



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, March 14, 2011, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:03 p.m.

The following were present:

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

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Police Captain Jon Kahn
Finance Director William Alonso
City Planner Richard E. Ventura
Grant Writer/Public Information Specialist Carol A. Foster
City Clerk Magali Valls

2. Invocation: Councilman Espino offered the invocation.

Salute to the Flag: The audience participated.

Councilman Lob came in at 7:05 p.m.

3. Awards & Presentations:

3A) Consideration of Funding Request by Sergeant Claire Gurney, President of the Fraternal Order of Police to Support the “Charles B. Stafford” Memorial Golf Tournament on Friday, April 1, 2011

Sergeant Claire Gurney, President of the Fraternal Order of Police, announced that the fifth annual Charles B. Stafford Memorial Golf Tournament would take place on Friday, April 1, 2010 at the Miami Springs Golf and Country Club. She said that the City had been gracious and generous over the past four years and they are requesting a donation for this year’s tournament.

Councilman Best moved to approve a donation of \$2,000 for the Charles B. Stafford Memorial Golf Tournament. Councilman Lob seconded the motion, which carried 5-0 on roll call vote.

Sergeant Gurney invited the Mayor and Council to attend the opening ceremony before the Golf Tournament.

4. Open Forum:

Dog Park Regulations

Bill Beckerman of 1561 Hammond Drive wished to thank all concerned about the Dog Park and the new rules and regulations. The dog park attendees are very concerned about issues related to aggressive dogs and emphasized the importance of animals going to the park being neutered. He suggested that when the final signs posting the new rules are finished that the one rule in regard to neutered dogs be emphasized in red lettering. He said that the rules could be codified in order to be able to enforce the law.

Spring

Helen Lawrence of 641 Nightingale Avenue stated that everyone looks at the election signs in her front yard and spring has sprung which can be seen by the blooming yellow trees.

Library

Helen Lawrence said that the newly renovated Library has finally opened its doors and everyone should return their overdue books because the funds are needed.

5. Approval of Council Minutes:

5A) 02/28/2011 – Regular Meeting

Minutes of the February 28, 2011 Regular Meeting were approved as **written**.

Councilman Best moved the item. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 02/22/2011 – Ecology Board – Minutes

Minutes of the February 22, 2011 Ecology Board meeting were received for information without comment.

6B) 03/02/2011 – Architectural Review Board – Minutes

Minutes of the March 2, 2011 Architectural Review Board meeting were received for information without comment.

6C) 03/09/2011 – Golf and Country Club Advisory Board – Cancellation Notice

Cancellation Notice of the March 9, 2011 Golf and Country Club Advisory Board meeting was received for information without comment.

6D) 03/08/2011 – Recreation Commission – Minutes

Minutes of the March 8, 2011 Recreation Commission meeting were received for information without comment.

6E) 03/07/2011 – Board of Adjustment – Approval of Actions Taken by the Board at their Meeting of March 7, 2011, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of March 7, 2011 were approved subject to the 10-day appeal period.

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

7. Public Hearings:

7A) Second Reading – Ordinance No. 1010-2011 – An Ordinance of the City Council of the City of Miami Springs, Amending Code of Ordinance Section 32-100, Architectural Review Board-Established; By Revising the Authority of the Board in Reviewing Proposed Development Projects; Establishing Advisory Review Authority; Specifying Advisory Opinion of Board; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 2/28/2011 – Advertised: 3/2/2011)

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

Attorney Seiden stated that this is the second reading and public hearing. New language was added to Section (I) as requested at the Special Meeting that reads: *“All meetings of the Board shall be forwarded to the City Council for review and for consideration of any further action or appearance deemed necessary by the City Council.”*

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

Vice Mayor Ator said that at the end of the paragraph under Section (H) it reads that *“the Board may suggest or recommend such changes in said schematics or designs as in its judgment may be requisite or appropriate to the maintenance and standards of construction, architecture, beauty and harmony currently existing in the City.”* She recommended adding *“and as contemplated by the Code of Ordinances.”*

The City Attorney recommended changing *“harmony currently existing in the City”* to *“harmony currently existing in the City Code of Ordinances”*.

Vice Mayor Ator asked Council to reconsider her request to include the notice provision, but there was no consensus to do so.

Councilman Best moved to adopt the ordinance on second reading with the inclusion of the language as stated by the City Attorney. Councilman Espino seconded the motion which was carried 5-0 on roll call vote.

7B) First Reading – Ordinance No. 1013-2011 – An Ordinance of the City Council of the City of Miami Springs Deleting all References to the 36th Street Sub-District of the Airport, Marine and Highway Business District Contained in Article XV and in Code of Ordinance Sections 150-154, 150-155, 150-157, 150-158, 150-160 and 150-161; Establishing Code of Ordinance Section 150-164, NW 36th Street District; Providing Purpose; Permitted Uses; Permissible Principal Uses and Structures – Limitations as to Location; Accessory Uses and Structures; Permissible Accessory Uses and Structures - Limitations as to Location; Prohibited Uses; Setbacks, Lot Coverage and Floor Area; Height Limitations; Off-Street Parking and Loading; Specific Architectural Design Standards; Professional Revitalization Consultant (PRC); Development Review Procedures; PRC Preliminary Review Meeting; Development Review; Exemptions; Fees; Repealing All Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date

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

Councilman Lob commented that Professional Revitalization Consultant (PRC) should be changed to Revitalization Specialist (RS).

