City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, January 11, 2010, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:00 p.m.

The following were present:

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

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Finance Director William Alonso
Golf Director Michael W. Aldridge
Recreation Director Omar L. Luna
City Planner Richard E. Ventura
Sports Supervisor Noel Acosta
Deputy City Clerk Suzanne Hitaffer

2. Invocation: Mayor Bain offered the invocation.

Salute to the Flag: The audience participated.

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Account Executive Jim McGinn with the Florida League of Cities stated that his main job is managing the Florida Municipal Insurance Trust. Their Board of Directors approved a return of property premium totaling approximately $8MM from a surplus due to their financial strength. He presented a check for the City's share in the amount of $45,281.

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3. Awards & Presentations:

3A) Introduction of Omar L. Luna, New Recreation Director

City Manager Borgmann introduced Omar L. Luna, the new Recreation Director. He said that Mr. Luna was interviewed and offered the position in September 2009, and the City of Homestead made a counter offer to keep him. Finally, Mr. Luna decided to accept the City's offer. He has a Bachelor's Degree in Sports Management and several years of experience with the County and the City of Homestead. He feels that Mr. Luna will be an outstanding addition to his team and Miami Springs in general.

Recreation Director Luna said that he was excited to accept the position with the City of Miami Springs. He is looking forward to providing residents with quality recreation services and is amazed at the new Community Center. He complimented his Staff and said that he is looking forward to bringing the best possible programs to the community.

3B) Certificate of Appreciation to Pablo Mezquia for Twenty-One Years of Dedicated Service to the City in the Public Works Department

Mayor Bain presented a Certificate of Sincere Appreciation to Pablo Mezquia for twenty-one years of dedicated service to the City in the Public Works Department. Vice Mayor Espino translated in Spanish on behalf of Mayor Bain.

Mr. Mezquia said that he appreciated having the opportunity to serve the City. He introduced his granddaughter who was in the audience.

City Manager Borgmann also presented Mr. Mezquia a commemorative clock.

3C) Certificates of Sincere Appreciation to the Principals of the Public Schools in Miami Springs for their Cooperation with the City's Recreation Department

Mayor Bain presented Certificates of Sincere Appreciation to Miami Springs Senior High School Principal Thomas Ennis, Springview Elementary Principal Mayte Dovale and Miami Springs Elementary Principal Sally Hutchings for their community involvement and partnership with the Recreation Department by supporting the use of the schools' basketball courts during the 2009-2010 Youth Basketball Program.

Miami Springs Middle School Principal Maria Mason was unable to attend and the presentation will be rescheduled for January 25th.

(Agenda Item 3E was presented at this time)

3D) Presentation of the Comprehensive Annual Financial Report (C.A.F.R.) for Fiscal Year 2008-2009

Finance Director William Alonso stated that the results of the City's audit are presented in January each year and this year they were able to meet that deadline. He turned the presentation over to Nestor Caballero of Alberni Caballero & Company, LLP.

Mr. Caballero stated that he was glad to present good news. He introduced Audit Manager Jennifer Patti who joined the firm in November 2009 and began working with Miami Springs as part of the audit team. He thanked Finance Director Alonso, Comptroller Alicia Gonzalez and the Finance Department Staff for their excellent work.

Mr. Caballero explained that their report is an unqualified opinion on the audited financial statement, which means the numbers are fairly stated. He referred to Figure A-7 that indicates a significant accomplishment since 2002, when a deteriorating financial condition was reported. In 2009, there is approximately an $8MM surplus for the General Fund. The City is in strong financial condition and continues to improve, with declining millage rates.

Mr. Caballero stated that government wide financial statements are in full accrual and the fund financial statements are modified accrual for budgeting purposes. The full accrual financial statements include the capital assets and long-term debt. The total assets for the governmental funds increased by $3.6MM or 12%, mainly due to the construction of the Community Center. Receivables increased, which was offset by a decrease in restricted assets, which was due to the expenditures for the Community Center. A receivable is due from the County for the Community Center grant funds. Unrestricted cash increased by $1.4MM mainly due to the transfer of $700,000 from the Water and Sewer Fund. Liabilities increased by approximately $1MM for payables due on the Community Center.

Total net assets increased approximately $2.7MM or 13% and unrestricted assets increased approximately $500,000, according to Mr. Caballero. Total assets on the business activity balance sheet decreased due to the closing of the Water and Sewer Fund. Revenues increased for the governmental activities of the grant funds totaling approximately $2MM for the Community Center. There was a change in net assets of $2.7MM.

General Fund total assets increased by $1.7MM, mostly cash, including $700,000 from the Water and Sewer and $600,000 from the Hurricane Fund. General Fund liabilities were consistent with the prior year and all other funds, including Road and Transportation, Hurricane, Capital Projects and Other Governmental Funds are committed for a specific purpose.

