



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, May 12, 2003, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Eric Elza
Councilman Jim Caudle
Councilman Peter Pacheco
Councilman Rob Youngs*

*Arrived at 7:33 p.m.

Also Present:

City Manager Maria V. Davis
Asst. City Manager/Bldg. Official Michael A. Sprovero
City Attorney Jan K. Seiden
Finance Director Charles G. Marshall
City Planner Richard E. Ventura
Public Services Director Denise Yoezle
Elderly Services Director Karen Rosson
Parks & Recreation Director Alan Ricke
Police Chief H. Randall Dilling
Police Lieutenant Ralph Rodriguez
Downtown Administrator Octavien A. Spanner
City Clerk Magalí Valls

2. Invocation: Councilman Pacheco offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Proclamation – “Public Works Week”

Mayor Bain proclaimed the week of May 18-24 to be "Public Works Week" and presented a proclamation to Public Services Director Denise Yoezle.

3B) Proclamation – "Honor the Troops Day"

Mayor Bain proclaimed May 18, 2003 to be "Honor the Troops Day".

4. Open Forum:

Public Comment

Michael Gavila of 684 Morningside Drive asked Council to consider limiting comments from the public under Open Forum to five minutes.

City Manager

Eneida Michelson of 140 Whitethorn Drive applauded the work of City Manager Maria V. Davis and for bringing the City to the point where it is growing, prospering and it is well managed.

Bruce Carter Memorial

Betty Du Bois of 1025 Hunting Lodge Drive stated that she presented information regarding Bruce Carter to the Memorial Committee at their meeting of May 7, 2003, when the request for his memorial was denied because he lived in Virginia Gardens.

Ms. DuBois informed Council that she had called the State Commander of the American Legion and they offered to donate \$250.00 for a memorial to recognize Bruce Carter who lost his life in the Vietnam conflict.

Vice Mayor Elza said that Bruce Carter was awarded the Congressional Medal of Honor and Council should address the request for a memorial.

Attorney Seiden suggested that Council could address the request later on in the evening under the agenda item referring to the Memorial Committee.

Storm Shutters

Lillian Mc Naboe of 149 Fern Way read a letter concerning roll down shutters from her neighbor, Helen Brown, who was out of town. Ms. Brown is of the opinion that the shutters not only protect the windows during hurricane season, but they also serve as a means of security.

Storm Shutters

Henry Flowers of 180 Navajo Street asked Council to re-address the ordinance related to shutters.

Mayor Bain stated that the shutter ordinance would be discussed later in the evening.

Construction Signs

Henry Flowers of 180 Navajo Street pointed out that it has been more than a month since the election and the construction signs for revitalization projects still have the names of the former Mayor and Council members.

Golf and Country Club

Henry Flowers of 180 Navajo Street asked if the problem with the credit cards and tips was resolved at the Golf and Country Club. He felt that the problem should have been corrected before mistakes were made.

Mayor Bain stated that three people have told him that the problem has not yet been corrected.

City Manager Maria V. Davis emphasized that the problem has been corrected.

Downtown Revitalization

Henry Flowers of 180 Navajo Street expressed his opposition to the Downtown Revitalization plans that were presented and approved by the previous Council. He felt the new Council should remove the Downtown Revitalization signs and re-address the issue before spending any more money.

City Manager

Henry Flowers of 180 Navajo Street asked Council to fire City Manager Maria V. Davis to have a fresh start.

Ficus Hedges

Lee Culver of 556 De Soto Drive expressed concern about the planting of Ficus shrubs because of the potential for damage. Mr. Culver said that the Public Services Department informed him that it is legal to plant Ficus shrubs, as long as they are maintained at a height of five feet. He also called the Code Enforcement Department and he was informed that property owners can grow hedges extending from the house to the rear of the property with no height limit. He said this is a problem that should be addressed.

Assistant City Manager/Building Official Michael A. Sprovero informed Council that the 6' height restriction on hedges in the rear and side yard was removed from the Code, and the front yard restriction remains at 42-inches.

City Manager

Erik Michelson of 640 Morningside Drive was of the opinion that Council should not fire City Manager Maria V. Davis because she is the most productive and competent City Manager he has seen.

Stop Sign at the Intersection of Morningside and Palmetto

Erik Michelson of 640 Morningside Drive said that a 4-way stop sign is needed at the intersection of Morningside and Palmetto Drive because there have been numerous accidents due to vehicles speeding and running the stop sign.

City Manager Maria V. Davis stated that she would have the Police Department investigate the accident statistics and contact Miami-Dade County regarding the installation of a 4-way stop sign.

Ficus Hedges

Vice Mayor Elza suggested that the Code Review Board could consider limiting the height of Ficus hedges.

Leo Culver asked what would happen with the existing Ficus hedges, and City Manager Maria V. Davis suggested that existing Ficus hedges could be limited to a certain height, and new plantings could be prohibited.

Council assented to send the matter to the Code Review Board.

Financial Concerns

Noel Pereda of 111 Chippewa Street congratulated the newly elected officials.

Mr. Pereda was concerned about the financial condition of the City and the City Manager’s purchasing authority. He urged Council to stand firm behind the campaign promises that were made with regard to accountability, and to make the best decisions for the community.

Charter Amendments

Owen Gay of 81 Morningside Drive was present to open discussion on three suggested amendments to the City of Miami Springs Charter involving the Golf Course, Westward Drive, and the Circle. He said that on behalf of many citizens of the community, he was asking Council to schedule an agenda item at a Regular Meeting, or to convene a Special Meeting to entertain public opinion and discussion of the following three amendments to the Charter:

Golf Course Amendment: Any sale of the City of Miami Springs Golf Course property, consisting of 183.60 gross, and 182.27 net acres, as described in the entitled “Boundary Survey of Miami Springs Golf Course for City of Miami”, survey number 89-05-69, prepared by Manuel G. Vera and Associates,

Inc, Engineers, Land Surveyors, Planners, at 5201 N. W. 74th Avenue, Miami, Florida 33166, with a last revision date of 10/7/1997, and of record with the City of Miami Springs, shall be subject to a public vote requiring the approval of a majority of the Miami Springs electorate, prior to any sale.

Westward Drive Amendment: Any modifications to Westward Drive, which would in any way alter the existing traffic, parking, and/or sidewalk configurations within the existing legal right of way of Westward Drive, shall first be subject to a public vote requiring an approval of a majority of the Miami Springs electorate. Replacement or general maintenance of existing street, sidewalk, curb and gutter, or repair of existing general infrastructure, shall not be affected by the conditions of this amendment.

Curtiss Parkway Circle Amendment: The City of Miami Springs, or its officials, shall not approve and/or implement, any modifications to the Curtiss Parkway Circle, which would in any way alter the existing traffic, parking, and/or sidewalk configurations, within the existing legal right of way of the Circle, without the approval of a majority of the Miami Springs electorate. Replacement or general maintenance of existing street, sidewalk, curb and gutter, or repair of existing general infrastructure, shall not be affected by the conditions of this amendment.

Mr. Gay said that he is not implying that these three amendments are a final draft, but he is asking to retain the basic substance and intent of the three amendments. He asked the City Council to offer direction to the City Attorney to make the necessary revisions or additions to bring the suggested amendments into conformance with legal requirements using concise language.

Mr. Gay suggested that Council should convene a Special Meeting to address these amendments because there would be many citizens wanting to offer their opinion. He asked Council to confirm the specific date for discussion of the amendments and to offer direction to the City Attorney to review the amendments for possible additions or revisions.

Councilman Pacheco said that during his campaign for the run-off election he supported the three Charter amendments. He would like the City Attorney to review the amendments, and to schedule a Special Meeting dedicated to the proposed amendments.

City Attorney Jan K. Seiden said that he must have Council's direction and until there is a consensus through discussion from Council, as to what in fact they would like changed, it may be difficult to anticipate what should be done. He said the amendments must be put into the proper format, and the general theory or intent is there, but he would need direction from the majority of Council as to what they want in regard to each one of the amendments.

Attorney Seiden offered to review the amendments and discuss his suggestions for corrections with Council, if there were direction and a consensus that Council would want to place these items within a resolution. He said the process would be for Council to discuss the amendments, prepare a resolution calling for the election, and to put the question in a format that is acceptable for ballot.

Vice Mayor Elza agreed with Attorney Seiden. He also agreed with the idea of scheduling a Special meeting as suggested, or the amendments could be discussed first at a Regular meeting.

Attorney Seiden stated that holding a Special meeting would be appropriate because discussion of the proposed amendments would take a long time, and there would be a lot of public comment.

Vice Mayor Elza moved to instruct the City Manager to schedule a Special Meeting to discuss the three Charter amendments. Councilman Pacheco seconded the motion.