Attorney Seiden agreed with Councilman Lob and added that the PRC Preliminary Review meeting would become Pre-application Meeting in accordance with the new ordinance. There are two typographical errors on page twelve that he brought to the Consultant's attention.

Senior Planner Lorraine Tappen from Calvin, Giordano and Associates, Inc. stated that the uses were changed and some uses were prohibited as stand alone uses. She added restaurants and retail stores, no less than 2,500 square feet.

Councilman Best commented that Council did not want small conversions of restaurants to come in and "eat up" the property and a larger facility would make more sense. He thought that a restaurant of 2,500 square feet is a good size restaurant.

Vice Mayor Ator felt that the stand alone uses were contrary to the previous discussions as Council had talked about allowing the uses within a larger establishment.

Attorney Seiden asked Council to consider if 2,500 square feet is big enough to justify the space for a stand alone restaurant.

Mayor Bain added that perhaps the option should be left open for stand alone situations.

Councilman Espino said that the typical chain restaurant could not accommodate the type of density and improvements that Council wants for N. W. 36th Street in order to bring long-term financial gains to the City. He would approve of leaving it the way it was previously discussed.

Councilman Lob suggested leaving the restaurant use in conjunction with another building.

Council **agreed** to eliminate 150-164 (B) (c) and (d) allowing restaurant and retail stores no less than 2,500 square feet.

Councilman Espino noted that dry cleaning and/or laundry would only be allowed as drop stores.

Ms. Tappen explained that the build-to-line was changed to fifteen feet to ensure that the buildings have some space for a canopy or overhang. A provision was added to allow architectural elements such as canopies or a port-cochere encroaching five feet into the setback.

City Attorney Seiden said that “setback” should be changed to “build-to-line” under (D) (1) (a) (vi). A canopy or port-cochere cannot encroach into the ten-foot setback.

City Attorney Seiden discussed the development review procedure for projects not requiring City Council approval such as painting, fences, sheds, sign faces, etc. He felt that the language should be more specific and suggested changing City Staff to City Planner and City Building Official.

Councilman Espino referred to the chart and explained that (2) (c) (d) and (e) are not stand alone steps and they should be subsections of (b) under the Development Review Procedures.

Vice Mayor Ator felt that the term Revitalization Specialist is too general and there is no definition of that position and how that person is selected.

Attorney Seiden explained that the Revitalization Specialist would be outlined under a City policy; it does not have to be codified. He agreed that it could be included in the general definition section.

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

Discussion ensued about combining Sections (1) and (2) under K – Development Review to make it more efficient with only one step for all items to be addressed.

Councilman Espino suggested leaving Section (1) to outline what is required for the mandatory preliminary review meeting and Section (2) to encompass the review process itself.

Vice Mayor Ator added that everything could be included under Section (1) with two separate subsections.

City Attorney Seiden agreed with Councilman Espino’s recommendation.

City Attorney Seiden stated that the exemptions provisions under Section (L) are fine, but there is currently one building that is under development and that is the Eurobuilding that is going from the first phase to the second phase. The Architect of record met with him and the City Planner and pointed out that the way the ordinance is worded, any building or structure for which final site plan approval has not been obtained prior to the enactment of the ordinance, it would be subject to the new ordinance. In reality, the architect has drafted all his plans and documents and received approval from all departments based upon his existing plans and it would be unfair to make that project subject to the ordinance.

The City Attorney said that the ordinance could remain as written and a separate motion could be made to acknowledge that it is the policy of Council that that project will not be subject to the provisions of this ordinance no matter when the ordinance passes or when they obtain the site plan approval.

Attorney Seiden asked if Council wanted to leave the exemptions the way they are or to include a provision to deal with this particular property. He clarified that it is an existing building that will undergo new exterior renovations that would fall under the ramifications of the design features and processes of this ordinance.

City Planner Richard Ventura stated that phase one of the Eurobuilding Conversion was approved by the Zoning and Planning Board on August 3, 2009 and phase two was approved on December 16, 2009. Under the new land development regulations there could be a setback encroachment on Coolidge Drive, which he will follow up on with Architect Perez-Vichot. Mr. Perez-Vichot is submitting a parking variance for 43 spaces at the April Board of Adjustment, while under the new land development regulations this would not be required.

Mayor Bain explained that Mr. Perez-Vichot must go through the variance process and Council will consider the recommendation at the next meeting to set policy that the Eurobuilding project was approved before the ordinance was enacted and they can continue with the process.