Mr. Caballero explained that total General Fund revenues decreased by approximately $100,000 due to the decrease in property tax revenue and investment income. Expenditures were consistent with the prior year and there was an excess of $700,000 in revenue compared to expenditures.

Mr. Caballero said that transfers totaling $463,000 for the subsidies to the Golf Course and Senior Center funds are detailed in the governmental section of the financial statements. He referred to the Budgetary Comparison Schedule for the General Fund, noting that some departments had expenditures in excess of budget, but overall total expenditures were under budget by approximately $600,000. There is $949,781 restricted cash in the Law Enforcement Trust Fund for public safety.

The Sanitation and Stormwater enterprise funds show large increases in the accounts receivables due to the economy, according to Mr. Caballero. He said that other municipalities placed utility charges on the tax bill for collection and their collection rates increased. He recommends budgeting 5% less to account for the 4% discount and 1% for administrative costs.

Mr. Caballero stated that the report on internal control and compliance does not show any sufficient deficiencies or material weaknesses. The management letter to the Auditor General of the State of Florida follows up on recommendations made in prior years and both have been cleared. The City updated its Accounting Policies and Procedures manual and the Golf Course was transferred to a governmental fund in order to monitor the revenues with an ultimate goal of breaking even, which has not been reached. He recommends continued monitoring of the Golf Course and the Senior Center Fund, which were the only negatives.

Councilman Best noted that the subsidy to the Golf Course was approximately $261,000 and the subsidy to the Senior Center was $146,000. He asked how the status of the C.A.F.R. would affect the City's credit rating.

Mr. Caballero said that the overall financial condition of the City and the unreserved fund balance is important to the credit rating. The Golf Course deficit will continue to be the focus of the credit rating agencies.

To answer Councilman Best's question, Finance Director Alonso clarified that the State Board of Administration released another $12,550 from the investment pool. He added that the decline in property values is the biggest focus of the credit rating agencies. He doubts that cities will be given a higher credit rating based on the economy.

3D1) State Financial Condition Assessment

Finance Director William Alonso reported that the State Financial Condition Assessment from the Auditor General indicates that the City received a favorable rating for the fourth consecutive year, which is an excellent accomplishment.

3E) Status of Community Center Construction by B. W. Sprague

B. W. Sprague, Community Center Construction Manager, reported that the interior work in the building is progressing with painting, the installation of ceiling tile and restroom fixtures, the jogging track, and basketball goals. The west canopy was poured, the parking lot infrastructure was installed, and the generator was delivered. The most critical factor is obtaining power from Florida Power and Light Company so that the air conditioning units can condition the building to allow the installation of the floor, which is the key to the grand opening.

Mr. Sprague stated that he is very pleased with the work done by Link Construction. He is also pleased to be working with the new Recreation Director, City Manager Borgmann and Assistant City Manager Gorland. They are still meeting bi-weekly and he inspects the job weekly to discuss progress with the contractor.

Mr. Sprague asked to discuss the theatre needs that had not been addressed when the building was designed. Theater Director Ralph Wakefield brought it to his attention that additional items are needed in order for the theatre to be a success, including the sound system, lighting, curtains, seating, dressing rooms, etc. The understanding is that the room must also be a multi-purpose room.

Mr. Sprague said that he and Mr. Wakefield had obtained prices for the various theatre items totaling approximately $160,000. He explained that Mr. Wakefield was present to discuss the items since he is the expert.

Mayor Bain asked the Administration to schedule an agenda item for the January 25th Regular Meeting. He would like sufficient documentation so that Council can review and prioritize the list of recommended items.

4. Open Forum:

Movie Night

Reverend Susan Keedy of All Angels Church, 1200 Heron Avenue, requested funding for three additional Movie Nights at the Circle. She explained that the event was originally conceived to provide a family type activity for the entire community. It was also a unique opportunity to tie in with the City's goal to encourage traffic in the downtown area in the evenings and on weekends. To that end, the events have been successful, drawing several hundred people each time.

Reverend Keedy explained that All Angels provides all of the sound and screen equipment. There is a financial commitment for every event, and the Church needs support from the City for the cost of policing to continue the event for the next three months.

In response to Mayor Bain's question, Reverend Keedy responded that a donation bucket was not put out at the last event. Due to inclement weather, the event was rescheduled to the next night, and the turnout was very light. Many people have said they appreciate and support the event, but the actual dollars are not coming in from the local businesses, which are struggling.

City Manager Borgmann advised Council that the cost for off-duty policing is $540.00 per night, or $1,620.00 to cover the three months.

Vice Mayor Espino noted that this is a good example of why the City put aside money to help fund special events. This event brings families downtown and benefits the local business owners. He expressed concern that the amount is almost 15% of the total set aside for this purpose, but this is a proven event that he would like to support.

Councilman Best said that he supports the event because it is a benefit to the City and a credit to the church and its organization.

Mayor Bain also spoke in favor of the event as it is beneficial to families and the community. He reiterated that he would like to see a donation bucket placed at the event to help defray costs.