In discussion, Councilman Pacheco suggested it would be appropriate to hold the meeting at a different location that would accommodate a large number of people.

Mayor Bain suggested scheduling a Special meeting in the first part of June at the Miami Springs Golf and Country Club.

On roll call the motion carried 4-0 (Councilman Youngs was absent at roll call).

City Manager

Bob Calvert of 101 South Drive said that City Manager Maria V. Davis is a valuable asset to the City.

Golf Course

Bob Calvert of 101 South Drive referred to the deed restrictions imposed by the City of Miami on the Golf Course. He said they must approve any changes that are made to the use of the Golf Course.

City Attorney Jan K. Seiden clarified that there are restrictions imposed, and he would be glad to discuss this matter at the appropriate time.

Town Hall Meeting

Bob Calvert of 101 South Drive said that he would be out of town for the May 15, 2003 Town Hall meeting on the Le Jeune Road Flyover and he has questions he would like to have answered.

Vice Mayor Elza suggested that Mr. Calvert contact City Manager Maria V. Davis and she would make sure that he receives answers to his questions.

(*Councilman Youngs arrived at this time: 7:33 p.m.)

5. Approval of Council Minutes:

None.

6. Reports from Boards & Commissions:

6A) 10/31/2002 – General Employees Retirement System – Minutes

Minutes of the October 31, 2002 General Employees Retirement System meeting were received for

information without comment.

6B) 10/31/2002 – Police and Firefighters Retirement System – Minutes

Minutes of the October 31, 2002 Police and Firefighters Retirement System meeting were received for information without comment.

6C) 01/30/2003 – General Employees Retirement System – Minutes

Minutes of the January 30, 2003 General Employees Retirement System meeting were received for information without comment.

6D) 01/30/2003 – Police and Firefighters Retirement System – Minutes

Minutes of the January 30, 2003 Police and Firefighters Retirement System meeting were received for information without comment.

6E) 03/19/2003 – Police and Firefighters Retirement System – Minutes

Minutes of the March 19, 2003 Police and Firefighters Retirement System were received for information without comment.

6F) 04/22/2003 – Code Enforcement Board – Minutes

Minutes of the April 22, 2003 Code Enforcement Board meeting were received for information without comment.

6G) 04/30/2003 – Board of Appeals – Cancellation Notice

Cancellation Notice of the April 30, 2003 Board of Appeals meeting was received for information without comment.

6H) 05/07/2003 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the Zoning and Planning Board meeting was received for information without comment.

6I) 05/07/2003 – Board of Adjustment – Approval of Actions Taken at their Meeting of May 7, 2003

Vice Mayor Elza referred to Case No. 19-V-03 and asked why the applicant is the 7th Day Adventist and not the tenant.

Attorney Seiden clarified that the 7th Day Adventist is the owner of the property and the lessee is the Tai Restaurant. He explained that the restaurant ownership changed from one corporation to another and the City Code requires approval for liquor licenses in cases of change of ownership or use.

Vice Mayor Elza moved to approve the actions of the Board of Adjustment, subject to the ten-day appeal period. Councilman Pacheco seconded the motion, which carried unanimously on roll call vote.

7. Public Hearings:

7A) Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150.113, Review of Zoning and Planning Board and Board of Adjustment Decisions by City Council; Appeal Procedures of Board Decisions; By Modifying the Notice Requirements for Board of Appeals Meetings; Providing for the Issuance of an Order for all Board of Appeals Actions; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (Requested by City Attorney Jan K. Seiden) (First Reading: 4/28/2003 – Advertised: 5/1/2003)

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

Attorney Seiden stated that this is the second reading of the ordinance and no changes were made since the first reading. He explained that the ordinance codifies the requirements of case law that the City must give notice for all Board of Appeals hearings. Attorney Seiden said that in the future, the City Clerk would advertise a public hearing for all Board of Appeals meetings, not for public comment, but to allow the public to attend and listen to what is going on in regard to that matter.

Attorney Seiden said that in the past, the Board relied on the minutes of the meeting to provide the decision and case law requires the minutes and an actual order that is entered by the Board and signed by the presiding officer.

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

Councilman Caudle moved to approve the ordinance on second reading. Councilman Pacheco seconded the motion, which carried unanimously on roll call vote (Ordinance No. 897-2003).

8. Consent Agenda:

(Agenda Items 8A through 8C were approved simultaneously. Item 8D was removed from the Consent Agenda at the request of Mayor Bain)

8A) Notification to Council that Change Order # 1 to Purchase Order No. 030314 in the Amount of \$8,000.00 has been Issued to Sal Annese (Requested by Assistant City Manager/Building Official Michael A. Sprovero)

There was no discussion regarding this item.

Vice Mayor Elza moved to approve and Councilman Youngs offered the second. On roll call the motion was unanimously carried.

8B) Request Authorization to Apply for a Homeland Security Overtime Program Matching Grant (Requested by Police Chief H. Randall Dilling)

There was no discussion regarding this item.

Vice Mayor Elza moved to approve and Councilman Youngs offered the second. On roll call the motion was unanimously carried.

8C) Approval of the City Attorney's Invoice for April 2003 (Requested by City Attorney Jan K. Seiden)

There was no discussion regarding this item.

Vice Mayor Elza moved to approve and Councilman Youngs offered the second. On roll call the motion was unanimously carried.

8D) Notification of Change Order # 1 to Purchase Order # 30758 to Florida International University in the Amount of \$4,000

Mayor Bain commented that \$100,000 is included in the budget for revitalization. He said that Florida International University was paid \$20,000, and Downtown Administrator Octavien Spanner receives \$80,000. The Mayor asked if this expenditure would exceed the Downtown Revitalization budget.

City Manager Maria V. Davis stated that the Non-departmental account in the General Fund has discretionary funds, and the \$20,000 was taken out of the contingency, not revitalization.

Vice Mayor Elza asked what was the date when the \$20,000 was taken out of contingency.

Ms. Davis could not recall the exact date, but she offered to find out and provide that information for Council.

Mayor Bain said that only \$100,000 was dedicated in the budget for Downtown.

Ms. Davis agreed that Mayor Bain was correct, but this is not a Downtown project. She said that the former City Council approved this project with funding from contingency funds, and \$4,000.00 coming from the Non-departmental account.

Mayor Bain asked what services are being provided to the City.

Ms. Davis explained that this is an economic feasibility study of the N. W. 36th Street Corridor and a meeting would be scheduled this week with Council individually to review the study. As part of the

study, she felt visual renderings would be beneficial to show what is proposed for the economic feasibility study.

Vice Mayor Elza said that in the future, the City Manager should list the accounts that projects are funded from, and if this is a redevelopment item, Council should know what accounts are being charged.

Mayor Bain requested the Administration to provide more information in the future.

Attorney Seiden suggested that City Manager Maria V. Davis should have a public meeting with Council to review the N. W. 36th Street Corridor study, rather than scheduling individual meetings.

Councilman Caudle stated that N. W. 36th Street is an area that could support the City's tax base and it would allow the City to back off Westward Drive.

Councilman Pacheco moved to approve the change order and Councilman Caudle seconded the motion. On roll call vote the motion carried 3-2 with Vice Mayor Elza and Mayor Bain casting the dissenting votes.

9. Old Business:

9A) Appointment to the Board of Adjustment by Mayor Bain, for a 3-year Term Ending on April 30, 2006 (Requested by City Clerk Magalí Valls)

Mayor Bain **re-appointed** Francisco Fernandez to the Board of Adjustment for a 3-year term ending on April 30, 2006.

9B) Appointment to the Code Review Board by Mayor Bain, for a 3-year Term Ending on April 30, 2006 (Requested by City Clerk Magalí Valls)

Mayor Bain **re-appointed** Connie Kostyra to the Code Review Board for a 3-year term ending on April 30, 2006.

9C) Appointment to the Ecology Board by Mayor Bain, for a 3-year Term Ending on April 30, 2006 (Requested by City Clerk Magalí Valls)

Mayor Bain **re-appointed** Joe Podgor to the Ecology Board for a 3-year Term ending on April 30, 2006.

9D) Appointment to the Ecology Board by Vice Mayor Elza (Group I), for a 3-year Term Ending on April 30, 2006 (Requested by City Clerk Magalí Valls)

Vice Mayor Elza (Group I) **deferred** his appointment to the Ecology Board.

9E) Appointment to the Historic Preservation Board by Vice Mayor Elza (Group I), for a 3-year Term Ending on February 28, 2006 (Requested by City Clerk Magalí Valls)

Vice Mayor Elza (Group I) **deferred** his appointment to the Historic Preservation Board.