City Planner Ventura clarified that after the April 4th Board of Adjustment meeting when the variance for 43 spaces is considered, a site plan presenting phase 2.5 will be presented and final site plan approval will be accomplished on April 25th.

City Attorney Seiden stated that he would schedule an item for the next Council meeting. He will prepare a memorandum and officially give notice on the record and it will be voted upon at the next meeting.

Mayor Bain noted that all references to PRC should be changed to RS.

The City Clerk called "point of order" explaining that the proposed ordinance requires a public hearing on the first and second readings.

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

Councilman Lob moved to approve ordinance No. 1013-2011, as amended, on first reading. Councilman Espino seconded the motion which was carried 5-0 on roll call vote.

The City Attorney stated that the amended ordinance will be available for public review and comments during the second reading on March 28th.

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for February 2011 in the Amount of \$11,920.50

There was no discussion regarding this item.

Councilman Espino moved the consent agenda. Vice Mayor Ator seconded the motion which was carried 5-0 on roll call vote.

8B) City Council Authorization to Transmit Citizen petitions Regarding the Proposed Westward Drive Charter Amendment to the Miami-Dade County Elections Department for Determination of Sufficiency of Petition Signatures

There was no discussion regarding this item.

Councilman Espino moved the consent agenda. Vice Mayor Ator seconded the motion which was carried 5-0 on roll call vote.

9. Old Business:

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

There were no appointments to the advisory boards.

9B) Golf Course Marketing Plan Update

City Manager Borgmann stated that Staff had met with four possible firms to assist with marketing and they narrowed it down to The National Golf Foundation and Michael Kahn with Golfmak, Inc. and they both offer an assessment study.

City Manager Borgmann explained that Golfmak quoted \$2,500 for a 3-day assessment to look at all the operations, maintenance, advertising and marketing and would then provide an overview and recommendation for additional activities that they might be able to assist with. The National Golf Foundation offers the same, but their quotation was twice as much for a 2-day assessment.

City Manager Borgmann said that the Administration would come back at the next meeting with a recommendation.

Vice Mayor Ator stated that time was spent discussing the topic and Council was concerned about the marketing. She does not feel that there were concerns about the operation and she would instead suggest hiring someone whose strength is on the marketing side.

Assistant City Manager Gorland explained that both firms are very strong in regard to marketing and they both have great references. The gentleman from Golfmak mostly works with private courses instead of public courses. The company would need to provide a full assessment of the golf course operations; the assessment will be marketing oriented, but there must be an understanding of the product that they are being asked to market.

Councilman Lob agreed with the Assistant City Manager that there must be an understanding of what the Golf Course has to offer.

Mayor Bain recommended waiting until the end of the season before spending any funds for marketing. He felt it would be better to wait until the next budget year.

City Manager Borgmann said that the budget process for next year begins in June and a preliminary assessment would give Council and Staff some idea of what funds are needed for marketing and what areas should be the focus.

Vice Mayor Ator understands the Mayor's concern, but feels that the assessment should be done before the budget process.

Councilman Best felt that the assessment could wait until the end of the season.

Councilman Espino explained that the assessment is nothing more than a fact finding mission. He added that it would be May or June before it is finished.

By consensus, Council **directed** the Administration to place the item on the next agenda.

9C) Trash Pickup Plan for South Royal Poinciana

City Manager Borgmann stated that over the past several months a new method of collecting trash on South Royal Poinciana Boulevard in front of the apartments was tested. Approximately ten years ago a special assessment per unit of \$1.50 monthly was enacted for the purpose of picking up furniture, carpet, appliances, etc. from the right of way.

City Manager Borgmann explained that the Administration is recommending use of the existing codes and the fee structure for pick-up of bulk trash for a specific call. The association or property owner will be sent a bill based on either a half or full truck load. The City will continue to charge \$1.50 per unit and assess a special fee on an as-needed basis.

Vice Mayor Ator said that she receives the most complaints about this problem. She asked how much trash is being picked up now.

City Manager Borgmann stated that these are commercial units and the City does not pick up the garbage; private haulers are supposed to pick up both. The City is picking the bulk items that are placed in the swale and there is no information to determine the volume of trash.

Councilman Espino suggested implementing a policy to advise the condominium associations that bulk trash can only be placed in the swale on specific days.

Vice Mayor Ator would like to provide notice that if the trash is put out before the normal pick up that the City will pick it up for a fee because it is a health and safety issue.

Councilman Best commented that if the situation continues it certainly gives “teeth” to the association in terms of advising the residents that the charges could be passed on to them.

Councilman Espino said that Hunting Lodge Drive on the Golf Course side does not have an alley and trash could be there a full week and that would mean different treatment for the multi-family areas versus the residential areas.

City Manager Borgmann clarified that if a single-family resident puts out trash equal to a half or full load they would also be charged. The real problem is that the City does not collect commercial garbage and the burden falls upon the property owners.

The City Manager clarified that the ordinance does not need to be changed. He suggested continuing with this plan and crack down on the full or half load charge. The property owner has the responsibility of maintaining the swale.

