



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, October 9, 2006, 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 M. Boucher  
Public Works Director Robert T. Williams  
Elderly Services Director Karen L. Rosson  
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) Proclamation – Florida City Government Week**

On behalf of Mayor Bain, Vice Mayor Youngs proclaimed the week of October 15-21 to be Florida City Government Week.

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

##### **Hedges**

Joan Paul of 781 Plover Avenue stated that the majority of the residents want to keep the greenery as it is. She presented her suggestions for amending Code of Ordinance 150-013 – Fences, Landscaping and Boundary Walls as follows:

- Delete (A) and (B) and amend to read: “Hedges, plantings and trees may be planted and cultivated in front side and rear yards of residential properties without height limitation so as long as they are properly maintained in a presentable condition and every reasonable effort is made to care for all sides and the top.
- Rewrite (C) to read: “Existing Ficus shall not exceed 6-feet in a front side or rear yards of residential properties. Planting of a new or replacement Ficus in front side or rear yards of residential properties in the City shall be strictly prohibited.
- Delete section (E) because it is only a repetition about Ficus.

Ms. Paul said that she would like to keep the language simple and to a minimum and she would like the residents who are cited to talk with a Code Compliance Officer in order to find an amiable solution. If necessary, the resident could appear before the Code Review Board and the last resort would be for the resident to appear before the Board of Adjustment.

Ms. Paul urged Council to amend the Code, place it on the agenda and to vote yes for the residents who wish to keep the greenery as is.

##### **Vote of Confidence**

Nery Owens of 332 Payne Drive complimented Council on work done during the 18 months they have been in office. She stressed that all the accomplishments could not have been done without the contributions made by James R. Borgmann as City Manager. She hopes that Council will take this into consideration when they discuss Agenda Item 11A later this evening.

Ms. Owens stated that the City Manager deserves a great vote of confidence because he supports all Council members as well as the residents’ issues. She thanked Mr. Borgmann for the success at the Golf Course and for lifting the tax burden off her back.

## **Water Aerobics**

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue wanted to share a success story regarding the lift and equipment at the pool which has enabled her daughter Debra to stand up and exercise in the pool. She presented pictures showing Debra doing different water aerobic exercises.

Ms. Gannon said that after eight weeks of instruction, that Debra is able to take steps by herself, which is a miracle that she could achieve such a goal. She shared other success stories for persons who are using the equipment at the pool and improving their health.

Ms. Gannon introduced Sam Rettig of 511 Nightingale Avenue who thanked Council and the Administration for approving the proposal for the specialized pool equipment that can be used by any member of the community. Ms. Rettig complimented the City Staff for their help at the pool and urged everyone to tell at least four people about her water aerobics class and the new pool equipment.

Ms. Gannon complimented Aquatics Coordinator Noel Acosta.

## **Excessive Noise**

Vivian Pardo of 1171 Raven Avenue said that she and her husband own the property south of 1170 Quail Avenue, which is owned by Mr. and Mrs. Karpis. She came before Council because of Mr. and Mrs. Karpis' complaints of loud noise. Her family was not aware of the numerous police reports and paper work compiled since 2000 until they read the River Cites Gazette's report of the September 25, 2006 Council meeting. In accordance with Council's request, the Chief of Police compiled copies of police incident reports, dispatched CAD entries, e-mails, memoranda and letters from all the neighbors on both sides of their property.

Ms. Pardo stated that her family has tried to cooperate and answer to the complaints and took necessary steps to reduce the sound. She felt that Ms. Karpis had misrepresented the facts in her correspondence to the Police Department and City Officials. She pointed out that there were five letters from the surrounding neighbors who said that they were not disturbed by loud or excessive noise from 1171 Raven Avenue.

Ms. Pardo alleged that Ms. Karpis is stalking her home with unfamiliar devices and she is concerned with the safety of her family. She requested that Council review all reports before rendering an opinion.

## **Moratorium**

Jose Duarte of 1042 Quail Avenue expressed his disappointment in Council's recent decision on the building moratorium because it restricts his right as a property owner and requires permission from the City Council to obtain a building permit. He felt that the restriction would discourage home purchases in the City because most people want bigger houses, which helps to increase the tax base.

Mr. Duarte said that it seems Council is more interested in lowering taxes by cutting expenses instead of increasing revenues. He was of the opinion that the new houses look better than most of the old houses they are replacing.