9F) Appointment to the Board of Parks and Parkways by Mayor Bain, for a 3-year term Ending on April 30, 2006 (Requested by City Clerk Magalí Valls)

Mayor Bain **re-appointed** Eric Richey to the Board of Parks and Parkways for a 3-year term ending on April 30, 2006.

9G) Appointment to the Board of Parks and Parkways by Vice Mayor Elza (Group I), for a 3-year Term Ending on April 30, 2006 (Requested by City Clerk Magalí Valls)

Vice Mayor Elza (Group I) **appointed** Marie Mascaro to the Board of Parks and Parkways for a 3-year term ending on April 30, 2006.

9H) Appointment to the Board of Parks and Parkways by Councilman Caudle (Group II) for a 3-year Term Ending on April 30, 2006 (Requested by City Clerk Magalí Valls)

Councilman Caudle (Group II) **deferred** his appointment to the Board of Parks and Parkways.

(Agenda Item 9I was discussed after 9R)

9I) Appointment to the Recreation Commission by Vice Mayor Elza (Group I), for a 3-year Term Ending on April 30, 2006 (Requested by City Clerk Magalí Valls)

Vice Mayor Elza (Group I) **appointed** John Shapiro to the Recreation Commission for a 3-year term ending on April 30, 2006.

9J) Appointment to the Recreation Commission by Councilman Pacheco (Group III), for a 3-year Term Ending on April 30, 2006 (Requested by City Clerk Magalí Valls)

Councilman Pacheco (Group III) **appointed** Clark Rinehart to the Recreation Commission for a 3-year term ending on April 30, 2006.

9K) Council Liaison Appointments to Advisory Boards (Requested by City Clerk Magalí Valls)

Mayor Bain asked if Council would like to change their liaison positions or leave them as they are.

Vice Mayor Elza said that he would like to make new selections because some Council members have different interests. His feeling is that Councilman Youngs and Councilman Caudle should be allowed to keep one appointment and he and Councilman Pacheco should choose one, and then everyone could choose a second appointment.

Councilman Caudle explained that he is the liaison to the Board of Parks and Parkways and the Recreation Commission. He would like to continue as liaison to the Recreation Commission since he

has forty-years experience in the recreation field.

Attorney Seiden advised Council that the appointments are generally made by agreement.

Vice Mayor Elza stated that he would like to be involved with the Education Advisory Board.

Councilman Pacheco also expressed an interest in the Education Advisory Board. He added that Councilman Youngs would be an appropriate liaison to that board because he was involved with the Elemiddle School issue prior to being elected to Council.

Councilman Youngs explained that he would work concerning the education issues regardless of whether or not he is appointed as the liaison to the Education Advisory Board.

Council agreed on the following liaison appointments to the advisory boards:

Board of Adjustment	Group IV	Rob Youngs
Civil Service Board	Group III	Peter Pacheco
Code Enforcement Board	Group III	Peter Pacheco
Code Review Board	Group IV	Rob Youngs
Ecology Board	Group I	Eric Elza
Education Advisory Board	Group I	Eric Elza
Golf and Country Club Advisory Board	None	N/A
Historic Preservation Board	Group IV	Rob Youngs
Board of Parks and Parkways	Group II	Jim Caudle
Recreation Commission	Group II	Jim Caudle

(Agenda Item 9L was discussed after 9R)

9L) Appointment to the Code Enforcement Board by Vice Mayor Elza (Group I) for an Unexpired Term Ending on September 30, 2003 (Requested by City Clerk Magalí Valls)

Vice Mayor Elza (Group I) appointed Leah Orr to the Code Enforcement Board for an unexpired term ending on September 30, 2003.

9M) Appointment to the Golf and Country Club Advisory Board by Vice Mayor Elza (Group I) for an Unexpired Term Ending on July 31, 2003 (Requested by City Clerk Magalí Valls)

Vice Mayor Elza (Group I) **deferred** his appointment to the Golf and Country Club Advisory Board.

9N) Appointment to the Historic Preservation Board by Councilman Pacheco (Group III) for a Full 3-year Term Ending on February 28, 2006 (Requested by City Clerk Magalí Valls)

Councilman Pacheco (Group III) **appointed** Suzanne Conlon Wolar to the Historic Preservation Board for a 3-year term ending on February 28, 2006.

Vice Mayor Elza pointed out that the Golf and Country Club Advisory Board had not met in a couple of years and he is of the opinion that, if they are not going to meet, the board should be dissolved.

However, if Council feels that the board is needed, they could decide to keep it. If the board is not meeting, the members could be appointed to other boards.

Vice Mayor Elza said that Council should have a discussion about the Golf Course Advisory Board. He did not appoint someone to the board because they have not met in two years, and if the board is not active, Council should give direction do away with it. Council could also decide to direct the Board to meet.

Councilman Pacheco agreed with Vice Mayor Elza and suggested that Council should discuss the Golf and Country Club Advisory Board as an agenda item.

Mayor Bain stated that he would like to reactivate the Golf and Country Club Advisory Board.

90) Report to Council on Purchases Between \$2,500 and \$10,000 (Suggested by City Manager Maria V. Davis)

Dona Kelley of 830 Swan Avenue stated that she reviewed the list of purchase orders submitted by the City Manager, which were between \$2,500 and \$10,000. Ms. Kelley said that she prepared an analysis of how many purchase orders there were in proportion to all of the purchase orders that the City issues, and what the value was in relationship to all the other purchase orders issued by the City.

Ms. Kelley said that if a change were to be made now, it would simply add more work to the purchasing department, the City Manager and the Administration without really gaining anything. She added that the only real problem was the Country Club contract, which is a bone of contention, and it should not be the basis on which Council makes long lasting decisions. She further indicated that a change to the purchasing ordinance would affect the City business for a long time to come, and it has nothing to do with the person holding the position of City Manager.

Ms. Kelley said that the issue relates to procedures, and if Council does not like what the Manager is doing, they can do something about it. She likes what the Manager is doing in her neighborhood, the City looks better than it ever has before, and it is not right to hamstring people with nickels and dimes.

Ms. Kelley has attended Council meetings for more than three years, and the City Manager has never done anything other than what the City Council instructed her to do. She felt that City Manager Maria V. Davis should not be held responsible for the actions of former Council members and instead, Council must look at her performance, see that she is acting in a professional manner, and she always provides a response when one goes to City Hall. She is sure that when Council gives Ms. Davis directions, she will follow them, and she has looked at all the financial reports and cannot see any expenses that were not authorized by Council.

Ms. Kelley urged Council to think about the future of the City, not based on one or two current controversies. She said that City Manager Maria V. Davis is a professional who is working to make the City look better than ever and everyone agrees the City looks wonderful.

City Manager Maria V. Davis suggested addressing the item regarding the Joyce La Fray issue, along with Councilman Youngs, because of the amount of controversy that it created, and she felt that she

needed to clear the air.

Ms. Davis said that in November 2002, Golf Course Manager Dan Bradley came to her office and advised her that Golf revenues were down, and he would not be able to make his budget, particularly with the Food and Beverage operation. She advised Mr. Bradley to study the situation and suggest a plan or modification to the current management model that would stop the continuing losses. Ms. Davis explained that Mr. Bradley was not optimistic but he said that he would try.

Ms. Davis explained that Mr. Bradley told her that he could not think of any other management models whereby he would be able to meet the budget. She asked Mr. Bradley if he would have an issue with the City taking over the Food and Beverage operation and he cautioned her that he did not feel that anyone could make the operation functional.

Ms. Davis said that after the first meeting, she began research to find a consultant because she needed to know if Mr. Bradley's comments about the operation were accurate, and she needed professional assistance. She called several different entities and the prices were far beyond what the City could afford, and then a former Council member advised her about Joyce La Fray, who is renowned in many different areas of the food industry. Ms. Davis said that she asked Joyce La Fray for her help, and was informed that she previously offered her help to the City at no charge, but she was too busy now.

Ms. Davis explained that at the end of December, Mr. Bradley clearly told her that he could not come up with a plan, other than a hot dog stand, or limiting the operation to only catering and he did not have any viable ideas of how to modify the operation under the contract. She asked Mr. Bradley if he would agree with the City taking over the Food and Beverage Operation, if in fact it could be determined that the operation could break even. Ms. Davis said that Mr. Bradley agreed, and she hired Joyce La Fray under her purchasing authority. She said that Ms. La Fray's original contract was for a \$10,000 retainer, and upon request, she reduced the amount by \$100.00.

After a review of the Food and Beverage operation, Ms. Davis said that Ms. La Fray determined that the Food and Beverage operation could break even with the proper management. She found many opportunities for improvement, and felt that she could assist in turning the operation around. Ms. Davis said that she brought an agenda item to the City Council, with Mr. Bradley's concurrence, advising that the Food and Beverage operation could possibly break even with Ms. La Fray's recommendations.