Chief of Police Pete Baan confirmed that the funds were to be donated to the church to keep costs down.

Councilman Best moved to approve a donation of $1,620.00 to All Angels to cover the cost of off-duty police services for three events. Councilman Lob seconded the motion, which carried 5-0 on roll call vote.

Reverend Keedy thanked Council for their support and invited everyone to the next event.

Caring for the Strays (C.A.T.S.)

Laney Silver from the C.A.T.S. organization reported that the December Meow Mobile event was very successful and the maximum number of 40 slots was quickly filled. This did not leave room to address any of the colony or adoptable cats that the organization takes care of. She requested funding for three additional spay/neuter events.

In response to Councilman Best's question, Mayor Bain replied that Council agreed to fund the initial event and discussion to fund additional events would take place after a report.

Ms. Silver explained that the event took place in November in the parking lot by the driving range on Curtiss Parkway. Golf Director Mike Aldridge approved the use of the space, which was convenient for everyone.

In response to Councilwoman Ator's question, Ms. Silver replied that most of the cats in the first session were either pets or cats that residents were looking after in their neighborhoods.

Vice Mayor Espino asked what steps the organization was going to take to actively pursue the feral cats in the community.

Ms. Silver said that the organization already monitors feral cats and has spayed and neutered an additional 36 cats through local channels since November. The expense is overwhelming and they are looking for help to defray costs.

Councilwoman Ator wondered if a certain amount of funds should be set aside specifically for the feral cat population.

Ms. Silver stated that the organization felt responsible for the cats hanging around the neighborhoods; if the people who were feeding them were not getting them neutered, they would still be contributing to the population. The organization does not normally deal with pet cats. She explained that a list of names, addresses and driver's licenses was compiled from the residents that participated in the program and less than 25% of the cats in the session were considered pure pets.

Vice Mayor Espino commended the organization for the job that they do, but expressed concern that residents might try to take advantage of a discounted service that is intended to lower and control the feral cat population.

Councilwoman Ator agreed with Vice Mayor Espino.

Ms. Silver responded that they were not going to spay or neuter animals that belong to people who cannot or will not spend the money to do so.

Mayor Bain also agreed that he would prefer the efforts to be directed to the feral cats.

Ms. Silver suggested offering residents the opportunity to pay the Meow Mobile rate of $45.00, which is less expensive than a regular visit to the vet. Mayor Bain agreed that was a fair offer.

Councilman Best asked how many more events it would take to get the population under control.

Ms. Silver explained that she would like to hold three more events, which would accommodate 120 cats. The cost to the City is $1,850 for forty cats and the past event cost $1,750 because three of the cats brought in were already spayed or neutered.

In response to Councilwoman Ator's question, Ms. Silver said the C.A.T.S. organization paid the Meow Mobile and was reimbursed by the City.

Vice Mayor Espino asked if there was a way to advertise the reduced costs to the community, so that the Meow Mobile could be booked for a specific event from a list of residents.

Ms. Silver replied that she could advertise the event. The Meow Mobile would come out even if there were not 40 cats on the list because the empty slots could be filled with cats that the organization is caring for.

Mayor Bain suggested that Council could fund an additional session, while Ms. Silver advertises to promote another session paid for by residents. That would mean at least 70 more cats would be taken care of.

David Edmondson of 2231 Ludlam Drive offered to pay for the fourth spay/neuter event if Council agrees to fund the next three. He expressed his appreciation and support for the effort that Laney has shown the local cats and the community for the past twelve years.

Mayor Bain would like for Council to show restraint in spending taxpayer money. He suggested that the City might want to fund one or two events now and review the issue later on.

Councilman Best thanked Mr. Edmondson for his offer, especially as it related to a public health issue. He understood Mayor Bain's concerns about spending money, but felt the matter deserves attention.

Mr. Edmondson restated his offer to fund a third event if the City agrees to fund two.

Councilman Best moved to approve two spay/neutering events for feral cats for a total of $1,850.00 per event, with the understanding that David Edmondson will fund the third event and that residents will pay $45.00 to cover the cost of spaying their pets. Councilman Lob seconded the motion.

Councilwoman Ator asked Ms. Silver to provide Council with a tally sheet denoting the number of feral cats that were accommodated as well as the number of local pets.

Councilman Lob emphasized that the object is to control the feral cat population. While offering a low cost spay/neuter option to the residents was also beneficial, it was not Council's intent to fund that particular option.

Ms. Silver offered to break down the report she prepared for the City Manager after the first session so Council could review the numbers.

The motion passed unanimously on roll call vote.

Skateboarding

Nery Owens of 332 Payne Drive presented photographs of kids skateboarding in front of her house, a problem which she brought to the attention of Council at the December 14, 2009 meeting. She explained that a police officer stopped to talk to the skateboarders and advised them that skating in the road was in violation of several vehicular and noise ordinances. While the skateboarders were open to an alternate location suggested by the police officer, one set of parents rejected the request and they were angry that their son was being photographed.

