



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, October 22, 2012, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:05 p.m.

The following were present:

- Mayor Xavier M. Garcia
- Vice Mayor Jennifer Ator
- Councilwoman Grace Bain
- Councilman Bob Best
- Councilman George Lob

Also Present:

- City Manager Ronald K. Gorland
- Asst. City Mgr./Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Planning and Zoning Director James H. Holland
- Golf and Recreation Director Omar L. Luna
- Building & Code Compliance Director H. "Tex" Ziadie
- City Clerk Magalí Valls
- Deputy City Clerk Suzanne S. Hitaffer

2. Invocation: Vice Mayor Ator offered the invocation.

Salute to the Flag: Students from All Angels Academy led the audience in the pledge of allegiance to the flag.

The audience participated.

Mayor Garcia presented baseball caps to the students who participated.

Mayor Garcia announced that moments ago he was notified that the daughter of School Board Member Susie Castillo had passed away, even though there were hopes that she would pull through. He urged everyone to keep the Castillo family in their prayers and asked for a moment of silent meditation.

The Mayor reported that Marco Barrios who was also in the vehicle is in stable condition at Ryder Trauma Center and the Police Officer who was in the other vehicle is also recuperating.

3. Awards & Presentations: (Agenda Item 3B considered before 3A)

3A) Presentation of the Yard of the Month Award for November 2012 to Vicente and Susanne Beltran of 974 Meadowlark Avenue

Mayor Garcia presented the Yard of the Month Award for November 2012 to Vicente and Susanne Beltran of 974 Meadowlark Avenue. He thanked Mr. Beltran for maintaining his beautiful home.

3B) Certificates of Appreciation for Youth Sports Organizations

Mayor Garcia asked the children and coaches who were present from the youth sports organizations to please come forward for a brief presentation. He recognized the 2nd place softball team champions and members of the Little League, Optimist Football and Miami Springs/Virginia Gardens Soccer.

Mayor Garcia explained that the City organizes the youth basketball program, but when it comes to the other sports they are all run by volunteers, which he would like everyone to be aware of. The City supports and invests in the youth sports programs and he presented a ceremonial check in the amount of \$140,000.

The Mayor said that the youth organizations are important and that is why Council allocates funds in the budget to support them. He thanked the coaches for their volunteer services and he announced that everyone would be presented with Certificates of Appreciation.

Mayor Garcia commented that everyone has fun attending the games and this shows Council that the money that is invested in the youth is very important and hopefully more can be invested in the future.

4. Open Forum:

Springview Halloween Event

On behalf of the Springview Elementary 5th grade class of 2013, parents and teachers, Maylin Scavuzzo of 871 Lake Drive and Yina Pomefz of 252 Linwood Drive invited the Mayor and Council and the community to join them on Thursday, October 25th from 6-8:00 p.m. for a Haunted House family event at the school located at 1122 Bluebird Avenue. Entrance to the Haunted House and Monster Mash dance is \$8.00 for older students with unlimited times and entrance to the Spooky Story Time and Crafts and Monster Mash dance is \$5.00 for the younger students with unlimited times. Pizza, goodies and drinks will be sold at the dance and all proceeds will go toward reducing the cost of the end of year Orlando trip and the award ceremony certificates and trophies for the 5th grade class.

Ms. Pomefz read the invitation in Spanish since Springview is a bi-lingual school.

All Angels Movie Night

Mother Susan Keedy of 1200 Heron Avenue said that it might be the wrong time to address Council, but she just found out that Council will not hold the first meeting in November. She informed Council about the school's plans for Movie Night that will begin in November on the third Friday of the month and will continue through March for five months.

Mother Keedy explained that two free movies on the Circle are shown on Friday nights, with the first movie being specifically for children and the second movie is family appropriate. There has been a great turnout for the event in the past and they would like the City of Miami Springs to participate again this year by paying for the Police coverage for the event.

5. Approval of Council Minutes:

5A) 10-08-2012 – Regular Meeting

Minutes of the October 8, 2012 Regular Meeting were approved as written.

Councilman Best moved the item. Councilwoman Bain seconded the motion which was carried 4-0 on roll call vote (Councilman Lob abstained since he was absent at that meeting).

6. Reports from Boards & Commissions:

6A) 10-08-2012 – Board of Appeals – Minutes

Minutes of the October 8, 2012 Board of Appeals meeting were received for information without comment.

6B) 10-09-2012 – Recreation Commission – Cancellation Notice

Cancellation Notice of the October 9, 2012 Recreation Commission meeting was received for information without comment.

