



CITY OF MIAMI SPRINGS, FLORIDA

CITY CLERK'S SUMMARY OF COUNCIL ACTIONS
Regular Meeting of Monday, April 25, 2011 - 7:00 p.m. – Council Chambers

AGENDA

<u>ITEM #</u>	<u>SUBJECT</u>	<u>ACTION TAKEN</u>
1.	Call to Order/Roll Call	All present. The meeting was called to order at 7:02 p.m.
2.	Invocation	Offered by Vice Mayor Best.
	Salute to the Flag	The audience participated.
3.	Awards & Presentations	
3A)	Presentation from County Commissioner Rebeca Sosa	County Commissioner Rebeca Sosa said that she was aware of the revitalization project for N. W. 36 th Street and there had been discussion about the lighting project. She displayed a photograph of the lights that will decorate the street since they were able to secure the funding for an approximate cost of \$400,892.00. She said that it was her honor, on behalf of the County Public Works Department, who worked very hard, to give the good news to Miami Springs. The project consists of thirty-six street lights.
3B)	Certificate of Appreciation	Mayor Xavier Garcia presented a Certificate of Appreciation to former Mayor Billy Bain for his eight years of service to the City from April 2003 until April 2011. He thanked Mayor Bain for his service.

3B) Certificate of Appreciation (Cont.) Councilman Lob, on behalf of the City Council, presented former Mayor Bain with a leather jacket with the American Flag and City Seal for his service.

3C) Certificate of Appreciation Chief of Police Peter Baan presented a Certificate of Appreciation to Lt. Michael Cole for his thirty-one years of dedicated service to the City in the Police Department.

Sergeant Claire Gurney presented Lt. Cole with a gift card on behalf of the Fraternal Order of Police.

On behalf of the Administration, City Manager Borgmann also presented him with a commemorative clock and wished him the best in his retirement.

4. Open Forum:

Illegal Apartments

Chuck Adams of 101 Palmetto Drive stated that he was happy to see that a citizen found a way to help the City Code Enforcement crack down on an illegal apartment. It is unfortunate that the complaint had to be made to the federal government and it cannot be enforced by the City. He added that there was a case where someone had filed for two homestead exemptions. Because the Code Compliance Officers live and work in the community it is very sensitive for them to tell their relatives or neighbors that they cannot convert their home and collect thousands of dollars of illegal rental income. He referred to another case of an illegal apartment in a garage at a house where there was an incident with a dog. It is not fair to burden the citizens who are legally paying their taxes and garbage fees and perhaps the Code Compliance officers should live outside the City.

5. **Approval of Council Minutes** *(Simultaneously approved)*

5A) 04/11/2011 Special Meeting Minutes of the April 11, 2011 Special Meeting were **approved as written**.
Motion: Councilman Lob
Second: Vice Mayor Best
Vote: 5-0

5B) 04/12/2011 Regular Meeting Minutes of the April 12, 2011 Regular Meeting were **approved as written**.
Motion: Councilman Lob
Second: Vice Mayor Best
Vote: 5-0

6. **Reports from Boards & Commissions**

6A) Architectural Review Board Minutes of the April 6, 2011 Architectural Review Board meeting were received for information without comment.

6B) Golf and Country Club Advisory Board Cancellation Notice of the April 13, 2011 Golf and Country Club Advisory Board meeting was received for information without comment.

City Attorney Seiden stated that he was copied on an e-mail. Larry Butler was asking what Council was going to do about the recommendation of the Memorial Committee concerning his mother Thelma.

Council indicated it was their intent to consider both issues for Thelma Butler and Amanda Haworth at the same time.

7. **Public Hearings:**

Board of Appeals meeting called to order at 7:20 p.m.
Council meeting reconvened at 7:38 p.m.