Councilman Best recommended serving notice that this action is taking place and City Manager Borgmann agreed to send letters.

City Attorney Seiden stated that the Code provides for twice a month bulk collection to each multi-family residential property, but the City reserves the right to schedule collection services for each property as it deems appropriate. Each multifamily residential property shall be required to pay the City a collection fee of \$1.50 per unit per month for providing bulk collection.

The City Manager explained that each unit would be charged \$1.50 in addition to the additional pick-ups that the City is forced to make to keep the area clean.

Councilman Lob asked the Administration to include the fee schedule for reference with the letter to the property owners.

Council **directed** the Administration to notify the owners of the condominiums that the Code will be enforced for bulk trash pick up and that the City will continue with the regular trash pick up twice a month, and each multi-family residential property shall be required to pay the City a collection fee of \$1.50 per unit per month.

9D) Education Advisory Board Items for Discussion and Civics Week Progress

City Manager Borgmann stated that Civics week is coming up on April 25th. He reported that Ana Ferrer from the Middle School will be participating and there are no specific activities or formal requests at this time.

City Manager Borgmann explained that Miami Springs Senior High intends to invite guest speakers, presumably the Mayor, Council, Senior Staff, Administrators, etc. to speak to several classrooms. He asked anyone interested in speaking to let him know so that availability and numbers can be provided to the school. The students are planning to visit City Hall and other governmental buildings. The City has agreed to provide the transportation and their Risk Management Staff has approved use of the larger bus as long as it has a qualified driver. The Elementary Schools have not yet responded about their plans for participation, according to Mr. Borgmann.

The City Manager stated that the minutes of the Education Advisory Board reflected that the City Attorney would be asked to prepare an ordinance establishing a Youth Advisory Council. His suggestion is to amend the Education Advisory Board ordinance to create the youth board and have them participate in the Education Advisory Board process.

City Manager Borgmann explained that he did not have any information regarding the Youth Advisory Council, what its purpose would be, how they would be selected, when they would meet, etc.

Vice Mayor Ator said that Education Advisory Board Chair Mindy McNichols has a lot of information about the Youth Advisory Council.

The City Manager reiterated his idea for the Youth Advisory Council to meet with the Education Advisory Board in order to give their input.

Discussion ensued as to whether or not the Sunshine Law would be applicable to the Youth Advisory Council.

Councilman Espino commented that there are many other municipalities that have Youth Advisory Councils and it is only a matter of seeing how they operate.

City Attorney Seiden said that one concern is that Miami Springs' schools have many students that are not residents of Miami Springs and the scope would have to be limited to residents.

Mayor Bain expressed his concern about allowing non-residents to participate on a City Board. He felt that being a resident should be included in the criteria. He does not understand why a board has to be created; they could come to a Council meeting or an Education Advisory Board meeting with an agenda item for them to present their issues.

Vice Mayor Ator was of the opinion that even if the Youth Advisory Council participated under the Education Advisory Board the Sunshine Law would apply.

City Manager Borgmann explained that the Sunshine Law would apply, but the Education Advisory Board staff would take the minutes and the meeting would be noted and recorded.

Councilman Lob and Councilman Best suggested checking with other cities to see how their Youth Councils operate.

Councilman Espino explained that the Youth Advisory Council is all about empowering students and getting them civically involved. He suggested seeing what other cities have done.

City Attorney Seiden stated that the Education Advisory Board Chair is well qualified to put together a proposal and she should get in touch with him.

The proposal for the creation of a Youth Advisory Board was **referred** back to the Education Advisory Board for more information.

9E) Adopt-a-Park Progress

City Manager Borgmann stated that at Council's request he conducted more research on the Adopt-a-Park program and every jurisdiction he found on the internet had variations of the North Port, Florida plan, including application forms, list of rules and regulations, legal releases, etc. He understands the desire for simplicity but everyone seems to be doing the same thing.

The City Manager checked further into the Adopt-a-Highway programs, including the State of Florida and they are “hands on” projects. If Council is in agreement, the Administration will move forward with the project, including all necessary forms and releases to be approved by the City Attorney.

Vice Mayor Ator said that she attended the Board of Parks and Parkways meeting this month and they were not aware that Council had discussed the idea of an Adopt-a-Park program. The Board members would like to be consulted and she suggested sending the item to the Board of Parks and Parkways.

Councilman Best spoke with his appointee to the Board of Parks and Parkways and learned that she is very interested and hopeful that it would come to the Board for discussion.

Council referred the Adopt-a-Park program to the Board of Parks and Parkways for consideration.

10. New Business:

10A) Consideration of Memorial for Detective Amanda Haworth

City Manager Borgmann stated that an e-mail was received suggesting to find an appropriate memorial for fallen Police Officer Amanda Haworth. He does not have any specific recommendations unless Council would like to send the request to the Memorial Committee for their ideas.

The City Manager explained the possibility of establishing something at Stafford Park, which is named after one of Miami Springs’ fallen officers. It could be a true police memorial facility within the City’s boundaries; one field could be named after Officer Haworth and the other after Officer Castillo.