## **Land Use Planning**

Joe Derry of 451 Crescent Drive, Apartment 12, commented that Council has undertaken two major projects regarding land use regulations, which are the N. W. 36<sup>th</sup> Street Corridor and the building moratorium that would require the assistance of specialized Land Use Planners. He felt that the moratorium would impose restrictions on the freedom of the people to build what they want, which affects their liberty and property. He believes that the State of Florida had acted in reference to this matter and that Dade County had a building moratorium in the early 1970's.

Mr. Derry urged Council to move ahead with the land use projects and to spend the funds to acquire help from professionals because the decisions would affect the City for the next fifty years.

Mayor Bain stated that Council would have a lot to consider at the October 23, 2006 Regular Meeting, at which time a public hearing would be held.

City Manager Borgmann urged the public to submit their suggestions in writing or via e-mail.

Vice Mayor Youngs stated that Council is against the tremendous expansion of the existing size of a home, the moratorium would cause some inconvenience but it is not something that should deter home sales.

Mayor Bain clarified that the moratorium only applies to residential single-family districts.

Councilman Garcia stated that Council's only action was to impose a moratorium until further notice to give Council time to study this matter.

City Attorney Seiden emphasized that the most important thing to consider is what constitutes a "McMansion" and what standards should be established for that type of development.

Councilman Best said that the moratorium was a result of input from the residents and it is simply a process for Council to move along and decide how to proceed.

Councilman Dotson felt that public awareness is important and the residents should share their ideas and opinions.

**5. Approval of Council Minutes: (simultaneously approved)**

**5A) 09/20/2006 – Workshop Meeting**

Minutes of the September 20, 2006 Workshop Meeting were approved as written.

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

**5B) 09/25/2006 – Regular Meeting**

Minutes of the September 25, 2006 Regular Meeting were approved as *amended*.

*Councilman Best retracted a statement that he made at the September 25, 2006 Regular Meeting in reference to Dick Bergen who is not in good health, but is still living.*

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

**5C) 10/02/2006 – Special Meeting**

Minutes of the October 2, 2006 Special Meeting were approved as written.

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

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

**6A) 09/13/2006 – Golf and Country Club Advisory Board – Minutes**

Minutes of the September 13, 2006 Golf and Country Club Advisory Board meeting were received for information without comment.

**6B) 09/26/2006 – Ecology Board – Cancellation Notice**

Cancellation Notice of the September 26, 2006 Ecology Board meeting was received for information without comment.

**6C) 09/28/2006 – Code Review Board – Cancellation Notice**

Cancellation Notice of the September 28, 2006 Code Review Board meeting was received for information without comment.

**6D) 10/17/2006 – Education Advisory Board – Cancellation Notice**

Cancellation Notice of the October 17, 2006 Education Advisory Board meeting was received for information without comment.

**6E) 08/03/2006 – General Employees' Retirement System – Minutes**

Minutes of the August 3, 2006 General Employees' Retirement System meeting were received for information without comment.

**6F) 08/03/2006 – Police Officers and Firefighters' Retirement System – Minutes**

Minutes of the August 3, 2006 Police Officers and Firefighters' Retirement System meeting were received for information without comment.

**6G) 09/21/2006 – Historic Preservation Board – Minutes**

Minutes of the September 21, 2006 Historic Preservation Board meeting were received for information without comment.

**6H) 10/02/2006 – Zoning and Planning Board – Minutes**

Minutes of the October 2, 2006 Zoning and Planning Board meeting were received for information without comment.

**6I) 10/02/2006 – Board of Adjustment – Approval of Actions Taken at the October 2, 2006 Meeting**

Actions taken by the Board of Adjustment at their meeting of October 2, 2006 were approved subject to the 10-day appeal period.

**Councilman Best moved to approve and Councilman Dotson seconded the motion, which was carried unanimously on roll call vote.**

**7. Public Hearings:**

Council sat as the Board of Appeals at 7:55 p.m.  
The Mayor reconvened the City Council meeting at 8:20 p.m.

**7A) PUBLIC HEARING – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150.070, CBD, Central Business District; to Provide an Additional Approved Use for the District; Repealing All Ordinances or Parts or Ordinances in Conflict; Effective Date (First Reading: 9/25/2006 – Advertised: 9/27/2006) (This item will allow a new permitted use in the CBD: Sporting Goods Store, including the sale of weapons and related products used for sporting and hunting activities)**

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

Attorney Seiden stated that this ordinance provides for the addition of the sporting goods store that Council discussed with specific conditions and restrictions within the definition.

Mayor Bain opened the public hearing to those persons wishing to speak.

Dona Kelley of 830 Swan Avenue expressed her disapproval of the ordinance because she does not like guns.

There were no additional speakers and the public hearing was closed.