Ms. Davis explained that the City Council budgeted a \$200,000 loss for the Golf Course for Fiscal year 2002-2003, and within three months into the fiscal year, \$120,000 was already gone, which left nine months, and the Golf Course would have exceeded the \$200,000 budgeted for this purpose. She was extremely concerned because the City did not have a fund balance to continue to subsidize the Golf Course and it was an urgent situation when she brought the matter to the City Council.

Ms. Davis said that the City Council agreed to split the operation as recommended by Joyce La Fray. She explained that when the City Council approved the splitting of the operation, she mistakenly did not issue another purchase order for Phase II of the operation. Ms. Davis said that she and Ms. La Fray traveled from Miami-Dade to Broward County to interview Chefs and Food and Beverage Managers. She kept the City Council advised during the entire process, and she failed to issue another purchase order, because she was not aware that the amount of the first purchase order had been exceeded.

Ms. Davis advised Council that she was only acting in the best interests of the City, and that she knows that she did the right thing because the Food and Beverage operation is continuing to improve. She regrets that she exceeded the first purchase order, but it was not done deliberately.

Mayor Bain commented that the paperwork shows that Joyce La Fray was hired on December 18, 2002, and the City Manager was already working with her on this date.

Ms. Davis said that in November, Mr. Bradley was very fatalistic when he told her that he could not come up with a viable plan. She added that being a very proactive person, she could not wait another month to make a move in the right direction.

Mayor Bain asked for an explanation of Phase II. He pointed out that the last check issued to Joyce La Fray was on February 27, 2003, for \$5,231.00.

Ms. Davis said that Phase I included an analysis of the operation, and a determination of whether or not Ms. La Fray felt the operation could break even. Phase II covered Ms. La Fray's assistance with the selection of a Chef, a Food and Beverage Manager, setting up an administrative structure, and revising the menu.

Mayor Bain pointed out that there were travel expenses involved because Ms. La Fray was not local. He asked why someone local was not hired to help with the situation.

Ms. Davis explained that Finance Director Charles G. Marshall checked with local consultants and they were much more expensive.

Mayor Bain requested a list of the consultants who were contacted by Mr. Marshall. He asked Councilman Caudle and Councilman Youngs if they were aware of the extra funds paid to Joyce La Fray.

Councilman Youngs stated that he was advised by telephone of the situation and participated in conversations with Ms. Davis and Dan Bradley. He explained that when Mr. Bradley did not have a plan to make the operation work, Ms. Davis advised him that she was going to hire a consultant.

To answer the Mayor's question, Councilman Youngs said that he was not aware of the cost for the consultant until the Council meeting, but he agreed with the hiring decision.

Councilman Caudle felt the same as Councilman Youngs.

Councilman Youngs added that Council and the public were all trying to figure out what should be done at that time, and he was very much in favor of hiring a consultant.

Mayor Bain wanted to know if Council was aware that the total cost of Phase I and Phase II would be \$19,000.00.

Councilman Youngs thought the Consultant's fee would be between \$5,000 and \$10,000. He explained that Joyce La Fray was asked to determine if there is a feasible management model that would break even. He said that when Council voted to make the change, they asked the City Manager to implement the new structure, which was Phase II, with the help of the consultant.

Councilman Youngs felt the City Manager's mistake was not advising Council that the contract would be approximately \$10,000, and he understands Ms. Davis has the authority to make an emergency

purchase, regardless of the amount, and she acted properly.

Councilman Youngs did not feel it was proper, that at the meeting when Council decided to make the change, Ms. Davis failed to request Council approval to ratify the contract for an amount over \$9,900.00. He stated that the City Manager should have received Council's authorization for another \$10,000.00 at that point, because Council was in favor of spending the money, and in his mind, Council would have ratified the decision.

Councilman Youngs said that some people have a bad impression that the City Manager made a secret move or has a secret connection with Joyce La Fray, and this was not the case.

Vice Mayor Elza said that the first time that Council was publicly informed of the contract was on January 13, 2003. He researched the minutes of prior meetings and could not find any reference to Joyce La Fray or the problems at the Golf Course. Vice Mayor Elza said that Mr. Bradley advised the City Manager of the situation in November 2002, and if she determined this was an emergency, Code Section 31.11 (e) is very specific in regard to emergency procurement, and all the requirements were not met. He questioned why Council did not receive notification of the emergency at the meeting of December 9, 2002.

Vice Mayor Elza would like to put the matter to rest once and for all, the City Manager made a mistake, and there is nothing Council can do about it because the bill has been paid.

Councilman Youngs would like to address the problem to make sure this mistake does not happen again.

Vice Mayor Elza does not believe the mistake was intentional, but the City Manager did not follow the general city policies. He said that everyone can be critical about the total expense, the City Manager made a mistake by violating the Code and Council must make sure that it does not happen again.

Vice Mayor Elza further added that it does not make sense to pay someone \$100.00 per hour to travel from Tampa, Florida, but this is hindsight, and Council must implement procedures to make sure this does not happen again. He would like proper checks and balances procedures by a purchasing agent, and this is something Council must consider in order to prevent the same thing from happening again.

Councilman Youngs said there was Council discussion in late November about the need for a change in the Food and Beverage model, and the City Manager realized on December 18, 2002, that she required the services of a consultant to make a decision. He said the second meeting in December was canceled, and Ms. Davis did not have the opportunity to notify Council of the emergency purchase until the first meeting in January 2003.

Councilman Youngs added that Ms. Davis met individually with each Council member to make them aware of her actions, and he personally met with Joyce La Fray during that period to get a sense of her qualifications. He said that Ms. Davis should have informed Council that it was an hourly fee, not just a \$10,000 retainer fee, and Council would have given approval for the hiring decision.

Mayor Bain stated that the City Manager holds her contractors and employees to a standard to which they must perform, and Council must hold her to the same standards. He felt that Ms. Davis should be accountable for her actions and she needs to know that she is in the same position as the rest of the employees. The Mayor said that it is very important that Council receives the proper information and is informed of the expenditures approved by the City Manager. He would like the City Manager to be straightforward and let Council know what the line items are.

Mayor Bain referred to the City Manager's report outlining all purchase orders exceeding \$2,500.00. He said that the report Ms. Davis provided was not what Council asked for.

Ms. Davis offered to reprogram the report. She said that she may have misunderstood what Council wanted, and that she was under the impression that Vice Mayor Elza requested a report of all expenditures exceeding \$2,500.00.

Vice Mayor Elza agreed that he requested a report of all expenditures over \$2,500.00.

Ms. Davis explained that the list consists of 275 purchase orders totaling \$4.6MM. Of those 275 purchase orders, 189 were issued within her authority, for a grand total of \$925,704. Council approved all the remaining 86 purchases orders exceeding the \$9,999 threshold for a grand total of \$3,735,276.

Mayor Bain pointed out that that Joyce La Fray was an exception.

Ms. Davis agreed that Mayor Bain was correct, and the purpose of the report was to show that it was an honest mistake, and not something that normally happens. She offered to provide a report of all expenditures between \$2,500.00 and \$10,000.00.

Councilman Caudle said that he knew about the \$9,900 expense for Joyce La Fray, but he was not aware the total would go to \$19,300.00. He explained the City Manager admitted making a mistake, and she assured Council that it would not happen again. Councilman Caudle hopes the \$19,300 would help to make the Golf Course break-even and in this case, it would be money well spent.

Councilman Pacheco stated that after reading the material and listening to the City Manager's explanation, he does not see an intent to try to do something wrong or sneak something by Council. He said he attended the meetings that were held during November, December and January and heard many of the same things. Councilman Pacheco agreed with Councilman Caudle that if the expense for the consultant furthers the improvement of the Food and Beverage operation, then it is money well spent.

Councilman Pacheco acknowledged that City Manager Maria V. Davis made a mistake that cannot be corrected, but it cannot happen in the future, and perhaps there is a way to have procedures in place for checks and balances. He would not want to change the entire purchasing system because of only one item.

Councilman Youngs stated that at the January 13, 2003 meeting, Council should have been advised of a dollar amount and asked to ratify the City Manager's actions. The City Manager disclosed to Council individually that a consultant had been hired on an emergency basis to help make a decision, and Council agreed. He felt that as soon as the City Manager realized that the hourly fee would go into Phase II, a second purchase order should have been issued, and that Council should have been advised. However, this was not done, and Council had the opportunity to ratify the decision for Phase II at the next meeting on the January 28, 2003.