Ms. Owens felt that even if the City constructed a skateboard park, these same parents would still direct their son and friends to skate in the road in front of her house in retaliation. She urged the Police to start writing tickets in order to enforce this non-criminal traffic infraction.

Skate Park

Robert Shultz of 100 Sunset Way agreed that there were problems with skateboarders in the City, but they should not be forced to ride on the sidewalks, streets or parkways. They should have their own skate park, which Council has budgeted for. He asked if there was an update on the status of the proposed skate park.

In response to Vice Mayor Espino's question, the City Manager replied that management was still in discussions with Miami-Dade Water and Sewer regarding a site on Dove Avenue, and a private land owner in the commercial district. He hoped to have a complete report for the next Council meeting.

5. Approval of Council Minutes:

5A) 12/14/2009 – Regular Meeting

Minutes of the December 14, 2009 Regular Meeting were approved as written.

Councilman Best moved the item. Vice Mayor Espino seconded the motion which was carried 5-0 on voice vote.

6. Reports from Boards & Commissions:

6A) 11/18/2009 – Education Advisory Board – Minutes

Minutes of the November 18, 2009 Education Advisory Board meeting were received for information without comment.

6B) 11/19/2009 – Historic Preservation Board – Minutes

Minutes of the November 19, 2009 Historic Preservation Board meeting were received for information without comment.

6C) 12/09/2009 – Golf and Country Club Advisory Board – Minutes

Minutes of the December 9, 2009 Golf and Country Club Advisory Board meeting were received for information without comment.

6D) 01/05/2010 – Code Enforcement Board – Minutes

Minutes of the January 5, 2010 Code Enforcement Board meeting were received for information without comment.

6E) 01/13/2010 – Golf and Country Club Advisory Board – Rescheduling Notice

Rescheduling Notice of the January 13, 2010 Golf and Country Club Advisory Board meeting was received for information without comment.

6F) 01/04/2010 – Zoning and Planning Board – Minutes

Minutes of the January 4, 2010 Zoning and Planning Board meeting were received for information without comment.

6G) 01/04/2010 – Board of Adjustment – Approval of Actions Taken at their Meeting of January 10, 2010, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of January 4, 2010 were approved subject to the 10-day appeal period.

Vice Mayor Espino moved the item. Councilman Lob seconded the motion, which carried unanimously on roll call vote.

7. **Public Hearings:**

7A) Resolution No. 2010-3469 – A Resolution of the City Council of the City of Miami Springs Requesting the Miami-Dade County Office of the Property Appraiser and Miami-Dade County Tax Collector to Include a Non-Ad Valorem Assessment for Municipal Garbage, Trash and Recycling Collection Services Within its Uniform Method of Collection for all Designated Residential Real Property in the City; Authorizing Participation in the Uniform Method of Collection to Begin with the Inclusion of the Non-Ad Valorem Assessments on the County's 2010 Real Property Tax Bills; Providing for Continuing Participatory Authority in the Uniform Method of Collection of Non-Ad Valorem Assessments; Directing Transmission of Legal Descriptions, Tax Folio Numbers or Other Identifying Documentation Required for City Participation; Specifying Compliance with Notice Requirements and Public Hearing; Effective Date (Advertised: December 9, 16, 23 and 30, 2009 and on January 6, 2010)

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

Attorney Seiden stated that notice of the public hearing had been published for four consecutive weeks prior to this meeting.

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

Nery Owens of 332 Payne Drive stated that putting the charges on the tax bill is an excellent idea that she had wanted the City to do for a long time.

Helen Lawrence of 641 Nightingale Avenue felt that including the charges on the tax bill would place an increased burden on the owners of rental properties at tax time because the rental fees would continue to increase.

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

To answer Mayor Bain's question, Finance Director Alonso clarified that the $55.00 monthly sanitation charge would be placed on the annual tax bill, eliminating the need for billing the residents.

Vice Mayor Espino asked how much the City would save overall.

Finance Director Alonso explained that there would be minimal savings on manpower and the net impact would be approximately $1,600. The delinquencies are affecting the cash flow and including the charges on the tax bill will increase the collection rate, as recommended by the Auditors.

Mayor Bain asked if the rate could change during the year.

Finance Director Alonso responded that the rate could change one time per year. In July or August, the City will send the County a file with all the tax folio numbers and the sanitation charges. Council sets the rate that is determined as part of the budget process.

To answer Vice Mayor Espino's question, City Attorney Seiden explained that utility bills have the same dignity as real property taxes. In every foreclosure, a utility or service lien is responded to in litigation; it does not affect the validity of the City's lien. The new property owner will have to pay.

Mayor Bain stated that when it comes time for residents to pay their taxes they might come up short if they do not budget for the monthly sanitation fees and it could result in not being able to pay their taxes.

Finance Director Alonso explained that residents have many payment options, including the opportunity to pay quarterly taxes to the County.