City Manager Borgmann said that the new use includes the sale of weapons and related products used for sporting and hunting activities so long as all such merchandise is moved from the premises within 24-hours of delivery and receipt, and there are no store displays or merchandising activities; and no more than one store allowed in the District that sell the described merchandise.

Mayor Bain added that Chief of Police Dilling felt that there would be no problem.

**Vice Mayor Youngs moved to adopt the ordinance on second reading. Councilman Best seconded the motion.**

Councilman Best stated that he appreciates Ms. Kelley's opinion and hopefully the 24-hour stipulation would satisfy her concern. He added that the language limits the use to one location.

**The motion was carried 5-0 on roll call vote (Ordinance No. 945-2006)**

**8. Consent Agenda: (simultaneously approved, except for 8G)**

**8A) Approval of the City Attorney's Invoice for September 2006 in the Amount of \$8,833.00**

City Manager Borgmann explained that every year purchase orders are opened for items that the City will be purchasing in excess of \$10,000 in a given year, which is beyond his spending limit. He said that funds are drawn as needed and just because a purchase order is opened for a certain amount it does not mean that the entire amount will be spent.

City Manager Borgmann read the titles of all items in the Consent Agenda. Staff withdrew item 8G.

**Councilman Garcia moved to approve all items in the Consent Agenda, except 8G. Councilman Best seconded the motion, which carried 5-0 on roll call vote.**

*Mayor Bain called for a 5 minute recess at 8:50 p.m.*

**8B) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (c) of the City Code Pertaining to Sole Source Contracts, and Approve an Expenditure of \$70,202.54 to H.T.E. Sunguard for the Annual Costs of Software Maintenance and Technical Support for the City's Computer System**

**8C) Recommendation that Council Approve a Purchase Order for \$47,000 to Caballero & Castellanos P. L. for the Fiscal Year 2006 Audit Fee, per 3-year Agreement Signed on October 27, 2004 and Approved by Prior Council**

The City Manager stated that this is the final year of the agreement and the City would solicit RFP's next year for auditing firms.

**8D) Request that Council Approve the Issuance of a Purchase Order in the Amount of \$18,000 to the Miami Springs Historical Society, Payable in Monthly Amounts of \$1,500 to Cover Rental and Utility Costs**

**8E) Recommendation that Council Approve an Expenditure of \$16,707.00 for a 12-month Period, to C. R. DeLongchamp for Rental of 274 Westward Drive as Community Policing Office Substation**

Funds are available in the Law Enforcement Trust Fund.

**8F) Recommendation that Council Waive the Competitive Bid Process and Approve a Purchase Order for a Maximum of \$805,000 to Humana Health for the FY2006-2007 Health Insurance Renewal**

Councilman Dotson asked how it was determined that Humana submitted the best bid.

City Manager Borgmann stated that Shafer and Associates, insurance consultant, had been utilized over the past several years to assist in determining the best employee insurance package for the most reasonable cost and Humana came back with a 9.8% increase. It was determined that the City could not get a better policy for that particular cost.

Finance Director Alonso clarified that although the purchase order is \$805,000 it is not the actual expense the City would incur. The expense would be approximately \$550,000 and the remainder is the employee portion for dependent coverage.

To answer Councilman Dotson's question, Mr. Alonso explained that the quote from Av Med was lower but they were eliminated because of their financial rating. He explained that the City did not request proposals this year because the consultant advised that the 9.8% increase from Humana was a better deal.

City Manager Borgmann stated that there are new programs on the horizon called "Health Savings Accounts" and next year the City would be going out for Request for Proposals (RFP).

Finance Director Alonso explained that it benefits the City to build a relationship with a company over a number of years by getting a reduced premium. He said that the City could go out for an RFP and change companies every year but it might not be beneficial and Humana came in with a smaller increase than what other cities received because they had one year experience with a favorable outcome.

Councilman Dotson said that he understands about relationships with people but he would also like assurance of a financial advantage in the relationship. He felt that a lot of money is involved to be confident without some financial benchmark as to how good the deal really is.

Finance Director Alonso suggested that the City could provide a report from the Insurance Consultant at the next meeting.

City Manager Borgmann added that the City has an aging workforce and other companies do not have any experience or claim history to base their proposal upon.

Councilman Garcia suggested that as part of the contract the City could request a report of claims every year.

Human Resources Director Loretta Boucher explained that a number of companies would not even submit a bid due to the number of employees, the age range and the claims history and some companies that submitted bids were not rated. She said that Mr. Shafer did the work to find better offers and Humana offered a better deal under the same plan.

Council **directed** the Administration to submit additional information from the Insurance Consultant at the next meeting.