Councilman Youngs said that if Council makes an unpopular decision, it should not be hidden. He explained that there were questions about the accounting system and the checks that were written to Joyce La Fray and any consideration of this should "come clean" and be brought to Council because the decision to hire Joyce La Fray was unpopular with former Mayor Chet Fields and Vice Mayor Elza was upset as well.

Vice Mayor Elza stated for the record that he was not upset about hiring Joyce La Fray and he only questioned the cost on January 13, 2003.

Councilman Youngs said that Council should not establish a course of dealing or allowing any exception to being forthright and defending decisions, even if they are bad decisions. In the decision to change the management model of the Rhodes Brothers to another model that was recommended by Joyce La Fray, it might in fact be a bad decision, but Council would say it was the best decision at that time.

Mayor Bain pointed out that Council did not have the opportunity to make that decision.

Councilman Youngs stated that Council made the decision on January 13, 2003 to adopt the recommendations of the City Manager to choose a different management model which carved out the Food and Beverage operation. He said the City Manager made a decision on an emergency basis to hire Joyce La Fray, and she should not be afraid to stand up for this decision, and it will be dealt with on the merits.

Ms. Davis stated that she appreciates Councilman Youngs' comments, but he used the words "come clean" and "forthright" and there is nothing for her to "come clean" on because that would mean she was hiding something and she was not hiding anything. She added that she has never been anything but forthright on the issue and it was a simple mistake.

Ms. Davis agreed with Mayor Bain that she holds contractors and staff up to a standard, and she holds herself to the same, or even greater standard.

Former Mayor J. C. "Chet" Fields of 372 Minola Drive stated that if there were an emergency situation, it would not have been difficult for the City Council to convene and make a decision in a public forum. He felt that it was a horrible mistake that this did not happen.

Vice Mayor Elza felt that Council had discussed the matter enough, and he does not believe the expenditure constituted an emergency, however, Council needs to move forward.

Attorney Seiden said that he agreed with Vice Mayor Elza that this was not an emergency. He said that although the word emergency is used, it is the wrong word to use, and the word should be urgency. Attorney Seiden felt there was a need for the City Manager to act in a timely and appropriate fashion in order to accomplish what she was trying to do. He said that everyone knew what was going on with the hiring of the consultant, and he agreed that the City Manager made an error, which was not opening a second purchase order.

Attorney Seiden explained the current ordinance provides that the City Manager has authority to hire consulting services up to the \$10,000.00 limit, but when the Phase I was over, and the Phase II began, Ms. Davis was not keeping track of the numbers. Had she been keeping track of the numbers in a more accurate manner, she would have simply opened another purchase order, notified Council, and there would be no controversy.

9P) First Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Sections 31.11(C)(1) Relating to Delegation of Purchasing Authority and Code Sections 31.11(E)(1)(2) Relating to Methods of Competitive Purchasing and Procurement; by Amending the Purchase Authorization Amount Provided in Each Section; Repealing All Ordinances of Parts of Ordinances in Conflict; Effective Date (Requested by Vice

Mayor Elza)

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

Attorney Seiden stated that at the direction of Council he revised the current purchasing ordinance to reduce the limit from \$10,000.00 to \$2,500.00.

Joe Derry of 13 South Royal Poinciana Boulevard, Apartment 11, was against reducing the City Manager's purchasing authority to \$2,500.00 because the extensive procedures of going through the bidding process would be expensive.

Mr. Derry felt the hiring of Consultant Joyce La Fray was critical to the Food and Beverage operation, her fee was reasonable, and it was absolutely necessary to take action. He said that adopting this ordinance to punish the City Manager would only be "cutting off your nose to spite your face".

Vice Mayor Elza said that his request to place this item on the agenda was not based on the hiring of Consultant Joyce La Fray, and it was based on the auditor's comments regarding the financial state of the City. He explained that this past week the City Manager has put a freeze on hiring and unnecessary expenditures.

Vice Mayor Elza commented that even though the purchasing authority is \$10,000, the Administration still gets competitive bids for items less than that amount, so it is not really true that it would slow down the process. He said the City Manager was very successful in managing the Public Works Department under the \$2,500.00 limit, however, in the transition from the previous ordinance that was passed in 1996, the City lost the checks and balances in the purchasing process.

Vice Mayor Elza spoke with the City Attorney and City Manager this week and he feels that the policy should be more explanatory regarding the purchasing agent, similar to the way it was in 1996, where it specifies the exact procedures to be followed. He would like to amend the ordinance to reinstate that part, and he would not be concerned about reducing the limit to \$2,500.00, and leaving the limit at a higher amount.

Vice Mayor Elza stated that comparing the current ordinance to the previous ordinance, it does not provide for a check and balance for the purchasing of items less than \$10,000.00. He would like to instruct the City Attorney to incorporate procedures where the purchasing agent would obtain verbal quotes for all items less than \$10,000.00.

Attorney Seiden said that Vice Mayor Elza is suggesting that a separate person secure the quotations and this could be re-inserted so that it would provide a check and balance and that the City Manager would not have total discretion. He said that with Council approval, he would redraft the ordinance for first reading at the next meeting.

Vice Mayor Elza moved to reject the ordinance on first reading and directed the City Attorney to redraft the ordinance per Council's discussion. Councilman Pacheco seconded the motion, which carried 4-1 on roll call vote, with Mayor Bain dissenting.

9Q) Presentation Relative to the Color Palette to go with the Design Guidelines for the Downtown Business Area as Recommended by the University of Miami School of Architecture (Requested by City Manager Maria V. Davis)

Downtown Administrator Octavien A. Spanner stated that a couple of months ago the City Council gave direction to the City Manager to make recommendations concerning the color palette for the Downtown façade project. He explained that this is the ideal time to adopt the color palette because the City is expected to receive funding for the façade program.

Mr. Spanner said that he contacted the University of Miami School of Architecture and they made recommendations for the color palette, which represents accent colors, as well as base colors. He explained that based on the recommendations of the University of Miami and the Downtown Committee, he is presenting the colors to Council for approval.

Vice Mayor Elza asked how the Downtown Committee was appointed and if the meetings were advertised. He is concerned because Mr. Spanner is a consultant, and the meetings were not held in public, with public input and official minutes taken for the record. He felt that this is the wrong direction, and the wrong feelings are created in the community. He said this is the reason why there is friction between the people who are for and against revitalization.

Vice Mayor Elza said that the taxpayers of Miami Springs pay the salary for the Downtown Administrator and yet there is no public record of anything that has been done. He is not in favor of this and would like an explanation of how the Downtown Committee was created.

Mr. Spanner explained there was a controversy about revitalization when he came on board last year and he felt the public had a different perception of what Downtown Revitalization is.

City Attorney Jan K. Seiden stated that Downtown Administrator Octavien A. Spanner is an independent consultant to the City, not an employee. He formed the Committee on his own to assist him in obtaining the feeling of the business community and the business leaders input on revitalization. He agreed that it would be a good idea to advertise the meetings, but not from a Sunshine Law perspective because it is not a City committee.

Attorney Seiden said that Mr. Spanner is a City consultant who brings his ideas to Council for the purpose of discussion. He clarified that Mr. Spanner formed a fact-finding committee and it is not a violation of the Sunshine Law.

Mr. Spanner said that he and the City Manager considered different means of obtaining information and it was agreed that he should work in the manner he is working. He said that he has an open door policy and he would be glad to publish any future meetings. Mr. Spanner explained that a venue must be chosen to receive the public.

City Manager Maria V. Davis offered to work out the arrangements for a venue to receive the public.

9R) Resolution – A Resolution of the City Council of the City of Miami Springs Adopting Design Guidelines and a Color Palette for Downtown Façade Improvements and for Other Downtown Revitalization Projects; Effective Date (Discussed: 2/24/2003) (Requested by Assistant

City Manager/Building Official Michael A. Sprovero)

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

Attorney Seiden stated that this resolution proposes to adopt as a guideline, an established policy for use in the Downtown Revitalization Façade Program.

Attorney Seiden explained the resolution adopts the design guidelines and color palette proposed and recommended by the University of Miami School of Architecture for Downtown façade improvements and other Downtown Revitalization projects. Copies are available in the City Building Department and the Downtown Administrator's Office for reference by the public. By approval of this resolution, the established policy of the City Council is to encourage and endorse Downtown façade improvements and other Downtown Revitalization projects, which will utilize and implement the design guidelines and color palette.

Attorney Seiden clarified that for someone to participate in the grant program, they would be required to adopt the design guidelines and the color palette, although it is not a requirement or matter of law if someone does not want to participate.

Councilman Youngs asked Mr. Spanner to give a brief review of the Façade Improvement Program for the benefit of the new Councilmembers.