City Manager Borgmann stated that tomorrow is the deadline for submitting the resolution to the County. He added that the City does not have the option of turning off water service in order to force people to pay their bills and the delinquencies are increasing.

City Attorney Seiden said that tax bills are sent out for payment in November and they do not become delinquent until April 1st.

Mayor Bain was concerned that someone could lose their home if the tax bill becomes delinquent.

Vice Mayor Espino said that there is a risk of the fees increasing for all residents in order to cover the cost of the sanitation operation because of the delinquent accounts.

To answer Councilman Lob's question, Finance Director Alonso explained that the property owners would be notified of the new procedure through an insert in their tax bill.

Councilman Lob wants to make sure that all property owners understand what will happen in advance by sending a reminder in the utility bills for the next few months.

Mayor Bain reiterated his concern about placing an extra burden on the tax bill that could cause residents to lose their home.

Finance Director Alonso emphasized that the delinquencies went from $57,000 to $130,000 in one year. The cash flow problem will eventually cause a deficit in the Sanitation Fund, which means higher rates for everyone.

Councilwoman Ator explained that the dignity of the debt is already treated the same as the tax bill.

Mayor Bain expressed his disagreement with placing the fees on the tax bill. He said that it would be different than placing a lien on the property.

City Attorney Seiden explained that under the current system the residents would receive a monthly bill for $55.00 and under the proposed system they have six months to pay for the annual charges as part of their tax bill.

Vice Mayor Espino reminded the Mayor that residents would have the advantage of getting a 4% discount.

Councilman Lob understood the Mayor's concern about property owners losing their home if they cannot afford to pay their taxes.

Councilman Best felt that adopting the resolution would give residents the option of not having to pay any charges for six months, or afford them the benefit of paying early and receiving a 4% discount.

Councilwoman Ator moved to adopt the resolution. Councilman Lob seconded the motion which was carried 4-1 on roll call vote with Mayor Bain casting the dissenting vote.

7B) Council Request to Review and Approve for Adoption and Transmittal to the Florida Department of Community Affairs (DCA) the Capital Improvements Element (CIE) and Corresponding Comprehensive Plan Amendments for the City of Miami Springs Comprehensive Plan, in Accordance with Florida Statutes Section 163.3177 (3)

Ordinance No. 988-2010 – An Ordinance of the City Council of the City of Miami Springs Approving and Adopting the City's Capital Improvement Element (CIE) and Corresponding Comprehensive Plan Amendments for the City of Miami Springs Comprehensive Plan; Authorizing the Amendment of the City Comprehensive Plan in Accordance with the Capital Improvements Element and Corresponding Comprehensive Plan Amendments; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

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

City Planner Richard E. Ventura announced that there is a sign-up sheet for those citizens who are interested in receiving information from the State of Florida Department of Community Affairs on the Comprehensive Plan approval process.

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

Attorney Seiden explained that this is the third element of the Comprehensive Plan amendment process.

City Planner Ventura said that the Education Element is presently undergoing a 45-day review prior to final approval and publication of the Notice of Intent. This is the first reading of the final element.

City Attorney Seiden clarified that the three elements include the Water Facilities, Education and Capital Improvements. Once the elements are approved they must officially be adopted into the Comprehensive Plan and the next step is to draft the District Boundary Regulations.

Vice Mayor Espino moved to approve the ordinance on first reading. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

8. Consent Agenda: (all approved with one motion)

8A) Approval of the City Attorney's Invoice for December 2009 in the Amount of $11,326.50

There was no discussion regarding this item.

Councilwoman Ator moved to approve the consent agenda. Councilman Lob seconded the motion, which carried unanimously on roll call vote.

8B) Approval of Mutual Aid Agreement Between the City of Miami Springs and Miami-Dade County

There was no discussion regarding this item.

Councilwoman Ator moved to approve the consent agenda. Councilman Lob seconded the motion, which carried unanimously on roll call vote.

8C) Approval of Mutual Aid Agreement Between the City of Miami Springs and the City of Miami Shores

There was no discussion regarding this item.

Councilwoman Ator moved to approve the consent agenda. Councilman Lob seconded the motion, which carried unanimously on roll call vote.

9. Old Business:

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

Councilwoman Ator (Group 4) **appointed** Rob Youngs to the Civil Service Board for a 3-year term expiring on June 30, 2012.

Councilman Lob (Group 3) **appointed** William Tallman to the Board of Adjustment as an Alternate Member for a 3-year term ending on October 31, 2012.

10. New Business:

10A) Resolution No. 2010-3470 – A Resolution of the City Council of the City of Miami Springs Amending the Current Schedule of Charges for City Records, Documents, Copies, and Related Services; Effective Date

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

City Manager Borgmann commented that the attachment to the resolution shows the current and proposed fees.

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

10B) Resolution No. 2010-3471 – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Effective Date

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

Golf Manager Mike Aldridge explained that the resolution sets the winter rates; all rates are the same, except for Saturday and Sunday mornings. Last year the rate was $64.00 and this year it was reduced to $54.00 as of December 15th by the City Manager's authority.