Finance Director Alonso stated that normally the process begins in May and there is not enough time to issue an RFP and have coverage in place before November 1<sup>st</sup>. He added that the insurance proposal was discussed during the budget meetings in July.

**8G) Consideration of a Request by Mark Gonzalez and Jamell Perez-Gonzalez to Continue Living in their Existing House at 2 Hough Drive While Constructing a New Home on the Waiver of Plat Property Located in the Adjacent Parcel; Time of Continued Occupancy to be Determined by the City Council**

City Planner Ventura referred to a letter from Mark and Jamell Perez-Gonzalez requesting that they be allowed to maintain their existing house at 2 Hough Drive until their new residence is constructed.

The City Planner explained that the Gonzalez petitioned the City, through a proposed Waiver of Plat, to divide their original 150 ft. lot into two separate, legal size 75 ft. lots at the June 5, 2006 Zoning and Planning Board hearing. The final approval was received from Council on June 26, 2006 and County approval was received on August 18, 2006.

City Planner Ventura stated that past Waiver of Plat cases were approved with the understanding that the applicant would quickly demolish their existing residence as soon as possible because once the lot is divided, the home is immediately non-conforming. The Gonzalez hardship is that they need a temporary residence to stay in while their new home is constructed.

To answer the Mayor's question, City Attorney Seiden explained that part of securing the Waiver of Plat is the idea that the City would not be granting building permits that create non-conforming situations.

Jamell Perez-Gonzalez stated that it would take approximately six-months to construct the new home. She assured Council that they have no intention of keeping the old house but they would like to live there for the time being.

Vice Mayor Youngs inquired if the Gonzalez had contracted with a demolition firm.

Mrs. Gonzalez stated that they would obtain a demolition permit if needed.

Councilman Garcia said that he would definitely want to see a demolition permit before granting approval.

Vice Mayor Youngs suggested that the Certificate of Occupancy for the new home could be conditioned on the demolition of the old house.

City Attorney Seiden informed Council of a previous case on South Royal Poinciana Boulevard when prior elected officials allowed a similar situation to exist. The only problem was that the property owner did not pressure the contractor to complete the new construction and it became a problem, so the most important condition is a time limit.

Mayor Bain suggested a time limit of three-months so that Council is able to re-evaluate the situation at that time.

City Attorney Seiden stated that if a demolition permit were pulled now, that it might be invalid by the time the construction is finished. He said that a Certificate of Occupancy would not be issued for the new house until the demolition of the old house is accomplished.

Mrs. Gonzalez assured Council that they are anxious to demolish the old house and move into the new house as soon as possible.

To answer Vice Mayor Youngs' question, City Attorney Seiden stated that approval is beyond the authority of the City Planner or City Manager. Council is theoretically being asked to grant a building permit on a non-conforming property.

Mayor Bain said that a three-month time limit would allow a check point to make sure that everything is proceeding according to the plan.

City Attorney Seiden stated that there would be no problem with a 3-month evaluation but a definite time limit for the end should be set for the protection of the City.

Vice Mayor Youngs asked what protection the City would have once the permit is issued.

City Attorney Seiden stated that the only remedy would be to demand that they move out of the old house and have it demolished.

Vice Mayor Youngs said that the permit could be granted with the condition that the Gonzalez report on the progress of the new construction in three-months, and if the progress is too slow, Council would enforce the Code and require them to move out and to demolish the old house that is encroaching on the new property.

City Manager Borgmann stated that once a permit is issued, a note would be put in the file to check the progress at the site in 2-1/2 months and report back to Council. He asked Council to set the timeframe.

Councilman Dotson agreed with the recommendation to set the time limit at three-months, which could be renewed with Council approval.

**Vice Mayor Youngs moved to permit the applicants to remain in the residence, to grant them a building permit for the other property of the Waiver of Plat, subject to the applicants coming back to Council within three months of the issuance of the permit. Councilman Best seconded the motion, which was unanimously approved on roll call vote.**

**(Agenda Item 10F was considered at this time)**

**8H) Recommendation that Council Approve Piggy-backing on the County Bid List for Approved Fuel Vendors, and Authorize the City to Issue Purchase Orders in Excess of \$10,000 to Various Vendors During the Fiscal Year**

City Manager Borgmann explained that the County has several vendors under their bid and they determine the lowest price every week. The City piggy-backs on the County bid and the fuel would be delivered to the City facility at the County approved price.