Mr. Spanner explained that over the last year he has been working with the Miami-Dade County Office of Economic Development to pursue grant funding for the Commercial Façade Improvement Program. Last August he received notification that the City would receive funding for the program, but the amount of the grant was not yet determined. He said there was no time set for when the City would receive funding and there was a controversy about Miami Springs being eligible for Community Development Block Grant (CDBG) funding.

Mr. Spanner said the City received notification in March that it was required to complete a series of applications identifying the property owners who are willing to participate in the façade program. He said that the City is expected to receive a total amount of \$250,000.00. In addition, the City would receive \$100,000 that would be allocated toward a revolving loan fund.

Mr. Spanner said the application deadline was March 31, 2003, there is a 45-day evaluation period for both projects, and then the projects are presented to the County Commission. After notification of the award is received from the County, he would make his recommendations to Council as to how to proceed. Mr. Spanner said that he would like the City to manage the funds instead of sending the property owner to the County.

Mr. Spanner explained that in order to manage both the façade program and the revolving loan program, the City would be expected to advance the \$250,000 and then be reimbursed 30-days after the completion of all the projects, which would take place in six to eight months.

To answer the City Manager's question, Mr. Spanner said that he received a total of twenty-six projects and submitted twelve for funding. The best area to begin would be the area on the west side of Curtiss Parkway from the incoming bridge to the Post Office.

Councilman Caudle said that he would approve the resolution with the understanding that nothing would

begin until the City would be reimbursed the \$250,000. He would not want to spend any tax money and funds should be derived from grants and the property owners.

Mr. Spanner commented that the City is eligible to apply for the same grant next year in an amount between \$100,000 and \$125,000.

City Manager Maria V. Davis wanted to make it very clear that City funds would not be spent on façade treatments. She assured Council that there would be no City funds expended, and the funds would be derived from grants and the owners of the buildings.

Councilman Caudle stated the City could not do the façade treatments without the grant funds and contributions from the property owners.

Vice Mayor Elza agreed with Councilman Caudle.

Mr. Spanner felt that the community has not been made aware of what he has been working on, and the City Council has been busy addressing other issues, including the Golf Course. He believed it would be helpful to get more public input and to have Florida International University perform a feasibility study.

Councilman Caudle would like a brief update from Downtown Administrator Octavien A. Spanner at every meeting.

Vice Mayor Elza moved to adopt the resolution setting the design guidelines and a color palette for Downtown façade improvements and for other Downtown Revitalization projects. Councilman Caudle seconded the motion, which carried unanimously on roll call vote (Resolution No. 2003-3220).

Vice Mayor Elza asked to go back to Agenda Items 9I and 9L, which were discussed at this time.

9S) Notification of Meeting Date for Council to Sit as the Board of Appeals Regarding Case No. 13-V-03 Florida One Development Corporation With Respect to the Property Located at One Westward Drive

Council received notification that they will sit as the Board of Appeals on Wednesday, May 28, 2003, to consider the appeal of case No. 13-V-03 – Florida One Development Corporation.

Attorney Jan K. Seiden stated that he spoke with Attorney Price and he will be available at that time, so the meeting can go forward with the proper notification.

9T) Discussion Regarding Ordinance No. 886-2002, Adopted on November 25, 2002, which Amended Code Section 93.13 – Maintenance of Property by Owner, by Adding a Provision Regulating the Usage of Storm Protection Devices in the City (Requested by Vice Mayor Elza)

Vice Mayor Elza would like to refer the storm shutter ordinance to the Code Review Board.

Vice Mayor Elza said that Councilman Pacheco had “kicked off” John Shapiro, who was his appointee to the Recreation Commission when he was a Councilman in Group III. He said that Councilman Pacheco appointed Clark Rinehart to the Recreation Commission, but that he is reappointing John Shapiro as a Councilman in Group I. In order to do this, Vice Mayor Elza removed Leah Orr from the Recreation Commission and re-appointed her to the Code Enforcement Board.

Joe Derry of 13 South Royal Poinciana Boulevard, Apartment 11, believed the intent of the ordinance was to prevent having the appearance of boarded up houses in the City. He said that many people leave town during the summer months that would like to secure their homes with storm shutters. Mr. Derry felt the City could do without the ordinance.

Attorney Seiden explained that the prior Council requested the ordinance and apparently a citizen raised the issue that it might not be a big problem. He referred to the memoranda from Code Enforcement Manager James R. Borgmann and City Manager Maria V. Davis.

Attorney Seiden said that the general consensus of the Administration is that the matter be referred to the Code Review Board for their reconsideration as to whether or not there should be some exceptions made to the current ordinance or if it should be amended.

Attorney Seiden said that if Council were inclined to send the ordinance back to the Code Review Board, then as part of the review process, Council should ask that an opinion be solicited from both the Police and Fire Departments. This way the citizens would be given an independent view about the use of storm shutters as security devices while they are living in the home, because there have been cases where the shutters were determined to be dangerous.

Vice Mayor Elza would like this matter placed on the agenda based on the recommendation of Code Enforcement Manager James R. Borgmann, and until the Code Review Board comes back with their finding, Council should instruct the City Manager not to enforce this ordinance.

Vice Mayor Elza moved to refer Ordinance 886-2002 to the Code Review Board for their review and instruct the Administration not to enforce the Code during the review process. Councilman Pacheco seconded the motion, which carried unanimously on roll call vote.

10. New Business:

10A) Appointment by Mayor Bain to the Education Advisory Board by for a Full 2-year term Ending on May 31, 2005 (Requested by City Clerk Magalí Valls)

Mayor Bain **re-appointed** Mindy McNichols to the Education Advisory Board for a full 2-year term ending on May 31, 2005.

10B) Appointment to the Education Advisory Board by Vice Mayor Elza (Group I) for a Full 2-year term Ending on May 31, 2005 (Requested by City Clerk Magalí Valls)

Vice Mayor Elza (Group I) **deferred** his appointment to the Education Advisory Board.

10C) Appointment to the Education Advisory Board by Councilman Caudle (Group II) for a Full 2-year term Ending on May 31, 2005 (Requested by City Clerk Magalí Valls)

Councilman Caudle (Group II) **re-appointed** Christina Shapiro to the Education Advisory Board for a full 2-year term ending on May 31, 2005.

10D) Appointment to the Education Advisory Board by Councilman Pacheco (Group III) for a Full 2-year term Ending on May 31, 2005 (Requested by City Clerk Magalí Valls)

Councilman Pacheco (Group III) **deferred** his appointment to the Education Advisory Board.

10E) Appointment to the Education Advisory Board by Councilman Youngs (Group IV) for a Full 2-year term Ending on May 31, 2005 (Requested by City Clerk Magalí Valls)

Councilman Youngs (Group IV) **re-appointed** Dorrene Cook to the Education Advisory Board for a full 2-year term ending on May 31, 2005.

10F) Appointment by Mayor Bain to the Code Enforcement Board to fill an Unexpired Term Ending on September 30, 2004 (Requested by City Clerk Magalí Valls)

Mayor Bain **deferred** his appointment to the Code Enforcement Board.

10G) First Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 32-22, Rules of Procedure for the Memorial Committee; By Modifying, Clarifying and Supplementing the Criteria for Eligibility and Procedures for Consideration; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (Requested by Council)

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

Attorney Seiden stated that the prior Council had discussions in regard to establishing criteria that was requested by the Memorial Committee. He explained the Committee was having difficulty determining what cases should be considered for a memorial and they asked Council for criteria that could be used for qualification of different cases.

Attorney Seiden explained there were some inconsistencies in the procedures and the proposed ordinance would change the rules and procedures. He did not codify the actual criteria, but it could be added before the second reading. Attorney Seiden added that the Memorial Committee at their last meeting on May 7, 2003, recommended a 2-year wait period after a person is deceased.

Attorney Seiden said that he originally felt the criteria should be kept in a policy format, but now he sees that might not work. He proposed adding a Section 32-23, which would codify the criteria listed in his memorandum of March 12, 2003 to the Memorial Committee as follows:

1. That a person under consideration must be deceased.
2. That a person must have resided in the City of Miami Springs.
3. That a person must have contributed in some significant manner to the City.
4. That a person with ties to the City must have distinguished themselves in acts, actions, or activities unrelated to the City.
5. That although compliance with criteria No. 1 herein is required, the failure to comply with any other single criteria is not fatal to consideration so long as at least two of the other criteria is met.

Attorney Seiden advised Council that this would not solve the problem with the memorial that was recommended for Bruce Wayne Carter, and this would be the appropriate time to reconsider this matter.

Mayor Bain stated that the Village of Virginia Gardens has been a neighbor for many years, and he would not want to exclude someone who lived that close to Miami Springs, especially Bruce Carter, considering what he did. He proposed to include Virginia Gardens' residents.