To answer the Mayor's question, Mr. Aldridge clarified that tournament rates only apply during the summertime. During the season there is a rate for groups of sixteen or more players, which is $48.00 per golfer.

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

10C) Resolution No. 2010-3472 – A Resolution of the City Council of the City of Miami Springs Authorizing the City to Apply for, and Accept, if Awarded, a Forest Health Improvement Initiative Grant with the State of Florida; Directing the Proper Officers and Officials of the City to Execute the Grant Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry; Effective Date

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

City Manager Borgmann stated that this is a grant that does not require a City match.

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

10D) Resolution No. 2010-3473 – A Resolution of the City Council of the City of Miami Springs Supporting the Miami-Dade County Public Schools' Legislative Initiative by Requesting the Florida Legislature to Increase Student Funding, Restore the Discretionary Capital Outlay Levy to Two Mills, Conduct a Third-Party Study of District Cost Differential, and Oppose Legislation that Reduces the Number of In-Service Hours Required of Teachers Providing Instruction to English Language Learners; Effective Date

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

Attorney Seiden stated that back up documentation was distributed on the dais this evening.

City Manager Borgmann explained that every year the School Board asks the municipalities to support their legislation initiatives, which is a very positive thing to do.

Councilman Best moved to adopt the resolution. Councilman Lob seconded the motion.

Mayor Bain asked if there would be any financial impact to the residents.

Vice Mayor Espino said that the discretionary outlay levy of two mills would be levied by the School Board.

Mayor Bain was of the opinion that the legislation, if passed, could cost the residents more money. He said that funds that are being spent to purchase land in the middle of the State should go toward education, which is approximately $9BB.

The motion failed 3-2 on roll call vote with Vice Mayor Espino, Councilman Lob and Mayor Bain dissenting.

10E) Approval of Audit Firm Selection Committee

City Attorney Seiden stated that the Finance Director does not want to participate on the Committee because there could be a perception that he would be hiring someone to review his work. He said that after reviewing the guidelines from the Auditor General on selecting an audit committee, it was his suggestion to allow the Finance Director to be a non-voting member who would sit with the committee when they receive the presentations and materials. There is a strong need for someone with a financial background to advise the committee because governmental accounting is a very complicated process.

City Manager Borgmann respectfully disagreed with City Attorney Seiden, although he has full trust and faith in the Finance Director. He felt that the Finance Director, whether he is a voting member or not, could sway the vote of the committee. He does not want any perception problems on an audit of the City's finances.

Councilwoman Ator said that she was comfortable with Assistant City Manager Gorland's background in business and finance.

Council **agreed** that Finance Director Alonso should not take part in the Audit Committee. The Audit Committee will be comprised of Assistant City Manager Ronald K. Gorland, City Attorney Jan K. Seiden and Chief of Police Peter G. Baan.

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Councilman Best moved the item. Vice Mayor Espino seconded the motion, which carried 5-0 on roll call vote.

10F) Recommendation that Council Award City RFP # 01-09/10 to Solares Electrical, the Lowest Responsible Proposer, in the Amount of $645,000, for Installation of Lighting Along the Ludlum Drive Bike Path, Pursuant to Section 31.11 (E) (2) of the City Code

City Manager Borgmann read the title of the award. He said that City Planner Richard E. Ventura and Finance Director Alonso could answer any questions regarding the selection.

City Manager Borgmann added that funding includes $338,090 from the Capital Projects Fund and $306,910 from the recovery stimulus monies administered by the Florida Department of Transportation.

City Planner Ventura said that the City was notified of the City's allotment totaling $306,910 under the American Recovery and Reinvestment Act (ARRA) in March 2009. The project that was most appealing was the installation of lighting along the Ludlam Drive bike path.

Councilman Lob moved the item. Councilman Best seconded the motion.

City Attorney Seiden clarified for the record that the first three companies were non-responsive. The company that is being recommended as the lowest responsible bidder, Solares Electric, did not have a check mark next to licenses and insurance since they have done other work for the City and it was already of record with the City.

The motion was carried 5-0 on roll call vote.

10G) Recommendation that Council Approve an Expenditure in the Amount of $96,634.26 to Quality Paving Corporation, to Install 74 Detectable Sidewalk Tiles in the Downtown Area of Miami Springs from Westward Drive to Ludlum, in Compliance with the Americans with Disabilities (ADA) Guidelines and Americans with Disabilities Act Accessibility Guidelines Standards (ADAAG)

City Manager Borgmann referred to the revised documentation in the agenda packet. He read the title of the recommendation to install 74 detectable sidewalk tiles in the Downtown area from Westward Drive to Ludlam. He said that funds are available in the Citizen Independent Transportation Trust Fund.