Mayor Bain stated that he would like to send the request to the Memorial Committee to come up with an idea for a recommendation for the local people in the community.

Councilman Best stated that the letter from Ms. Brooks mentioned that Amanda Haworth loved playing baseball with her son and she loved animals.

Mayor Bain added that the Haworth family was established in Miami Springs for a long time. He thought it would be a good idea to name the large park at Stafford after her.

City Attorney Seiden explained that the Memorial Committee generally needs a resume or detailed information from the person that is recommending the memorial, including the history of the person’s involvement with the City.

The City Manager commented that the information submitted by Ms. Brooks was sufficient information and the Mayor agreed.

Miami-Dade County Police Sergeant Lynne Brooks of 520 Falcon Avenue stated that the death of Amanda Haworth touched her and she wanted to do something in her honor. She explained that Officer Haworth's father has lived in the City of Miami Springs for a long time; he is a member of a local church in the community. Although Amanda did not live here, she visited the City a lot.

Ms. Brooks said that she was thinking of a memorial at the park across from the High School because it is the location of the dog park and the baseball field.

City Manager Borgmann commented that the big field at Dove Avenue Park is called Peavy Field.

Mayor Bain said that Council would ask for a recommendation from the Memorial Committee and Ms. Brooks would be notified when they meet so that she could present her ideas.

Ms. Brooks explained that she spoke with Mr. Haworth to see how he would feel about it and he gave his approval for the dedication of a park.

City Manager Borgmann added that Officer Castillo's wife is a graduate of Miami Springs Senior High School.

Vice Mayor Ator was of the opinion that a Police Memorial is a good idea, but she is concerned about locating it at Stafford Park because the City does not own the property.

Council referred the request for the memorial to the Memorial Committee.

10B) Board of Parks and Parkways Requests

City Manager Borgmann stated that he was asked to review the recommendations made by the Board of Parks and Parkways, as outlined in their minutes. He received a memorandum from the Chairman and provided a response.

The City Manager said that a picnic table was removed as it was a liability; the wooden benches could be repaired, they were repainted and the slats were replaced. The stone benches; racquet ball west wall was painted and the front wall is scheduled to be painted. He understands that Board Chairman Richey was making a request to Commissioner Sosa's office for the curbing around the library.

The City Manager explained that the Board also discussed 15 oak trees on Westward Drive and there was a question as to whether these were new tree plantings or replacements. Public Works Director Robert Williams will follow up on this request as well as the need to replace two oaks on Curtiss Parkway. In response, a list of 33 tree plantings was provided by Public Works.

City Manager Borgmann stated that the Board also mentioned the timers for the parkway lights and they will be adjusted to the daylight savings time.

Vice Mayor Ator said that Council does not receive the Board of Parks and Parkways minutes until the second Council meeting of the month, which delays the response to their requests. She offered to share some of the items that were discussed at the meeting of March 10th. The list provided includes 35 trees although the purchase order specified 33 trees, which is confusing. They also wanted to make it clear that their desire is for 33 trees in addition to the 75 trees funded by the grant.

Vice Mayor Ator explained that the Board members also had questions related to the upkeep of parkways and there was nobody present from Public Works to respond. She learned that someone used to attend their meetings until six months ago and she requested that someone from the City attend their meetings in the future.

City Manager Borgmann explained that the Board Secretary is a Public Works employee and she could report the questions that were raised at the meeting the very next morning.

Vice Mayor Ator said that there were many questions and the secretary does not have the authority to answer questions. The Board members are upset about the Butterfly Garden because Public Works cut back all the flowers that attract the butterflies.

City Manager Borgmann explained that there is a problem with the safety and security of the butterfly garden and people who are in the park.

Mayor Bain stated that there were many calls received about the park being neglected and it was so overgrown that it was a safety concern.

(Agenda Item 10F was considered before 10C)

(Mayor Bain called for a five-minute recess at 8:44 p.m.)

10C) Facility Agreement – Jazzercise

City Manager Borgmann stated that Council received an amended agreement on the dais. The only change was in the first paragraph to clarify that Brenda Knight is a licensed franchisee and referred to within the agreement as Jazzercise.

City Attorney Seiden explained that the basic agreement is with her individually and the agreement was revised to make it correct.

To answer the Mayor's question, City Manager Borgmann clarified that Brenda Knight pays the City \$400.00 per month.

Councilman Best moved to approve the revised agreement. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

10D) Agreement with the American Red Cross to Operate a Disaster Shelter for the City

City Manager Borgmann stated that one of the main purposes of the new Community Center and the funding that was received was directly attributable to the operation of the building as a potential after action disaster shelter. The City is not prepared to operate such a facility and the Red Cross has these agreements in place with everyone they operate a facility for.

The City Manager explained that the agreement is in draft form; it was reviewed by the City Attorney who had some comments. The City would be the entity in charge of the building and would advise the Red Cross what areas they would have available to assist people. The Red Cross would be responsible for the portable bathroom facilities, the food, etc.

