Staff electrician who was a paid employee and decided to change to a private company because there were larger jobs that he was not qualified to do and the work was put out to bid. The amount not to exceed \$50,000 would cover all types of situations.

City Manager Borgmann stated that any service that might exceed his \$10,000 purchasing authority is brought to Council for approval even though the charges might be only \$1,000 or \$2,000 for each job. He explained that fifteen vendors were solicited and there were only two responses from Computer Electric and Horsepower Electric. Computer Electric has the best prices on an hourly basis and their work is very satisfactory.

To answer Councilman Dotson's question, City Manager Borgmann said that if there were a situation that involved a large job that would cost a significant amount of money, he would bring it to Council.

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

Discussed after Agenda Item 9G

10H) Recommendation that Council Award Bid # 03-06/07 to Southeast Design Associates, Inc., in the Amount of \$68,000, as Provided in Section 31.11 (E) (1) of the City Code for Completion of Construction Documents for the Proposed Linear Park Along the Miami Canal at Canal Street

City Manager Borgmann read the title of the award.

City Manager Borgmann explained that the area between the two bridges was the first phase of the project and the City has been working on conceptual ideas for the area west of the incoming bridge. Only one proposal was received from Southeast Design Associates.

City Planner Ventura stated that Bermello Ajamil & Partners, Inc. worked with the City on the basic design documents and once that phase was completed they put together a proposal for construction documents hoping to continue the process with the City. Since the price was \$87,000, the Administration felt that it would be advisable to put the project out to bid.

Mayor Bain commented that Invitations to Bid were sent to twenty-eight companies. He asked if there were any responses from companies explaining why they did not bid.

City Planner Ventura said that three responses were received explaining that the company did not do that type of work.

To answer Mayor Bain's question, Mr. Borgmann explained that the work would be funded from the People's Transportation Tax.

Mayor Bain asked if any grant funds were anticipated for the project.

City Planner Ventura explained that the Florida Recreational Development Assistance Program does not allow the use of grant funds for the construction documents. The total construction project will be \$150,000, which would be \$112,500 and a match of \$37,000 from the City.

City Manager Borgmann said that the total project cost could be \$1MM and that is why the project is broken down into phases that would be done as funding becomes available. He stated that once the construction drawings are available, the City could obtain better estimates for the construction cost.

City Attorney Seiden stated that the agenda item is only for approval of the bid award. The company has provided a contract and Council could award the bid and authorize the execution of the contract, subject to his review and that of the City Manager.

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

10I) Appointment to the Golf and Country Club Advisory Board by Mayor Bain to Fill an Unexpired Term Ending on July 31, 2007 Created by the Resignation of Noel Pereda

Mayor Bain **deferred** his appointment to the Golf and Country Club Advisory Board.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

No report.

12B) City Manager

Golf Course

City Manager Borgmann reported that he received a letter today from William L. Cook, Executive Director of the Baltimore County Golf, which was considered as a model for the Golf Course operation. He explained that when Mr. Cook was visiting Miami for the Orange Bowl game, he wanted to play the Golf Course, so he was compensated for a round and asked to report back on what he liked and disliked. The most telling comment in the letter was that the next time he comes to play, he will play Miami Springs instead of paying the higher price for Doral.

Basin 14

City Manager Borgmann reported that a check was received from South Florida Water Management in the amount of \$60,447.00, which is the final payment on the Basin 14 stormwater project on Plover Avenue.

Property Taxes

City Manager Borgmann stated that the Administration is keeping abreast of the Legislature's plans for property tax relief. Representative Julio Robaina will speak at the upcoming City Manager's luncheon on Friday, March 2, 2007 to discuss some of the options being considered.

Basin 14

City Manager Borgmann said that laterals that were damaged during the construction were repaired and completed today.

Joe Cardini

The City Manager announced that Joe Cardini is doing well and was released from the hospital two days after major surgery.

Legislative Alerts

City Manager Borgmann said that Council is receiving Legislative Alerts to keep abreast of what is proposed by the Legislature in Tallahassee, which is a serious concern for cities. It is fine if one tax is replaced by another tax as long as the City receives the same revenue.

Councilman Garcia moved to extend the meeting for fifteen minutes until 11:30 p.m. Councilman Best seconded the motion, which carried 5-0 on voice vote.

12C) City Council

Request for Funding

Councilman Best stated that a request was made by Dennis Hubbard to fund the girl’s softball team during Open Forum at the last meeting. He requested an agenda item for discussion at the next meeting.