7. **Public Hearings:**

7A) Second Reading:
Ordinance No. 1015-2011

On second reading, Council **adopted** an ordinance amending §150-028, Architectural and Design Regulations; by amending Subsection (F), Architectural and Design Guidelines, to provide for a new color palette for all commercial development, redevelopment, renovation and restoration projects in the City, except for the Northwest 36th Street District.
Motion: Councilman Lob
Second: Councilman Espino
Vote: 5-0

7B) Second Reading:
Ordinance No. 1016-2011

On second reading, Council **adopted** an ordinance amending §150-028, Architectural and Design Regulations; by amending Subsection (F), Architectural and Design Guidelines, to provide for a new color palette for the Northwest 36th Street District of the City.
Motion: Councilman Lob
Second: Councilman Espino
Vote: 5-0

8. **Consent Agenda:**

8A) Purchase of Fireworks

Council **awarded** the purchase of fireworks to Firepower Displays Unlimited, LLC, in the amount of \$15,000, utilizing the City of Homestead contract # 10-PR-020 as provided in Section 31-11 (E) (5) of the City Code.
Motion: Councilwoman Ator
Second: Vice Mayor Best
Vote: 5-0

9. **Old Business:**

9A) Appointments to Advisory Boards Councilwoman Ator (Group IV) **confirmed** the **appointment** of Trina Aguila to the Ecology Board for an unexpired term ending on April 30, 2013.

Councilman Lob (Group III) **re-appointed** Irene Priess to the Board of Parks and Parkways for a full 3-year term expiring on April 30, 2014.

Councilwoman Ator (Group IV) **confirmed** the **appointment** of Manuel Pérez-Vichot to the Board of Adjustment/Zoning and Planning Board for a full 3-year term ending on April 30, 2014.

Councilwoman Ator (Group IV) **confirmed** the **appointment** of Jean Ansbaugh to the Board of Parks and Parkways for a full 3-year term ending on April 25, 2014.

9B) Golf Related Items:

9B1) Summer Fees and Charges Recommendation

Council **approved** a recommendation for the Golf Course summer rates, the same as last year, with the exception of adding a super twilight rate beginning at 4:00 p.m.

Motion: Councilwoman Ator

Second: Vice Mayor Best

Vote: 5-0

9B2) Consultant Agreement:
Scott Jones

Council **directed** the Administration to execute a Golf Professional Consultant Agreement with Scott Jones to provide professional golf lessons and instructions to the public at the Golf Course.

Motion: Vice Mayor Best

Second: Councilwoman Ator

Vote: 5-0

- 9B3) Agreement with Roger Piermarini Item **tabled by** the Administration.
- 9C) Airport Golf District Boundary Regulations and Design Guidelines Council **approved** Work Order No. 7 in the amount of \$21,846.00 for professional planning services to create the district boundary regulations and design guidelines for the new Airport Golf Zoning District.
Motion: Councilman Espino
Second: Vice Mayor Best
Vote: 5-0
- 9D) Status of Annexation Application Council **received** information that the County deferred the City's annexation application indefinitely.
- 9E) Code Compliance/Building Staffing Council **directed** the Administration to fill an open unfunded Code Compliance position with two part-time code compliance officers to focus primarily on commercial properties.
Motion: Vice Mayor Best
Second: Councilman Lob
Vote: 5-0
- Council **approved** a recommendation to fill an open unfunded Building Specialist position for the remainder of the Fiscal Year.
Motion: Vice Mayor Best
Second: Councilwoman Ator
Vote: 5-0
- 9F) Youth Advisory Board Council **directed** the City Attorney to draft a resolution establishing a Youth Advisory Board consisting of seven members, fifth grade or higher, who are Miami Springs residents, chosen by the schools (Miami Springs Senior High School, Miami Springs Middle School, Miami Springs Elementary School, Springview Elementary School, All Angels Academy, Blessed Trinity Catholic School and Seventh Day Adventist School) and ratified by Council, that will meet quarterly and serve 1-year terms.

5-minute recess

9G) Charter Amendment Petitions Council **directed** the City Attorney to send a letter to the County Attorney, with a copy to the Miami-Dade County Supervisor of Elections asking for an explanation about the 26 petitions that do not meet requirements 2 through 5.

10. New Business:

10A) Chapter 33 – Code of Ordinances Council **discussed** this item. To be re-scheduled for the June 13, 2011 Regular Meeting after Council has an opportunity to go over “The Conflict of Interest and Code of Ethics Ordinance” brochure.