6C) 10-10-2012 – Golf and Country Club Advisory Board – Minutes

Minutes of the October 10, 2012 Golf and Country Club Advisory Board meeting were received for information without comment.

6D) 10-25-2012 – Code Review Board – Cancellation Notice

Cancellation Notice of the October 25, 2012 Code Review Board meeting was received for information without comment.

7. Public Hearings:

7A) First Reading – Ordinance No. 1040-2012 – An Ordinance of the City Council of the City of Miami Springs, Florida Updating the Five-Year Schedule of Capital Improvements of the City's Comprehensive Plan as Mandated by Florida Statutes Sections 163.3177 (3) (b); Providing a Conflicts Clause and Severability Clause; Providing an Effective Date

City Attorney Seiden stated that regarding Agenda Items 7A and 7B, the City Council has to first sit as the Local Planning Agency (LPA) to hear the recommendations of the Planning Consultant in regard to the various changes.

City Attorney Seiden advised Council that they may discuss the documentation that is attached to 7A and 7B as the exhibits and after discussion the City Council will reconstitute itself and conduct public hearings for both ordinances.

Mayor Garcia adjourned the City Council meeting and called the meeting of the Local Planning Agency to order at 7:26 p.m.

Planning Consultant Jim La Rue stated that the first item listed as 7A is for the updating of the Five-year Schedule of Capital Improvements. The new legislation allows this to be done by ordinance instead of a Comprehensive Plan amendment. He has made sure that the Capital Improvement Five-year Program in the Comprehensive Plan is being changed and switched to match what Council did in this year's budget.

Mr. LaRue explained that the amendment will cover the mandatory requirements for the capital improvements or level of service requirements for recreation, drainage improvements and various projects related to the Comprehensive Plan itself. The Police cars are not part of the Plan criteria; this is something that will be placed in the Plan but does not need to be a Comprehensive Plan amendment.

Mr. LaRue clarified that the Five-year Schedule of Capital Improvements is consistent with the Comprehensive Plan; it will be a replacement and it reflects what Council adopted in the budget, unless there are any questions.

Vice Mayor Ator referred to the original Exhibit "A" that was crossed out and the new Exhibit "A". She asked why it does not include the things that Council planned for 2012-2013 even if they have changed in the Five-year Improvement Plan.

Mr. LaRue responded that at this point Council is adopting the 2013 Fiscal Year and that is why it is an update; it will be a replacement for the time that the projects are put into the Plan and the projects will either be finished or reflected in the future years.

Vice Mayor Ator commented that some projects for 2012-2013 will be done this year, while others were pushed forward to the next year. Since she only received the attachments today, she did not have time to compare the projects that have commenced versus those that were pushed forward.

Mr. LaRue said that there would be a second reading of the ordinance and it could be amended to reflect the current year by adding another column, which is done in many Comprehensive Plans.

Vice Mayor Ator agreed with Mr. LaRue's suggestion to add information reflecting the current year.

Mr. LaRue stated that he would like Council to confirm that the Five-year Capital Improvement Plan is consistent with the Comprehensive Plan and the change would be the addition of the 2012-2013 current projects.

City Attorney Seiden clarified that the motion by the Local Planning Agency in regard to Item 7A and the attached Exhibit "A" is that it is consistent with the City's Comprehensive Plan, based upon the representations of the Planning Consultant. By second reading of the subsequent ordinance that Council will consider, the document will be amended so that the 2012-2013 expenditures will be listed on the new Exhibit.

Councilman Lob moved the item, as amended. Vice Mayor Ator seconded the motion, which carried 5-0 on roll call vote.

City Attorney Seiden advised Council that they would continue discussing 7B as the Local Planning Agency.

Planning Consultant Jim LaRue stated that this item amends the Comprehensive Plan based on updated data analysis and Council's work on the three redevelopment districts. This ordinance is related to the Airport Golf District and Policy 1.118 in the Comprehensive Plan that breaks down the three separate redevelopment areas. In most redevelopment districts that involve commercial or mixed-use there is a floor area ratio (FAR) and in two of the districts there is a floating ratio from 1.0 to 3.0 FAR. In this particular district, there was language allowing a 1.0 FAR by right and the State interpreted 1.0 to be the limit, which is not the intention. This is one small change that allows the flexibility that is needed for the redevelopment district that is consistent with the other districts.