**8I) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (g) in the City Code, and Approve an Expenditure of, not to Exceed \$12,000.00 for Mechanical Inspector Manuel Jurado, on an "as Needed Basis"**

**8J) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (g) of the City Code, and Approve an Expenditure of, not to Exceed \$40,000 for AMA Consulting & Construction, Inc, Alternate Building/Roofing Inspector**

City Manager Borgmann explained that the Building Official also performs roofing inspections but when he gets behind he needs help and all inspection fees are paid for from the permit fee revenue.

**8K) Recommendation that Council Waive the Competitive Bid Process, as Provided in Section 31.11 (E) (6) (g) of the City Code, and Approve an Expenditure of, not to Exceed \$35,000 for Lonsdale Associates, the Structural Plans Examiner**

**8L) Recommendation that Council Approve an Expenditure per Section 31.11 (E) (5) of the City Code to Austin Tupler Trucking, Inc. for the Purchase of Ballast Rock and Other Course Aggregates, Utilizing Miami-Dade County Bid #4056-2/05-2, in an Amount not to Exceed \$12,000.00**

**8M) Recommendation that Council Approve an Expenditure as Provided by Section 31.11 (E) (5) of the City Code to Overland Carriers, Inc. for the Purchase of Ballast Rock and Other Course Aggregates, Utilizing Miami-Dade County Bid No. 4056-2/05-2, in an Amount not to Exceed \$12,000.00**

**8N) Recommendation that Council Approve an Expenditure per Section 31.11 (E) (5) of the City Code to Local Vendor Miami Tiresoles, Inc., for the Purchase of Tires, Utilizing State of Florida Bid No. 863-000-03-1, in an Amount not to Exceed \$25,000.00**

**8O) Recommendation that Council Approve an Expenditure per Section 31.11 (E) (5) of the City Code to Grainger Industrial Supplies for the Purchase of Various Public Works Stock and Supplies, Utilizing State Term Contract for Maintenance, Repairs, and Operating Supplies #450-000-04-1, in an Amount not to Exceed \$25,000.00**

**8P) Recommendation that Council Appropriate an Expenditure not to Exceed \$108,750 to Greater Miami Caterers, Inc. for the 9-month Period of an Existing Contract Previously Approved by Council on June 12, 2006 Under Bid No. 06-05/06**

**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 Education Advisory Board by Vice Mayor Youngs (Group IV) to Fill an Unexpired Term Ending on May 31, 2007 (Dorrene Cook's seat)**

Vice Mayor Youngs **appointed** Maria Mitchell to the Education Advisory Board.

Vice Mayor Youngs reported that he was reappointed by School Board Member Frank Bolaños to the Attendance Boundary Committee (ABC). The School Board is restructuring the entire procedure this year because so many new schools are being built in order to comply with the class size Constitutional amendment. He will have more information to report after the Committee meets on October 20, 2006.

**10. New Business:**

**10A) Appointment of the Alternate Member of the Board of Adjustment by Councilman Dotson (Group II) for a 3-year Term Ending on October 31, 2009 (Bill Tallman's seat)**

Councilman Dotson **deferred** his appointment to the Board of Adjustment.

**10B) Appointment to the Code Enforcement Board by Councilman Best (Group I) for a Full 3-year Term Ending on September 30, 2009 (Marlene B. Jimenez' seat)**

Councilman Best **deferred** his appointment to the Code Enforcement Board.

**10C) Recommendation to Approve Expenditure of \$15,840.00 for TASERCAM Audio/Video Camera Accessory for the Taser Weapon, as Provided for in Section 31.11 (E) (6) (c) of the City Code, to be Funded from the Law Enforcement Trust Fund**

City Manager Borgmann read the title of the award.

Chief of Police H. Randall Dilling stated that the camera accessory takes video and audio for up to 90-minutes by flipping the safety on the taser weapon and the video runs until it is turned off, which in his opinion is an excellent upgrade. The use of taser weapons tend to be controversial and the video is proof that can be used in court to defend the use.

Assistant City Manager Gorland added that the equipment works day or night. The audio/video cannot be erased except if something is recorded over it 90-minutes later, it can be downloaded and it is used effectively in the courts. The equipment can operate without the use of the taser weapon.

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

**10D) Resolution – A Resolution of the City Council of the City of Miami Springs Providing for the First Amendment to the FY2006-2007 General Fund and Special Revenue Fund Budgets; by Reappropriating Reserved Fund Balances to Fund Open Encumbrances as of September 30, 2006; Effective Date**

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

**Councilman Best moved to approve. Councilman Garcia seconded the motion which was unanimously carried on roll call vote (Resolution No. 2006-3334).**

**10E) Appointment to the Board of Parks and Parkways by Councilman Best (Group I) to Fill an Unexpired Term Ending on April 30, 2009 Created by the Resignation of Tammy K. Johnston**

Councilman Best **re-appointed** Tammy K. Johnston to the Board of Parks and Parkways.