Councilman Pacheco asked if Virginia Gardens has a memorial.

Councilman Caudle said that he supports Bruce Carter, but he would not want to add other cities.

Attorney Seiden said the proposed criteria is that the individual must reside in the City, contributed in some significant manner to the City or have ties with the City and distinguished themselves in acts, actions or activities. He said that there must be lines drawn and every municipality has their own regulations.

Attorney Seiden mentioned that Bruce Carter attended school in the City, according to Betty Du Bois, which qualifies him on one point, but he does not qualify for the other points. He said that the former Council tried to keep the qualifications as broad as possible, but at the same time there must be a line drawn somewhere.

Councilman Caudle was of the opinion that if there were no criteria to follow, then the memorial would not have any meaning to the family.

Councilman Youngs asked Councilman Caudle if he felt the conditions proposed in the memorandum might not suit Bruce Carter. He understands the purpose is to be flexible enough so that he could be included.

Vice Mayor Elza suggested that the City Council, by a 4/5 vote could dedicate a memorial to anyone they would like, and that would resolve the issue. He said the Memorial Committee could continue to meet and make their recommendations, but Council could take action even if the Committee denies a memorial for an individual.

Attorney Seiden agreed to revise the ordinance and bring it back for second reading.

Vice Mayor Elza moved to approve the ordinance on first reading as amended. Councilman Pacheco seconded the motion, which carried unanimously on roll call vote.

10H) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the Creation of a Transportation Enhancement Tax Fund and Disaster Relief Fund Within the City’s Budget; Providing for the Receipt of Monies Into Said Funds; Effective Date (Requested by Finance Director Charles G. Marshall)

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

City Manager Maria V. Davis said that the City would receive transportation tax proceeds within the next month and the revenue would be put into a separate fund. Secondly, the auditors recommended that the City should have a separate line item to place funds for an emergency, and she is recommending \$10,000.00.

Vice Mayor Elza pointed out that the proposed resolution states \$50,000.00.

Ms. Davis said that the contingency fund is generally used for emergencies.

Vice Mayor Elza explained that the auditors stated that it is a new State regulation for the contingency funds to be properly named and that this is the purpose of the proposed resolution.

Ms. Davis agreed that Vice Mayor Elza was correct, but she did not see the need to include \$50,000.00.

Vice Mayor Elza emphasized that the funds should be available for the upcoming storm season.

Ms. Davis stated that she would not have a problem with \$50,000.00.

Attorney Seiden added that in case of an emergency, hopefully the Federal Emergency Management Agency (FEMA) would reimburse the funds.

Vice Mayor Elza moved to adopt the resolution and Councilman Caudle offered the second. On roll call vote, the motion was unanimously carried (Resolution No. 2003-3221).

10I) Recommendation that Council Award Bid No. 05-02/03 for Hook Square/Canal Street Streetscape Improvements to the Lowest Bidder Meeting Specifications (Phase I), Fortex, Inc., in the Amount of \$363,419.37 (Requested by Public Services Director Denise Yoezle)

Public Services Director Denise Yoezle stated that this is a recommendation that Council award the bid for the Hook Square/Canal Street streetscape improvements to the lowest bidder, Fortex, Inc.

Ms. Yoezle explained the project includes wide decorative sidewalks, street trees, street lighting, drainage modifications and irrigation and water main improvements. The improvements would coordinate with the Florida Department of Transportation improvements on the north side of Canal Street.

To answer Vice Mayor Elza’s question, Ms. Yoezle clarified that three bids were received.

Vice Mayor Elza asked what was the amount of the other two bids.

Ms. Yoezle explained that Fortex was the lowest bidder, but she did not have the information on the amount of the other bids.

City Manager Maria V. Davis stated the high bid was more than \$500,000 and she offered to provide Council with the exact figures.

Ms. Yoezle agreed that she would be sure to include this information on future agenda items

Vice Mayor Elza asked if the funds would be derived from the current State budget, which has not yet been approved.

Ms. Davis explained the City was awarded a \$100,000 revitalization grant from the State. Approximately \$53,000 has already been expended on the project design, and the remainder of the \$100,000 would be contributed to the project. She added that the Local Option Gas Tax Fund has a \$506,000 balance, which would be utilized to fund the remainder of the project.

Vice Mayor Elza stated that most of the project is being funded from revenues paid to the City, it is not really grant money, and the Local Option Gas Tax Fund is used for paving and other functions. He asked how much is the annual revenue for the gas tax.

Ms. Davis confirmed the annual Local Option Gas Tax revenue is \$416,000.00.

Vice Mayor Elza commented that the property is on the south side of Canal Street beginning at Curtiss Parkway and runs to the east by Holleman's.

Ms. Davis confirmed that Mr. Elza was correct.

To answer Vice Mayor Elza's question, Ms. Yoezle explained the scope of work includes significant water main and drainage improvements, decorative lighting and landscaping, and restoration work, as well as the sidewalk improvement.

Ms. Davis advised Council that she was able to negotiate a \$674,000.00 reimbursement from FEMA for damage resulting from the 2000 storm, which equals eleven miles of resurfacing. She explained that the City held back on much of the resurfacing because of the sewer lateral repairs.

Ms. Davis explained to Council that when the project was presented to the former Council, they determined that because there was adequate funding for resurfacing of the streets, the Local Option Gas Tax funds could be utilized for the Canal Street sidewalk and streetscape improvements.

Mayor Bain requested a presentation showing the proposed improvements for Canal Street.

Vice Mayor Elza added that the City paid \$52,000 for the design and a rendering should have been part of this expense.

Ms. Davis stated that the design fee encompassed the area all the way to South Royal Poinciana Boulevard. She offered to find out how much it would cost to do a rendering.

Vice Mayor Elza would like Council to table this agenda item until the next meeting.

Mayor Bain said that he would like more information in order to have a better understanding of the project.

Ms. Yoezle asked Mayor Bain what information he would like to have.

Mayor Bain stated that he would like to see what is planned, and how the sidewalks and lighting would look.

Ms. Davis asked if Council was giving authorization to spend additional funds for a rendering.

Vice Mayor Elza said he would like to see the plans for which the City paid \$52,000, and not to spend additional money for a rendering.

Vice Mayor Elza reiterated that he would like to table the item until Council receives additional information. He does not see in the financial report where the City is going to receive \$600,000.00. He asked for an explanation from Finance Director Charles G. Marshall.

Ms. Davis clarified that funds were carried forward from last year that were to be used for these projects.

Vice Mayor Elza said that from the auditor's report that he thought the City was broke.

Finance Director Charles G. Marshall confirmed that \$344,576.00 in cash was carried forward from last year.

Vice Mayor Elza asked if it is General Fund money.

Ms. Davis and Mr. Marshall both emphasized that it is not General Fund money. Mr. Marshall added that there is a separate fund for Local Option Gas Tax revenues and it is accounted for separately.

Ms. Davis said that Council previously discussed this during budget process, and the Local Option Gas Tax revenue does not come from property taxes.

Vice Mayor Elza commented that the people of Miami Springs are taxed when they purchase gasoline, and the use of the funds is restricted to certain items.

Ms. Davis clarified that funds were budgeted and carried forward for the improvements to the parking lot behind the Farm Stores. The City was in litigation because of an encroachment into the property, and the plans are to renovate the parking lot with lighting, paving, and drainage.

Vice Mayor Elza said that he would like to see where the auditors made this notation in the Comprehensive Annual Financial Report.

Mr. Marshall explained the report shows a cash balance in the Local Option Gas Tax Fund under Special Revenues.

Ms. Davis commented that the prices on the bids are only good for thirty-days.

Attorney Seiden suggested scheduling a Special Council Meeting after the May 28, 2003 Board of

Appeals meeting.

Council agreed to have a Special Meeting on Wednesday, May 28, 2003 after the Board of Appeals meeting to reconsider this issue.

Council requested additional information regarding the site plan and the bid documents.

Vice Mayor Elza moved to table the award of Bid No. 05-02/03 for the Hook Square/Canal Street Streetscape improvements until the Special meeting on May 28, 2003. Councilman Youngs seconded the motion, which carried 5-0 on roll call vote.

Councilman Caudle commented that if Council delays making decisions at every meeting that nothing would ever be accomplished. He felt that Council should be able to visualize the sidewalk and lighting.

Mayor Bain reiterated that he would like to see what the plan looks like.

10J) Council Appointments of Representatives to the Stray Cats Committee (Requested by Council)

Mayor Bain **appointed** Sandra Witt to the Stray Cats Committee.

Vice Mayor Elza (Group I) **appointed** Elizabeth Perez to the Stray Cats Committee.