City Attorney Seiden read the language deleting the 1.0 FAR by right and adding the new language to utilize a floating FAR of between 1.0 and 3.0. The determination of the approved and authorized FAR for any proposed project shall remain with the City Council and shall be directly dependent upon the meeting of certain criteria and incentive provisions to be set forth in the district boundary regulations approved and established for this district. He said that this is consistent with the language in the N. W. 36th Street District and the Abraham District.

Planning Consultant LaRue reiterated that it was best to keep the language consistent and all three redevelopment districts will have the same provision.

City Attorney Seiden stated that if there were no further questions that Council should entertain a motion by the Local Planning Agency that they have made a determination that the proposed amendments contained in Exhibit "A" to item 7B are consistent with the Comprehensive Plan based on the representations of the Planner.

Councilman Lob stated "so moved". Vice Mayor Ator seconded the motion, which carried unanimously on roll call vote.

Mayor Garcia adjourned the Local Planning Agency meeting and reconvened the Council meeting at 7:34 p.m.

City Attorney Jan K. Seiden read the ordinance listed as Agenda Item 7A by title. He explained that this is a public hearing.

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

Nery Owens of 332 Payne Drive stated that her comments would reference Item 7A regarding the Five-year Capital Improvement Plan. She noted that there is specific detail regarding recreation and she did not see any references to the Westward bike path, the Curtiss Mansion or the improvement of Downtown parking. She said that these are issues that the City has been struggling with and there should be more depth in these areas.

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

City Attorney Seiden said that Council could adopt the ordinance on first reading, followed by a second reading.

Vice Mayor Ator moved to adopt the ordinance as amended. Councilwoman Bain seconded the motion.

Councilman Lob agreed with the points made by Ms. Owens and said that he would like to include her suggestions, especially since the City Council had been talking about saving funds for improvements to buildings.

City Attorney Seiden said that the items are related to funding and since he had not participated in the budget process, he assumed that the items would have needed to be discussed by Council during the budget process.

Assistant City Manager/Finance Director William Alonso stated that the Five-year Capital Plan was approved as part of the budget process and any new items can be included as an amendment to the capital expenditures or included in next year's budget.

Vice Mayor Ator commented that there is an agenda item related to the bike path.

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

City Attorney Seiden explained that the two ordinances will be treated differently. The ordinance under Agenda Item 7A that was passed on first reading will have a second reading at the next Council meeting, but the ordinance listed as Agenda Item 7B must be reviewed by the State for their comments before the second reading.

7B) First Reading – Ordinance No. 1041-2012 – An Ordinance of the City Council of the City of Miami Springs, Florida Amending the City Comprehensive Plan Based on Updated Data and Analysis; Amending the Text of the Future Land Use Element of the 1998 Comprehensive Plan as Amended; Revising and Updating the Existing Goals, Objectives, and Policies in Accordance with the Mandates Set Forth in Chapter 163 Florida Statutes; Authorizing Transmittal of These Amendments to the South Florida Regional Planning Council, State Land Planning Agency, and Other Applicable Agencies for Review and Comment as Required by Florida Statutes; Providing a Conflicts Clause and Severability Clause, and providing an Effective Date

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

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

Councilman Lob moved to approve Ordinance No. 1041-2012 on first reading. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

Council sat as the Board of Appeals at 7:42 p.m.

The Mayor reconvened the City Council meeting at 7:53 p.m.

8. Consent Agenda: (approved with one motion)

8A) Approval of Budget Transfers Within Departments Per City Charter Section 9.04 (1)

City Manager Gorland read the title of the award and there was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion which was unanimously carried on roll call vote.

8B) Recommendation to Upgrade the Police LAN Server Operating System, the Police CAD Computer (computer aided dispatch) and firewall, as follows:

8B i. Recommendation that Council Approve an Expenditure to CDW-G Computer Centers, Inc., Utilizing GSA Schedule Contract # GS-35F-0195J, in the Amount of \$1,403.65 for Microsoft Windows Server Software, and \$1,617.44 for Microsoft Sequel Server Software, Pursuant to Section 31.11 (E) (5) of the City Code.

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion which was unanimously carried on roll call vote.

8B ii. Recommendation that Council Approve an Expenditure to Dell Marketing, L.P., Utilizing Florida Contract # 250-WSCA-10ACS; B27160, in the Amount of \$1,723.76, for Dell SonicWall Hardware (Firewall) and Licensing Software, Pursuant to Section 31.11 (E) (5) of the City Code.

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion which was unanimously carried on roll call vote.

8B iii. Recommendation that Council Approve an Expenditure of \$600.00 to USA Software, Inc., for USA Software-v7 Upgrade, and an Expenditure of \$300.00 for Three Years of Annual Maintenance, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code.