**10F) Report from the Assistant City Manager Regarding the Financial Results of the GMAC Swim Meet of September 29 and 30, 2006**

City Manager Borgmann stated that Council received a preliminary analysis of the Greater Miami Athletic Council (GMAC) swim meet. He explained that an adjustment to the overtime hours for the Aquatics Coordinator would increase the net profit for the event to \$992.99.

Mayor Bain said that he requested this agenda item so that the public would be informed. He asked about the clean-up after the event.

City Manager Borgmann stated that the City crew cleans up and a private hauler empties the dumpster, which is covered under the normal monthly charge.

Mayor Bain suggested that a deposit could be collected for the use of the pool in order to cover the expense for any damages.

To answer the Mayor's question, City Manager Borgmann said that the pay for the part-time lifeguards is covered under the \$1,500 that was collected for the event.

Mayor Bain stated that for consideration of renting the pool that the event sponsor could pay for the lifeguards.

The City Manager explained that the GMAC paid for the man who ran the timing system and the officials, while the City paid for the lifeguards. He said that when he spoke with Councilman Dotson last week he indicated that somebody told him that the pool had to be drained after the event, which is not true.

City Manager Borgmann reported that the Administration met with the High School swimming coach and water polo coaches regarding their fees. The district meet and possibly the regional meet will be held at the pool.

Mayor Bain said that he understands the event was nice and the questions needed to be answered for the public. He offered some suggestions for the City Manager to consider.

City Manager Borgmann thanked Aquatics Coordinator Noel Acosta and his staff for a great job.

## **11. Other Business:**

### **11A) Consideration of a Vote of Confidence for the City Manager as Required by Section 4.02 (2) of the City Charter**

Councilman Best stated that he is happy to serve on Council and to be able to work with one of the finest City Managers in Miami-Dade County. During the last 18 months, many peculiar situations have occurred and the City Manager has dealt with them most professionally. He said that it is an honor to work with Mr. Borgmann who has responded to all requests from Council.

Councilman Best explained that he would like to be as generous as Council would allow in terms of a salary increase in order to retain his services because he has done an outstanding job.

Councilman Dotson stated that last year, he listed some items that he wanted to see improvement on, one of them being the Golf Course and a great job was done. Second was the Water and Sewer, and a lot of effort has been put into that project, although the results have not yet been seen. The third one was the budgeting process, and although he does not totally agree on the way it is done, he is happy that they have found a way to give relief to the tax payers without adversely affecting services.

Councilman Dotson said that communication is most important. The debris collection between Quail and Dove was a situation that could have been helped with more communication, no one expected what occurred and there were many problems and complaints with the Basin 14 project and the communication was much better. There are other minor things related to communication, and he would like to ask the City Manager to e-mail Council about once a week with the latest developments.

Councilman Dotson complimented the City Manager for doing a good job. He is proud to serve on Council and to be involved in solving problems, and although there might be differences of opinions, they are in good spirit. It is good to have a City Manager to participate in the debate and argue for his positions or ideas.

Councilman Garcia stated that the City Manager has open communication with Staff and the Department Heads feel that James R. Borgmann is a good manager. He said that there had been issues when the City Manager's judgment was questioned and it proves that situations evolve that have never been experienced before that Mr. Borgmann has had to deal with, and he dealt with them well.

Councilman Garcia acknowledged the smooth transition that took place when the Public Services Director resigned. He said that the City Manager worked hard during the hurricane for the welfare of the residents, directing traffic and distributing ice.

Councilman Garcia stated that one of the key issues is the quality of the recreational facilities and services and he knows the City Manager is working to reach that quality level. He said that he would continue to focus on recreation.

Vice Mayor Youngs thanked the City Manager for his time and service and for rising to the occasion in difficult situations. He said that the City Manager has his confidence and sincere thanks. The City Manager had adapted to many situations and he has grown in the position. Vice Mayor Youngs stated that it is amazing what can be accomplished when it does not matter who receives the credit and this is a sign that the City Manager has the love for the people of Miami Springs in his heart.

Mayor Bain stated that he and the City Manager talk on a daily basis. He explained that the vote of confidence is a public process, which has to be done, and it is not easy for anyone. He recognized the support of the Department Heads and Staff, which makes a team.

Mayor Bain acknowledged that the City Manager has to deal with all five Council members and he does a good job. He explained that sometimes Mr. Borgmann has to step down from his opinion in order to satisfy Council, he is easy to talk to and it is easier to get things accomplished.