City Manager Borgmann stated that he would like the Community Center go through a significant storm before considering the building for a "during event" shelter. This recommendation is based on past history of a category five building on the west coast that began to buckle during a storm and the people had to be moved out.

Mayor Bain asked if there would be a provision included in the agreement that the Red Cross would accommodate local residents first.

City Manager Borgmann responded that he doubts that there would be preference given to local residents based on the fact that the City received County and Federal monies for the construction of the building.

To answer Councilman Espino's question, City Manager Borgmann explained that Miami-Dade County Emergency Management Operations directs residents to local shelters in their neighborhoods and Miami Springs would be included as an "after action" shelter.

Vice Mayor Ator was concerned about having sufficient time to install the protective floor covering in the gymnasium.

City Manager Borgmann explained that everyone should be self-sufficient for at least 72-hours after a disaster and this allows government the time to assess, organize and respond. The flooring would be put down in the gym before anyone is allowed inside.

City Attorney Seiden assured Council that their concerns about the flooring were addressed in Subsection (3). The designated area in the facility is turned over to the Red Cross after the City has completed the preparatory work.

Vice Mayor Ator reiterated that it should be very specific that the City needs a certain amount of time to prepare the gymnasium.

City Manager Borgmann explained that Staff and the Red Cross would conduct a pre-assessment of the building.

City Attorney Seiden clarified that the City has control over the building until it is turned over to the Red Cross.

The final agreement will be submitted for Council approval at the next meeting.

10E) CITT Fund Analysis

City Manager Borgmann stated that there is a balance of Citizen Independent Transportation Trust Funds (CITT) totaling \$442,591 that represents the 80% transportation share that can be used for roads and sidewalks. There is a balance of \$197,871 in the 20% transit share that is used to cover the cost of the shuttle, traffic calming, signage and devices.

The City Manager reported the following pending projects totaling \$115,171.00:

- \$9,784.00 for Paving for the Springview Elementary Bus Stop
- \$1,456.00 for re-stripping Miami Springs Elementary area
- \$22,877.00 for milling and paving along Osage Drive and Miller Drive
- \$50,204.00 for milling and paving areas of Ludlam and Linwood Drive to Whitethorn Drive and Oriole Avenue to Falcon Avenue.
- \$30,850.00 for various sidewalk repair projects from Hammond to Starling and Redbird to Meadowlark

City Manager Borgmann stated that there is a wish list of additional sidewalk and road projects.

Vice Mayor Ator explained that the Board of Parks and Parkways also discussed the replacement of the damaged bollard lights on Curtiss Parkway. They would like the City to maintain an inventory of replacement lights when the lights are hit or damaged since it is a beautification/safety issue.

Vice Mayor Ator added that the Board of Parks and Parkways would also like the City to implement a procedure for testing the lights to make sure they are working.

The City Manager clarified that the bollard lights were funded through a grant and he would check to see if CITT funds could be utilized for replacement lights.

To answer Mayor Bain's question, Finance Director William Alonso clarified that the City receives approximately \$30,000 per month from the CITT funds and the next seven months would generate \$224,000.

Mayor Bain would like the Administration to check the paving on Ludlam Drive by the convenience store where the water collects instead of running down to the drain.

10F) Agreement Extension with Curtiss Mansion, Inc.

City Manager Borgmann stated that the conclusion of the Curtiss Mansion restoration is getting closer and they are beginning the process of finalizing the details of Phase 2, which are the operating provisions to the original agreement. Such detail will be needed to be considered by Council in the near future. However, until that time, Curtiss Mansion, Inc. (CMI) needs to operate under the basic tenets of the agreement signed in September 2000, with extensions in 2003 and 2006.

Since the original agreement and the two extensions have expired, another extension must be granted, according to Mr. Borgmann. The agreement being presented for consideration is identical to the previous extensions. It is highly likely that as part of the City's budget process that will begin shortly, consideration will have to be given as to how the Mansion will be operated and funded.

City Manager Borgmann explained that the original agreement was signed prior to September 11, 2001 and the current economic turmoil with assumptions made during those economic times. Detailed estimates for an operating budget for the Mansion will have to be developed by CMI and the City and a new Phase 2 operating plan developed.

City Manager Borgmann noted one change to the agreement on page three. Instead of the extension ending December 31st it should be September 30th, with a new agreement to be in place as of October 1, 2011.

Councilman Espino moved to approve the extension agreement for CMI. Councilman Lob seconded the motion, which was carried 5-0 on roll call vote.

Mayor Bain asked CMI President Jo Ellen Phillips how the fundraising is going on the \$400,000.

Ms. Phillips responded that CMI is working and getting closer to acquiring the funds. She said that the sale of the brick pavers is commencing.

Ms. Phillips spoke with Rajeev Brown of Experience Aviation and they will begin serious advertising for the summer STEM Academy Program for middle and high school students. The expected grand opening is planned for June 1st.