10B) Resolution No. 2011-3512 Council **adopted** a resolution providing for the third amendment to the FY 2010-2011 General Fund and Special Revenue and Capital Projects Fund budgets; by increasing General Fund revenues from unappropriated reserves to cover authorized and approved General Fund expenditures; by increasing the Law Enforcement Trust Fund budget from Law Enforcement Trust funds to cover the costs of training certification for two new officers; providing intent; specifying compliance with accepted budgetary processes and procedures.
Motion: Vice Mayor Best
Second: Councilwoman Ator
Vote: 5-0

10C) First Reading: Ord. # 1017-2011 On first reading, Council **approved, as amended**, an ordinance amending Code of Ordinance Section 150-046, Home/Business Occupational Use, establishing conditions of eligibility; specifying operators; permitting limited signage, storage and parking.
Motion: Vice Mayor Best
Second: Councilman Lob
Vice Mayor Best: “aye”
Councilman Espino: “aye”
Councilman Lob: “aye”
Councilwoman Ator: “abstained”
Mayor Garcia: “aye”
Vote: 4-0

10D) Florida League of Cities Conference Ad Item **tabled** for the next meeting.

11. Other Business:

11A) 2nd Quarter Budget Status Report Finance Director Alonso presented the FY 2010-2011 second quarter budget status report based on revenues received and appropriations expended through March 31, 2011.

12. Reports & Recommendations:

12A) City Attorney

Notice of Voluntary Dismissal –
 Petition for Writ of Mandamus:
 Westward Dr. Charter Amendment

Attorney Seiden stated that he received a Notice of Voluntary Dismissal of the Petition for Writ of Mandamus that is now officially closed.

Architectural Review Board

Attorney Seiden requested and obtained authorization from Council to discuss development review procedures with the Architectural Review members, as requested by the Board.

12B)

City Manager

Dog Park

City Manager Borgmann stated that the Dog Park will be closed until Friday afternoon for the installation of the new water fountain for the dogs.

The Wrecking Crew Movie

City Manager Borgmann commented that the Wrecking Crew movie was very well received by those that attended.

Civics Week

City Manager Borgmann reminded everyone that Civics Week starts tomorrow with Miami Springs Elementary beginning at 9:45 a.m. in the Council Chambers. Department Heads will give brief overviews of their departments and the children will be taken in the bus to either the Community Center or the historic sites in the City. Council is invited to attend any day if they want to speak.

Painting on Westward Drive

City Manager Borgmann said that the building down the street on Westward Drive that was shown in the code violations is being painted.

Arbor Day

City Manager Borgmann reminded Council that Arbor Day will be celebrated on Thursday, April 28th at 10:00 a.m. at the George Washington Park in front of the library.

Prescription Drug Turn-in

City Manager Borgmann said that the Police Department is sponsoring a prescription drug turn-in for unwanted or expired medications on Saturday, April 30th from 10:00 a.m. to 2:00 p.m.

Mother/Son Date Night

City Manager Borgmann announced that the Mother/Son Date Night would be held on Saturday, May 7th at the Optimist Club.

12B) Hialeah-Miami Springs Rotary
Golf Tournament

City Manager Borgmann stated that the Hialeah-Miami Springs Rotary Club will hold their golf tournament on Saturday, April 30th. Anyone interested can call Bob Schwinger or Dr. Tom Campbell for more information.

North Royal Poinciana
Lane Closure

City Manager Borgmann reported that from May 6th through May 20th at the intersection at Crane and North Royal Poinciana Boulevard there will be underground repairs.

City Manager's Retirement

City Manager Borgmann read a letter announcing his retirement effective on January 2, 2012.

12C) **City Council**

Happy Easter

Councilwoman Ator wished everyone a happy Easter and Passover.

Invitation

Councilwoman Ator announced that she received a lovely invitation to Laced with Charm Boutique's grand opening on Friday, April 29th at 6:30 p.m.

Pizza Restaurant

Councilwoman Ator mentioned that the new pizza restaurant on North Royal Poinciana opened recently and she has heard many good things about it.

Out of Town

Councilwoman Ator announced that she will be out of town and unavailable the first week of May. She will handle her correspondence when she returns.

Happy Easter

Councilman Espino wished everyone a happy Easter and Passover.