The Mayor encouraged the City Manager to use his imagination to improve the City by presenting his ideas and bringing projects to Council even though they may not be approved.

**Councilman Garcia moved to give a vote of confidence to the City Manager. Councilman Best seconded the motion which was unanimously carried on roll call vote.**

City Manager Borgmann thanked Council and said that he could not ask for a better Staff. He explained that changes were made and any time he makes a change it is always to improve what is in the best interest of the residents, the programs and the departments. He never loses sight that he works to serve the residents of Miami Springs.

City Manager Borgmann said that he could not ask for a better Assistant City Manager than Ronald K. Gorland, who is a businessman that brought a fresh approach to the management of the City. He said that Mr. Gorland grew up in Miami Springs and had a family that was very involved in the community. He added that finding Finance Director Alonso was very lucky and he has been a tremendous addition to the Staff and there is more confidence in the Administration today than in the past.

The City Manager acknowledged each department head for being “hands on” managers who understand the need to serve and be responsive to the residents.

Councilman Garcia stated that he concurred with Councilman Best because he also wanted to compensate the City Manager more last year, which was not possible due to financial constraints. He emphasized that it would be very difficult to find someone with the same caliber as Mr. Borgmann considering the salary that he is paid to handle the responsibilities of the City.

Councilman Garcia stated that Council should put the person aside and consider the responsibilities of the position and, in his opinion, the position is under compensated based on the research provided by Human Resources. He asked Council to consider the future and what would happen if the City were to lose Mr. Borgmann.

Councilman Dotson recalled that last year the salary increase was considered at the meeting following the vote of confidence and he was not prepared to discuss the salary increase.

Councilman Best said that he proposed a 7.5% increase last year and Council agreed on 5%. He would like to propose a 6% increase this year based on what the City Manager has demonstrated in the past year, which would bring the salary up to \$140,000.

Councilman Dotson commented that Council approved 5% last year and considering the 3% cost of living allowance (COLA), he received a total increase of 8%. He said that he considers this year's 3.7% COLA as part of the increase. During the budget process he asked twice if the department heads would be limited to a 3.7% COLA and the answer was always yes.

City Manager Borgmann clarified that the City Manager has the only un-capped salary because he is not part of the system.

Councilman Dotson felt that what Council decides for the City Manager should also be considered for the key department heads. He said that last year Council increased the pay ranges for four of the positions.

Vice Mayor Youngs stated that a 5% merit increase was budgeted for those employees that are eligible for an increase. If the City Manager is treated in the same way as the department heads, then he would also be capped at 5% and Council must decide if this would be additional to the 3.7% COLA.

Human Resources Director Loretta Boucher explained that each of the department heads have a salary range and her salary range is fair considering the size of the City. Once a department head reaches the top of the range, they are still eligible for the COLA and longevity pay. She clarified that the budget that Council adopted included funds for all the department head's salaries, merit increases and longevity.

Vice Mayor Youngs said that based on the City Manager's exemplary work over the past year he would be entitled to a 5% merit increase, which is roughly \$6,350.00. The salary is less than what is paid in similar cities with the same population and he would be in favor of an increase between 5% and 10%, considering fiscal restraints.

Councilman Best said that he would approve of going above 5% by 1.5 to 3%.

Councilman Dotson studied the pay comparison sheet and noticed that some cities with more population pay less and in his mind, he can only relate to the situation in Miami Springs. He was considering 5%, but did not expect to discuss it tonight.

Mayor Bain said that he would be inclined to give a 5% increase. He asked Council to entertain a motion.

Councilman Garcia pointed out that the salary survey did not indicate how many cities have golf courses or show the detail of any additional services or responsibilities. He felt that 10% would be a little high on top of the 3.7% and he would be comfortable with 7.5%.

**Vice Mayor Youngs moved to give a 6.3% merit increase to the City Manager. Councilman Best seconded the motion which was unanimously carried on roll call vote.**

**12. Reports & Recommendations:**

**12A) City Attorney**

**12. Reports & Recommendations:**

**12A) City Attorney**

No report.

**12B) City Manager**

**Tony Bray**

City Manager Borgmann extended best wishes to Tony Bray who is recovering, and to his wife Betty who is one of the City's better employees.

**Car Show**

City Manager Borgmann announced that a Car Show would be held at the Circle on Saturday, October 14, 2006.

**Alex Bromir**

City Manager Borgmann stated that Sunday, November 19, 2006 at 2:00 p.m. is the date set for the street dedication for Alex Bromir. More information will be forthcoming.

**Stadnik Pharmacy**

City Manager Borgmann said that the agenda was supposed to include the presentation of a Proclamation to the Stadnik family in honor of celebrating the anniversary of how many years they have been in business. He apologized to the Stadnik family because the reminder note was misplaced.