To answer Vice Mayor Espino's question, City Manager Borgmann explained that detectable sidewalk tiles are yellow bumps placed at the curb cut from the sidewalk to the street so that the blind can feel them as they enter the intersection.

Vice Mayor Espino asked if the tiles have to be yellow and if the project could be put on hold until decisions are made regarding Downtown area improvements.

City Manager Borgmann responded that the City must show progress is being made due to the agreement with the ADA lawsuit that was filed. He said that the tiles could be installed in different colors.

Councilwoman Ator recommended starting the project at Ludlam working east to the Downtown. She would like to make sure that there is no ADA requirement for the color.

To answer Councilman Lob's question, City Manager Borgmann responded that the cost is based on the number of tile installations and the amount would be less if the number of installations is reduced.

Vice Mayor Espino moved the item with the condition that the project begins at Ludlam and the Administration will check the color requirements. Councilman Lob seconded the motion, which carried 5-0 on roll call vote.

Councilwoman Ator reiterated that she would like the Administration to check the State and Federal specifications for color.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

Annexation

City Attorney Seiden reported that he, Mayor Bain and City Manager Borgmann attended a meeting at the Town of Medley with the Attorneys and Mayors of the four cities involved in annexation on January 5, 2010.

Attorney Seiden stated that plans going forward were discussed and Doral City Attorney Jimmy Morales was asked to get in touch with Jennifer Glazer-Moon to make sure that the County is progressing with the review of all the cities' financial records, which was confirmed. She expects it would take six to eight weeks to produce the reports.

A Planning Advisory Board (PAB) meeting, which is a citizen represented meeting, would be held in March and another committee meeting would be held sometime in April. City lobbyist Jose Fuentes also attended the meeting and he will acquire information on the people who make up the PAB. He thinks there are enough votes to pass annexation, assuming the financial numbers are good.

Mayor Bain added that City of Doral Mayor Bermudez is in full support of the cities' plans for annexation.

12B) City Manager

Employee Parking

City Manager Borgmann reported that four employees are participating in the offer to begin parking at Grace Lutheran Church, which means there are four additional spaces along the side streets and Westward Drive. Hopefully more people will take advantage of the program, which amounts to approximately $500.00 per employee on an annual basis. A parking lot on City property would cost approximately $11,000 per space.

Curtiss Parkway Lighting Project

City Manager Borgmann announced that the Curtiss Parkway lighting project is underway.

Baseball Registration

City Manager Borgmann stated that baseball sign-ups are in progress.

Community Center

City Manager Borgmann reported that the first week in March is set for the ribbon-cutting and grand opening ceremony of the Community Center. The Administration is still trying to confirm that the appropriate County Staff will be able to attend.

Mayor Bain asked the City Manager to set a date at least three weeks in advance in order to be able to accommodate everyone involved in the project, including Congressman Lincoln Diaz-Balart.

Shade Systems

City Manager Borgmann stated that the new shade systems were installed over the tot-lots at Peavy-Dove and Stafford Parks.

Tot-lot Mulch

City Manager Borgmann reported that all three tot-lots are in the process of being mulched, which will cost approximately $20,000.

Woman's Club

City Manager Borgmann stated that Woman's Club representatives informed him that they are financially prohibited from keeping up their building. They are acquiring three appraisals and offering the City the right of first refusal for the purchase of the property.

City's Website

City Manager Borgmann announced that the Request for Proposals (RFP) for the City's Website was published. There is an in-house upgrade of the website in a test mode that Council can access and express their opinion on.

Trash Crane

City Manager Borgmann reported that the Public Works Department received the new trash crane.

Basin 35 Drainage Project

City Manager Borgmann stated that Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) representatives met with the Department of Environmental Resources Management (DERM) on Friday, January 8th. They will attend the January 25, 2010 Regular Council meeting to make a presentation regarding possible changes in the scope of the Basin 35 drainage project. He explained that PBS&J was advised to expect some responsibility to pay for their errors.

Golf Villas Signage

City Manager Borgmann said that there were complaints about the signage on the Golf Villas on Curtiss Parkway. The signs were put back even though they were found in violation by the Code Enforcement Board and the only action of any benefit to the City would be a civil suit.

City Attorney Seiden explained that the signs were removed, the property owner went before the Code Enforcement Board to request a fine reduction and it was denied. The property is in foreclosure and Chapter 162 authorizes the City to perform code enforcement and file a civil suit to have the signs removed, which Council did not agree upon. City Attorney Seiden will contact the attorney representing the property owner in the foreclosure proceedings.

Chamber of Commerce

City Manager Borgmann stated that he, City Manager Gorland and Vice Mayor Espino attended the weekly meeting of the new Chamber of Commerce and Aldo Bartolone was elected President.

12C) City Council

Chamber of Commerce

Vice Mayor Espino reported that the Chamber of Commerce had reorganized with a new Board of Directors and they are looking forward to being involved in the commercial area improvement process. He will serve as the unofficial Council liaison.