10G) Progress Report Regarding Paving Done in the City

City Manager Borgmann referred to a list of projects explaining that there were areas that had been paved and other streets that are scheduled to be paved.

10H) Radar Sign Installation Progress

City Manager Borgmann reported that all the radar signs are installed in the various locations.

Councilman Best commented that the radar signs are good because they help to slow down the traffic in the appropriate locations.

10I) Batting Cage Report

City Manager Borgmann stated that a quote was received for \$12,000 and Little League President Otto Camejo was under the impression that the funds would be donated to the Little League so that he could fix the batting cages.

Assistant City Manager Ronald K. Gorland said that the City must get three quotes according to the purchasing requirements. He explained that Mr. Camejo is adamant that he and his team can do the repairs for much less and they want to apply the balance of the funds to other needs. He suggested holding a meeting with Mr. Camejo to find out exactly what he is proposing.

Councilman Espino stated that Mr. Camejo would be able to do the flooring and he was offering to take care of everything for a certain amount of money.

Mayor Bain felt that Mr. Camejo should submit an official quote for the batting cage repair the same that is required for everyone else. The batting cage is the responsibility of the City and the Little League raises funds for their other needs.

Assistant City Manager Gorland stated that the intention of the Little League is to raise the funds for the improvements rather than the City doing the repairs; it must be clear who is going to do the work and then it would come back to Council for approval of a portion of the expense or the entire amount.

11. Other Business:

11A) Vote of Confidence for the City Attorney as Required by Section 8.01 (1) of the City Charter

Vice Mayor Ator moved to give a vote of confidence to the City Attorney. Councilman Lob seconded the motion.

Vice Mayor Ator stated that the City is very lucky to have the wealth of knowledge from City Attorney Seiden. She said that although they might not always agree, they have had very intelligent discussions about their disagreements and she appreciates his knowledge that he offers for a very good rate.

Councilman Lob thanked the City Attorney for his wealth of experience; the City is very lucky and he is glad to have him as the attorney.

Councilman Espino thanked the City Attorney for his service. He appreciates his experience and likes sparing with him occasionally because that is what allows Council to put forth effective policies.

Councilman Best joked that prior to 1762 the State of Georgia disallowed attorneys by British Code. He recommended the continuation of Attorney Seiden's services to the City as he is certainly above board in everything he does and he is more than satisfied with every communication he has had with him. He has legally advised and guided him during his six years as a Council member and would like him to continue to do the same.

Councilman Best said that it is advantageous and interesting that Mr. Seiden has held the position for so many years in terms of the history and his knowledge of the City. He offered his wholehearted support as a vote of confidence.

Mayor Bain stated that the City Attorney has his vote of confidence and he would reserve his comments for later.

City Attorney Seiden appreciated Council's comments and favorable words. He agrees with the Vice Mayor and Councilman Espino that every issue that is raised does not always require full agreement because that is what the process is all about.

Attorney Seiden commented that it is valuable that there is some perspective about what happened in the past and what will happen in the future. He recalled that many years ago the Administration used to joke about former Finance Director Don Nelson's defensive response and that was "That is always the way it was." This is not a good response since there must be an understanding of why things were done the way they were and why they should be different.

City Attorney Seiden stated that he enjoys working with the Mayor, Council and Administration and it has been very rewarding for him over the years and hopes to continue to do the same.

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

11B) Vote of Confidence for the City Clerk as Required by Section 8.01 (1) of the City Charter

Councilman Best stated that he has become better acquainted with City Clerk Magali Valls over the years and she is another stellar example of the City Staff. She is on top of things relative to Council's requests and has earned her Certified Municipal Clerk (CMC) certification that not everyone recognizes. She is a tremendous asset to the City in terms of the dissemination of information to Council and the City as a whole and complies with the statute for notification to the public.

Councilman Best said that he is very pleased to have Magali Valls as the City Clerk and hopes the relationship continues as it has to date. He offered his endorsement as a vote of confidence.

Councilman Espino stated that City Clerk Valls is a true professional in every sense of the word. She is extremely responsive, her attention to detail is unbelievable and she facilitates his ability to respond exceptionally well. He would dare anyone to find a better City Clerk in Miami-Dade County or anywhere else. The City is truly blessed to have Magali in Miami Springs and he hopes that she continues to serve the City for years to come. He offered his vote of confidence.

Councilman Lob stated that he could not say much more than what was already said about the City Clerk except that he hopes that she never leaves. He said that she definitely has his vote of confidence.

Vice Mayor Ator agreed with Councilman Lob that there is not much left to be said about Magali. She said that City Attorney Jan Seiden might not be perfect, but Magali is certainly perfect.

Vice Mayor Ator moved to give the City Clerk a vote of confidence. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

12. Reports & Recommendations:

12A) City Attorney

Annexation

City Attorney Jan K. Seiden stated that the proposed annexation was scheduled for hearing before the Infrastructure and Land Use Committee of the Miami-Dade County Commission on Wednesday, March 9th and it was postponed because some of the Commissioners were out of town. The meeting is re-scheduled for Wednesday, April 13th and hopefully by that time it will be simply a deferral request for all the four cities as it should be and there would be no consideration on the merits of the application.