Mayor Bain said that there are certain procedures that the institutions must follow before they can request funding from a public entity.

Recreation Department

Councilman Best thanked the Recreation Department for the presentation in this meeting’s agenda packet. He said that after the information from the needs assessment survey is compiled from MLL, Inc. the plans for the Recreation Center should be underway.

Thank You

Councilman Best thanked City Clerk Magali Valls for calling him when he was out of town in New York for a week after his mother suffered a stroke.

Prayers

Councilman Dotson wished the best for Councilman Best’s mother and said that he would pray for her.

Miami Springs Elementary 70th Anniversary

Councilman Dotson said that he spoke with the City Manager about the 70th Anniversary celebration for Miami Springs Elementary School.

City Manager Borgmann reported that he called the School Principal on Friday and she was in an FCAT rally. He offered to follow up the next day.

Stadnik Memorial

Councilman Dotson inquired about the John Stadnik memorial and street dedication.

City Manager Borgmann reported that the plan was to incorporate the dedication with the opening of the Springs River Festival and that there had been some confusion among the family members who were told that no one would be allowed to speak, which is not correct.

Evaluation and Appraisal Report (EAR)

Councilman Dotson asked about the status of the Evaluation and Appraisal Report (EAR).

City Manager Borgmann explained that the State put the review of the EAR on hold pending review of reports for other cities that were under the statutory limits. The City Planner received more comments, which he is trying to resolve but when one set of questions is answered, more questions are raised.

Middle School Celebration

Councilman Garcia received an invitation from Miami Springs Middle School to their A+ celebration and they are requesting funding for the big event from the cities of Miami Springs and Hialeah. He said that Council should take a serious look at how it is determined who receives funding, if at all. The policy in the past was that no donations were given to anyone and now precedence has been set by giving funds to certain groups. There should be some criteria or funds set aside in the budget because it is hard to give funds to one group and not to others.

Councilman Garcia said that some cities have a process for funding requests and applications are submitted and reviewed by staff or a committee who decides how funds should be allocated. He would like to come to a decision before it gets out of hand.

Soccer Awards

Councilman Garcia attended the Optimist Club Soccer Awards ceremony that was a wonderful event to recognize the players and volunteers.

Marty Frady

Councilman Garcia announced that Marty Frady is considering retirement later this year. He thanked him for his work with the Recreation Department and the community.

Appreciation

Vice Mayor Youngs said that he appreciated serving on Council with each member who is in a contested race during the upcoming election. He wished each member the very best and reminded them about ethical campaigning.

Soccer Program

Vice Mayor Youngs said that he appreciated the soccer program.

Marty Frady

Vice Mayor Youngs agreed that Marty Frady should be recognized for his work with the Recreation Department.

Post, Buckley, Schuh & Jernigan (PBS&J)

Mayor Bain stated that citizens had expressed their concern about the article on Post, Buckley, Schuh & Jernigan. He asked if further clarification is needed other than what the City Manager had provided.

Councilman Dotson said that he wanted to be satisfied that there are no problems. He agrees that Post, Buckley is valuable to the City on their work with the sewer system. He felt that bad publicity gets blown out of proportion sometimes and he wants to make sure that the problems are corrected. He does not care much about what happened in the past as long as the City is not a victim and it does not extensively affect Post Buckley's operations, which it does not appear to because it only involves three employees.

Councilman Best stated that most people are more concerned with FEMA.

Councilman Garcia said that most of the issues with Post Buckley came about through their own internal audits.

Recreation Center

City Manager Borgmann informed Council that he asked Post Buckley to update their 2002 report on the gymnasium to see if the steel structure is still viable or if there are any other materials available today that might be less expensive than concrete tilt-up panels.

Councilman Garcia moved to extend the meeting for fifteen minutes until 12:00 midnight. Councilman Youngs seconded the motion, which carried 5-0 on voice vote.

Post Office

Mayor Bain thanked U. S. Postmaster Jesús Gálvez for responding to his call after residents complained about the service at the Post Office.

Basketball Game

Mayor Bain stated that the 12 and under basketball game was exciting, there was a half court shot and the fans went crazy. He thanked all the kids who sat with him in the bleachers.

Good Luck

Mayor Bain wished everyone good luck and asked God to bless them all.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 12:05 a.m. (Tuesday).

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 3/12/2007

Transcription assistance provided by S. Hitaffer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.