Rumble Strips

Vice Mayor Espino received a lot of praise for the rumble strips on Curtiss Parkway as they are slowing traffic and cars are stopping at the cross walks.

Carlos Santana

Vice Mayor Espino announced that Carlos Santana held a grand opening of the wine and tapas bar at Holleman's with music and wine from many countries.

Street Light Outages

Vice Mayor Espino received complaints about two street lights being out on Azure Way and one at the intersection of Bluebird and Lenape.

Blanket Collection

Vice Mayor Espino announced that anyone with extra blankets can donate them to Blessed Trinity Church by contacting the Rectory.

State Road 112 Signage

Vice Mayor Espino reported that he contacted a member of the Miami-Dade Expressway Authority Board about signage on State Road 112 indicating the exit to Miami Springs that will help the commercial revitalization process move forward.

Relay for Life Community Sale

Vice Mayor Espino stated that a community sale was hosted on Saturday, January 9th, benefiting the Cancer Relay for Life, which raised approximately $600.00 in spite of the rain and freezing temperatures.

Tax Dollars at Work Signs

Vice Mayor Espino stated that with so many on-going City improvements, he would like to install "Tax Dollars at Work" signs.

The City Manager explained that there are signs for the Curtiss Parkway lighting project and the Hunting Lodge drainage project. Most government projects are required to have signs that indicate the funding source like the County signs at the Community Center.

Happy New Year

Vice Mayor Espino wished everyone a Happy New Year.

Happy New Year

Councilman Lob wished everyone a Happy New Year.

Community Center

Councilman Best stated that Bill Sprague made an excellent report on the status of the Community Center. He has heard many compliments about the amazing work that is being done and how fast the project is progressing, which is a credit to the City Manager and Staff.

Veterans

Councilman Best informed Helen Lawrence, who was in the audience, that he had a list of twenty residents who serve in the Armed Forces. She had come before Council in December requesting names of those serving so that she could form a prayer list.

Ludlam Tree Removal Project

Councilman Best commented that the Ludlam Tree removal project and stump grinding work is very neat. The workers are doing a great job and they leave the work site clean at the end of the day.

Happy New Year

Councilman Best wished everyone a Happy New Year.

Trash Piles

Councilwoman Ator received a call about the bulk trash piles in front of the condominiums along North Royal Poinciana Boulevard at the entrance of the City. The City only picks up the trash once a week and the ingresses to the City should be kept clean. It is also a health and safety issue that should be addressed.

City Manager Borgmann explained that the City levied a fee for multi-family buildings approximately eight years ago to cover the cost of bulk trash pick-up. An effort is made to pick up the trash weekly, with close attention to the beginning and end of the months. The Administration recognizes that this is an issue in certain parts of the City.

Tree Pruning

Councilwoman Ator stated that she had previously asked about pruning the trees along North and South Royal Poinciana and was told that it is a County issue. She would like to follow up with the County or have the City trim the trees that have not been maintained since the last hurricane.

Workshop Meeting

Councilwoman Ator confirmed that Council would hold a Workshop meeting at 7:00 p.m. on Wednesday, January 13th to address the Downtown development issues.

Movie Night

Councilwoman Ator reminded everyone to attend All Angels Movie Night.

Chamber of Commerce

Councilwoman Ator reported that she was contacted about serving on the Chamber of Commerce Board of Directors and since Vice Mayor Espino is participating, she volunteered to assist them by putting out a mail merge to all the occupational license holders in an effort to get more people to join.

Happy New Year

Councilwoman Ator wished everyone a Happy New Year.

José Marti Parade

Mayor Bain said that he was invited to participate in the City of Hialeah 2010 José Marti Parade on Sunday, January 24, 2010 at 10:30 a.m. He suggested that Council members and the Police Department could participate.

Swimming Pool Leak

City Manager Borgmann reported that the municipal swimming pool is leaking, which might be a result of the demolition of the old gym or the expansion joint when the pool was drained. A firm was hired to examine the pool structure and provide an answer to the problem. He thanked the City of Hialeah for once again hosting the City's swim team at Milander Pool.

Comprehensive Annual Financial Report

Mayor Bain complimented Finance Director William Alonso for the Comprehensive Annual Financial Report and the progress the City is making. He credited the City Manager for hiring Mr. Alonso and for working together as a team.

City Manager Borgmann explained that Council had taken action to turn over the water and sewer system to the County and change the model of the Food and Beverage operation at the Golf Course, which were draining the cash reserves.

Recreation Director

Mayor Bain was impressed that Recreation Director Omar Luna stayed the entire Council meeting. He wished him the best of luck in this very important position since he will be dealing with many people. He urged him to use his imagination and bring his ideas forward.

Happy New Year

Mayor Bain wished everyone a Happy New Year.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:39 p.m.

Billy Bain
Mayor

ATTEST:

Suzanne Hitaffer, CMC
Deputy City Clerk

Approved as written during meeting of: 1/25/2010.

Transcription assistance provided by M. Newton.