Councilman Caudle (Group II) **deferred** his appointment to the Stray Cats Committee.

Councilman Pacheco (Group III) **appointed** William Barnett to the Stray Cats Committee.

Councilman Youngs (Group IV) will serve on the Stray Cats Committee.

10K) Notification that the City of Miami Springs and the Miami Springs Police Department will Sponsor a Rally on May 18, 2003 to Honor the Troops and Celebrate "Armed Forces" Day on the Circle, from 7:00 to 8:00 p.m. (Requested by Police Chief H. Randall Dilling)

Police Chief H. Randall Dilling stated that Lieutenant Ralph Rodriguez, Commanding Officer of the Community Policing Office, would briefly address this issue.

Lieutenant Rodriguez said that the Administration began organizing the event in April because they felt the City should hold a special event to honor the troops, recognize veterans, and pay tribute to the men and women who served in all the wars. He explained they searched to find people who actually served in combat and they would be present at the rally on May 18, 2003 to celebrate "Armed Forces" Day.

Lieutenant Rodriguez invited everyone to pick up a T-shirt from the Community Policing Office in advance and to wear it to the event. He explained that the Town of Medley, Village of Virginia Gardens, City of Hialeah and City of Hialeah Gardens would also participate.

To answer Vice Mayor Elza's question, Lieutenant Rodriguez said that they were able to obtain the names of the people who served in combat by contacting the Southern Command and placing an advertisement in the newspaper. He added that the Southern Command is flying in one of the Generals

to be the guest speaker.

10L) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing the City’s Application for a Matching Grant from the Miami-Dade County Metropolitan Planning Organization’s Transportation Enhancement Program for the Installation of Lighting Along the Miami Springs Bike Paths; Authorizing the Amendment of the City’s Budget to Provide the Requested Grant Match Funding; Effective Date (Requested by City Planner Richard Ventura)

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

City Planner Richard Ventura stated that the Miami-Dade County Metropolitan Planning Organization, which is the body that is responsible for transportation planning in the County, has a Transportation Enhancement Program whereby it serves as the conduit for the Federal Highway Administration funds that are awarded to municipalities for transportation enhancements.

Mr. Ventura explained the Administration is proposing to provide lighting for the bike path along North Royal Poinciana Boulevard, Curtiss Parkway, the Golf Course and Ludlam Drive. Grants of up to \$1MM per project are available and a local match of 10% or higher is requested by the Metropolitan Planning Organization, which would be \$100,000.00 for this particular project.

Councilman Caudle asked what type of lighting would be provided.

Mr. Ventura stated that the Public Works Department received preliminary bids on bollard lighting and the previous Council discussed the lighting for the bike path.

Ms. Davis explained that it would be Council’s decision to select a design, and \$100,000 is the estimated cost to light all the bike paths. She said that this request is only for Council to give authorization to apply for the grant and the funding year is 2007-2008.

Mr. Ventura added that this is the beginning of the five-year cycle, the grant review and approval would be in September, but the City would not be reimbursed until 2008.

Vice Mayor Elza commented that Council was presented a lighting design for Curtiss Parkway once before and it was rejected.

Mr. Ventura advised Council that former City Planner Steve Johnson applied for funds under the Transportation Enhancement Program (TEP), which the City utilized to construct the bike path. He explained that Curtiss Mansion, Inc. was also awarded a TEP grant for \$1MM.

Vice Mayor Elza asked if this is the best way the City should spend \$1MM in the year 2008.

Mr. Ventura felt that it would not take \$1MM for the lighting project.

Vice Mayor Elza explained that if the City is going to spend \$1MM that there might be other projects that have more priority than the bike path lighting, like a new gymnasium.

Ms. Davis stated that it is a Transportation Enhancement Program and there are specific criteria for use

of the funds. Originally, the Administration was planning on applying for \$500,000 grant for Circle modifications, but when she saw the direction of the Council, she decided to apply the grant to the bike path lighting.

Councilman Pacheco moved to approve the resolution and Councilman Youngs offered the second.

Councilman Youngs said that the City might not receive the award and this is only a request for authorization to apply for the grant. He asked if there are other projects that would be eligible for MPO funding for Council to consider other than the lighting.

Ms. Davis explained there is not enough time to revise the grant application and she would like Council to see the criteria for use of the funds. She said the City applies every year, and there is a deadline for submittal of the application.

Ms. Davis informed Council that Mayor Bain requested a workshop on the transportation tax funds in order to decide how the funds should be used. She offered to provide the criteria for the Transportation Enhancement Program so Council could give direction for next year's application.

To answer Vice Mayor Elza's question, Attorney Seiden clarified the application deadline is Friday, May 16, 2003.

Councilman Youngs commented that previous Councils discussed street lighting for Curtiss Parkway and this would be a high priority if the City receives funding. He would like to accomplish this project because it is a higher priority than the traffic modification for the Circle and he does not know of any other particular projects. He urged Council to vote in favor of the resolution based on the deadline and the opportunity.

On roll call vote, the motion carried 41 with Vice Mayor Elza casting the dissenting vote (Resolution No. 2003-3222).

10M) Notification to Council that Mayor Bain has made an Appointment to the Recreation Commission for an Unexpired Term Ending on April 30, 2004

Mayor Bain **confirmed** his appointment of Roger del Rio to the Recreation Commission for an unexpired term ending on April 30, 2004.

10N) Recommendation for Award to H & R Paving, Inc. for Paving Services, on an as Needed Basis, Utilizing Miami-Dade County Bid Project 629902 Resurfacing Contract No. 6, in an Amount not to Exceed \$200,000

Public Services Director Denise Yoezle requested authorization to spend \$200,000, on an as needed basis, for ongoing roadway repairs due to the October 2000 "No Name Storm". She explained that H & R Paving, Inc. currently has the paving contract with Miami-Dade County and she is recommending that the City piggyback on this bid.

To answer Vice Mayor Elza's question, Ms. Yoezle stated the paving cost per ton is \$42.00 and funds are available from F.E.M.A.

Councilman Youngs moved to approve the award. Councilman Pacheco seconded the motion, which carried unanimously on roll call vote.

11. Golf Course Items: None

12. Other Business:

12A) Request Council Authorization to Cancel the May 26, 2003 City Council Regular Meeting in Observance of Memorial Day (Requested by City Manager Maria V. Davis)

Vice Mayor Elza **moved to cancel** the May 26, 2003 City Council Regular and Councilman Caudle seconded the motion. On roll call vote, the motion was unanimously carried.

12B) Review of March Financial Statements (Deferred: 4/28/2003)

Vice Mayor Elza asked if adjustments were made to the Non-departmental Contingency Fund under Downtown Revitalization and if the changes required Council's approval.

Finance Director Charles G. Marshall said that he was in the process of transferring encumbrances and he would provide Council with a list of the changes, but this does not require Council approval.

Mr. Marshall explained that he is in the process of correcting all the encumbrances and the changes would be shown in the April financial statement.

Councilman Youngs asked if the April financial statement would be ready for the May 19, 2003 Budget Workshop meeting.

Mr. Marshall offered to provide a preliminary report.

13. Reports & Recommendations:

13A) City Attorney

None.

13B) City Manager

None.

14C) City Council**Curtiss Mansion, Inc. (CMI)**

Vice Mayor Elza asked what authority Donna Wood-Beney has to instruct someone at City Hall to prepare letters to be mailed to CMI. He further asked if she is an employee of the City, and if she receives compensation. He felt he should be the one to prepare the letter.

The City Manager explained that CMI requires Council support for various grants they apply for, and that the City Clerk was trying to be helpful by providing a sample of letters that were done in the past, but that Council is welcome to prepare their own letters.

Hurricane Season

Councilman Pacheco requested a presentation on the Hurricane Preparedness Plan for the City in the near future.

Recreation Commission

Councilman Pacheco clarified for the record that he was not “kicking off” John Shapiro from the Recreation Commission, as stated by Vice Mayor Elza, but that he is simply appointing another member of his choice.

Rumor

Councilman Youngs stated that a rumor is circulating that his job at Washington Mutual Bank was procured with the assistance of Phil Bradley, the brother of Golf Course Manager Dan Bradley, from DJB Management, Inc. He said that he only met Phil Bradley within the last few months. Councilman Youngs clarified that he procured the job at the bank entirely on his own.

Student Government

Mayor Bain reported that the Miami Springs Senior High School Student Government participated in the activities at the Miami Springs Country Club, and they had a good time singing Karaoke and dancing. He thanked the Rhodes Brothers for organizing the event.

14. Adjourn.

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

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during meeting of: 6/9/2003

Transcription assistance provided by S. Hitaffer

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