Read to the Kids

Councilman Espino reported that he had the pleasure of reading to a group of kids from the Baptist Church pre-school during National Library Week in the newly renovated library.

- 12C) CMI Meeting Councilman Espino stated that CMI recently met and work is proceeding at the Curtiss Mansion.
- Relay for Life Councilman Espino announced that Relay for Life held their wrap-up party for the season at the Optimist Club. The Relay for Life Committee thanks the Optimist Club for their generosity. There were more than 100 people in attendance and they are already geared up for next season. His wife will be serving as Chairwoman for the second year.
- Strategic Planning Retreat Councilman Espino said that he had previously mentioned holding a strategic planning meeting or retreat and conducted some research for information. He explained that it would be a general planning session meeting and he is proposing for Council to develop a series of topics, a date and meeting location outside of City Hall. Committees would discuss various topics in a broad scope planning capacity in order to have equal representation. The meeting would be open to the public, noticed and recorded. This would allow discussion in greater volume and marshal together with the help of Staff, the Administration and the residents to come up with either detailed or loose plans. He is asking Council to consider this as an agenda item for the next agenda.
- City Manager's Resignation Councilman Lob referred to the Manager's resignation, thanking him for his years of service and giving him credit for turning the City's financial situation around.
- Pizza Restaurant Councilman Lob stated that the pizza at the new restaurant is good and he highly recommends the restaurant.

12C) City Manager's Resignation

Vice Mayor Best referred to the City Manager's resignation letter. He said that the City Manager is resigning with class, offering to go through another budget session and not leaving until the first of the year. He thanked him for everything he has accomplished.

Ludlam Paving

Vice Mayor Best said that the Ludlam re-paving job is very good.

Vice Mayor Best wrote a letter to the County regarding East Drive between La Baron and 36th Street and they came back and did the work over and it seems to be in order.

Commissioner Sosa

Councilman Lob thanked Commissioner Sosa for all she has done for the City. He really appreciates her help with the lighting project on N. W. 36th Street that is going to look great.

City Manager's Resignation

Mayor Garcia referred to the City Manager's resignation. He is sure that he will be enjoying his life outside of government and politics. He thanked him for his professionalism.

Mayor Garcia will call upon the City Attorney to let Council know the correct process for replacing the City Manager to ensure due diligence and to put the right person in his place. He credited the Assistant City Manager for his qualifications, but wants the public to know that Council will perform due diligence.

City Attorney Jan K. Seiden said that he visited the Human Resources Director in the hospital, she is doing much better and will be able to give Council the answers they want when she returns.

12C) City Manager's Resignation (Cont.) Councilman Espino expressed his discomfort about waiting until January. He wants to begin the search to fill the position as soon as possible. Since the Assistant City Manager seems to be a potential candidate for the job, he wants to facilitate a transparent search without conflict.

City Attorney Jan K. Seiden said that Council would have to determine the scope of the search. The State of Florida might be enough, but there are also national searches. He will get the information from Human Resources when the Director returns.

Commissioner Sosa

Mayor Garcia thanked Commissioner Sosa for her help with the lighting project. He said that it was a coordinated effort based on telephone calls that Council received from residents and business owners that were concerned about the placement of the light poles in the N. W. 36th Street area. He likes the fact that the residents reached out to Council and they called the necessary elected officials.

Easter Egg Hunt

Mayor Garcia said that he attended the Easter Egg Hunt and he can tell that the City is becoming a popular destination for the holiday celebrations. He has confidence in Staff that they will take appropriate measures to curtail the amount of people that attend. The attendance has a lot to do with the fact that the River Cities Gazette is posted on miamiherald.com and it is a matter of proper management and details. His kids had a great time and he credited Programs Supervisor Patti Bradley and Parks and Recreation Director Omar Luna for a good job.

Career Day

Mayor Garcia will be speaking to the students at Springview Elementary School on Wednesday, April 27th. He would like to attend the various Civic Week events if the information is provided to the City Clerk.

12C) Read to the Kids

Mayor Garcia read to the kids from the Kid's Kollege and had a great time at the Library.

13. **Adjourn**

Meeting adjourned at 10:32 p.m.