Mayor Bain will present the proclamation on Friday, October 13, 2006 at a ribbon cutting ceremony at the Miami Springs Pharmacy.

### **Water and Sewer**

City Manager Borgmann announced that a meeting is scheduled later this week with the bond specialists for Miami-Dade Water and Sewer to review the steps the City is required to take regarding the existing \$9MM bond and how it can be paid off if the revenue source is lost. He explained that the bond repayment is a serious issue that could prevent the City from turning over the system.

### **Golf Carts**

City Manager Borgmann reported that the new golf carts were delivered today and they look great.

### **Basketball Registration**

City Manager Borgmann announced that basketball registration is taking place at the Recreation Center gymnasium.

### **Pumpkin Patch**

City Manager Borgmann stated that the annual Pumpkin Patch is open under the tent in the middle of Curtiss Parkway, which is sponsored by the Poinciana United Methodist Church.

### **Alligator**

City Manager Borgmann said that there are reports of an alligator in the Ludlam Canal and once it is found the City will call Pesky Critters to have it removed.

### **13 South Royal Poinciana Boulevard**

City Manager Borgmann stated that the building at 13 South Royal Poinciana Boulevard is still in the process of being condemned.

City Attorney Jan K. Seiden said that a hearing was held before the County Unsafe Structures Board when an extension was granted because a permit was filed. The new ownership should be taking control of the property and hopefully they will complete the renovation work that was promised.

## **12C) City Council**

### **Moratorium**

Vice Mayor Youngs said that he appreciates the fact that Council enacted the moratorium in a sober way and covenanted with each other to diligently come to a resolution. He urged Council to study the materials before the October 23, 2006 Regular Meeting.

### **Pelican Playhouse**

Councilman Best reported that Ralph Wakefield is directing a "Mid Summer Nights Dream" by William Shakespeare, which is adapted for the current time. It is a wonderful show with many talented actors. It opens Friday and Saturday at 7:30 p.m. and Sunday at 2:00 p.m. for the next two weeks.

City Manager Borgmann reminded everyone that the announcement is on the Channel 77 Bulletin Board.

### **Pool Equipment**

Councilman Best stated that former Councilwoman Helen Gannon made a nice presentation earlier during the meeting. He said that much of the credit should go to Joan Paul for her input to Council.

### **Hedge Ordinance**

Councilman Dotson said that he would like to quickly resolve the hedge ordinance before too much time passes.

City Manager Borgmann stated that more input is needed from Council as to how to proceed.

Councilman Dotson requested that the matter be placed on the next agenda.

### **Fair Havens Noise Issue**

Councilman Dotson inquired about the status of the Fair Havens noise problem.

City Manager Borgmann stated that the Administration met with the management of Fair Havens to give them a Notice of Violation. The City received the technical bulletin from Trane showing the proper type of noise barrier that should have been built around it, including a wall that goes above the unit and currently the wall is only up half way.

The City Manager added that the idea is to construct a barrier that will meet Code and fit the technical bulletin's recommendation. There are comments from another consultant on the matter that will be reviewed.

### **Parking in the Swale**

Councilman Dotson said that he would like to reach a conclusion about parking in the swale.

Vice Mayor Youngs stated that he did not find any reference to case law other than what was presented by the City Attorney. The conclusion is that the City is not able to have exclusive use of the swales. He said that one option is for the City to limit use to the adjacent homeowner and take the chance of being challenged in court. Vice Mayor Youngs offered to further research the matter.

Council agreed to place the item on the next agenda for discussion.

### **Playground Shade Covering**

To answer the Mayor's question, City Manager Borgmann confirmed that the shade covering was installed at the playground at Prince Field.

### **Park Restrooms**

Mayor Bain inquired about the schedule for the park restroom construction.

City Manager Borgmann said that the contract was signed and he is waiting for the formal approval letters from the County.

### **Fair Havens Air Conditioner**

Mayor Bain reported that the noise from Fair Havens is worse than before.

The City Manager said that the technical advisory explains that the unit is quieter the harder it works.

### **Moratorium**

Mayor Bain urged Council to work to develop a definition for "McMansions".

### **Congratulations**

Mayor Bain congratulated City Manager Borgmann on his vote of confidence. He is looking forward to working with him and his Staff for the next year.

**13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 10:33 p.m.

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Billy Bain  
Mayor

**ATTEST:**

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Magalí Valls, CMC  
City Clerk

Approved as written during meeting of: 10/23/2006

Transcription assistance provided by S. Hitaffer