Vote of Confidence

City Attorney Seiden thanked the Mayor and Council for their vote of confidence.

12B) City Manager

Beacon Council

City Manager Borgmann reported that the tour with the Beacon Council on Thursday, March 10th went extremely well. The tour included the 36th Street businesses, the Abraham Tract, churches, and schools. It was noted that one of the four public schools is an “A” school and the other three are “B” schools. The Beacon Council also toured the parks, the Community Center, the Curtiss Mansion and the various neighborhoods and housing availability. He said that they were very impressed and surprised to see what the City has to offer as a small community of 13,700 residents.

Election

City Manager Borgmann reminded everyone to vote on Tuesday, March 15th in the County election.

Library

City Manager Borgmann reported that the library is finally open and a Grand Opening celebration is scheduled for Monday, March 28th at 10:30 a.m. Today was a soft opening and Vice Mayor Ator was there with her children.

Popular Annual Financial Report

City Manager Borgmann stated that everyone should have received the Popular Annual Financial Report that was mailed to all residents. He commended Finance Director Alonso for putting together another quality document.

12C) City Council

Commercial Recycling

Councilman Lob referred to the Ecology Board and said that they are looking for feedback from Council on commercial recycling. He would like to give them an update on what has been discussed so far in order to get their recommendations.

Library

Vice Mayor Ator confirmed that the library is a wonderful facility with all new books in perfect condition. Her children enjoyed the visit to the library and there are many computers for public use, as well as internet access in the park.

Movie Night

Vice Mayor Ator said that All Angels movie night would be held this weekend in conjunction with the Cancer Relay for Life during a block of time from 12:00 midnight to 5:00 or 6:00 a.m.

Library

Councilman Espino reported that he went by the library and it is fantastic. There were at least fifteen people there including Martin Crossland. He is looking forward to the Grand Opening ceremony.

Little League

Councilman Espino said that the Little League Opening Day was a great event with Mayor Bain throwing a great pitch.

Meet and Greet

Councilman Espino thanked the Woman's Club for hosting the Meet and Greet candidates' luncheon.

Candidates Forum

Councilman Espino reminded everyone of the Candidates Forum that will be held on Wednesday, March 16th in the Rebeca Sosa Theatre at the Community Center.

Relay for Life

Councilman Espino reminded everyone of the American Cancer Society Relay for Life at 7 p.m. on Friday, March 18th until 1:00 p.m. on Saturday, March 19th. A number of festivities are planned for those not participating with a team, including food, games and entertainment. A very large community sale will be held on Saturday morning.

Dog Park Rules and Regulations

Councilman Best asked if with Council's indulgence if the City Attorney could come up with language to codify the Dog Park regulations prepared by Omar Luna, as mentioned by Mr. Beckerman during Open Forum.

Attorney Seiden said that he received the preliminary list of rules from the Administration and it should be codified in order to install the signage referencing to the ordinance. He is waiting for the final version of the rules and hopes to be able to draft the ordinance for the March 28th Council meeting.

Pelican Playhouse

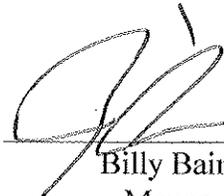
Councilman Best reminded everyone that the Pelican Playhouse has a new play, "An Inconvenient Corpse" that will open on Friday, March 25th. Director Ralph Wakefield has done a nice job re-writing the play that is funny and custom tailored to Miami Springs.

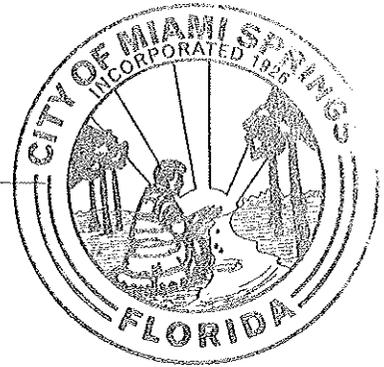
City Clerk's Salary

Mayor Bain asked the City Manager to prepare a report for the next agenda on the City Clerk's salary history including the last date she received an increase. He said there is a new program in place that would not increase the top of the salary range for that position and he would like a "run down" of where she is and what she has done because she does a great job.

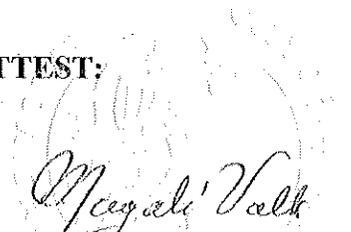
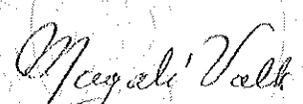
13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:31 p.m.


Billy Bain
Mayor



ATTEST:



Magali Valls, CMC
City Clerk

Approved as written during meeting of: 3/8/2011.

Transcription assistance provided by Suzanne S. Hitaffer.