City Manager Ronald K. Gorland read the title of the award.

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Best seconded the motion which was unanimously carried on roll call vote.

9. Old Business:

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

Vice Mayor Ator (Group IV) **appointed** Kim Werner to the Education Advisory Board for an unexpired term ending on May 31, 2013.

Vice Mayor Ator expressed her desire to appoint Arturo Rabade to the Golf and Country Club Advisory Board. She stated that there is a conflict because of the fact that he is already on another board, but she is going to speak with Mr. Rabade to see if he would be willing to serve.

9B) Appointment to the Police & Firefighters' Retirement System for a Full 2-Year Term Ending on September 30, 2014 as Required by Section 35.56 (A) (2) of the City Code (Gene Duffy's seat)

Vice Mayor Ator commented that she submitted Rob Gordon's name for the appointment and she is aware that Thomas Cannon's name was also submitted by another Council member.

Mayor Garcia clarified that the three candidates are Rob Gordon, Thomas Cannon and Jim Caudle.

City Attorney Seiden stated that since there was no documentation provided for each candidate whoever nominated the candidate should give a brief description of their expertise for the record.

City Clerk Magali Valls said that Mr. Cannon's resume was attached to the previous packet and Mr. Gordon's resume was distributed and posted on the City website as part of the agenda item.

Councilman Best explained that Jim Caudle came to him expressing an interest in the seat and he was a former City Council member for Miami Springs. He has worked in Public Services, Golf Courses and Parks and Recreation and has a fairly good understanding of how government works. Mr. Caudle has lived in Miami Springs for over sixty years and knows many people in the community and takes an active interest in the community in terms of talking to residents and keeping up with the issues. He believes that Mr. Caudle is a good candidate for this position.

City Attorney Seiden asked if Mr. Caudle has any background in finance because this position requires a certain amount of knowledge with financing and Councilman Best replied that the extent of Mr. Caudle's financial background would be relative to his time working in Golf Courses and Parks and Recreation.

Vice Mayor Ator reiterated that she nominated Rob Gordon who went to Dartmouth University and received his Masters in Business Administration (MBA) at the University of Virginia. He was the Chairman of The Education Advisory Board but had to resign from the board for personal reasons. Because the Police and Firefighter's Retirement System board meets in the mornings he would be able to attend the meetings.

Vice Mayor Ator commented that Mr. Gordon's background is in financial planning. She has come to know Mr. Gordon very well over the years and said that he is extremely qualified and did a great job on the Education Advisory Board. She feels that Mr. Gordon would be an outstanding addition to the Retirement System Board of Trustees because their primary job is to pick the money manager for the pension funds. Mr. Gordon indicated that if he were chosen for the position, his firm would not be able to bid on any work but that he would be okay with that.

Vice Mayor Ator mentioned that Jennifer Glazer Moon's name was unfortunately withdrawn because the County did not want her to serve.

Councilwoman Bain said that she nominated Thomas Cannon because he is retired and expressed his interest in the position. He has been a resident of Miami Springs for approximately 20 years. He worked with the Miami-Dade Police Force for approximately 27 years and retired as Assistant Chief of Police. His education background is from Barry University, Louisiana State University, Senior Management Institute for Police and Harvard University.

Councilwoman Bain stated that Mr. Cannon has extensive training and has been a member of the Police Benevolent Association (PBA), International Association of Chiefs of Police, and Miami-Dade County Association of Chiefs of Police. He has been awarded the Silver Star and has experience with pension since he has a pension.

Councilwoman Bain explained that Mr. Cannon said that he would be willing to do whatever was asked of him and she feels that he would be great for the position.

Vice Mayor Ator explained that even though Mr. Caudle and Mr. Cannon are excellent choices, her concern with both of the candidates is that they do not have the necessary financial background.

Councilwoman Bain commented that Mr. Cannon does have experience. In her notes it states that he was certified in financial planning, investments and was a retirement plans specialist.

Councilman Best stated that when candidates are appointed to advisory boards they are not always qualified, but interesting thought processes come out of appointing those candidates and they show great interest in being a part of that board. He noted that Mr. Caudle is also retired and would therefore have plenty of time for this board.

Councilman Lob said that with all due respect to Jim Caudle, he believes that someone with a financial background should be appointed. He knows Mr. Cannon personally and is certain that he has financial experience. He appreciated Mr. Caudle for showing an interest in the seat.

Councilman Best stated that the members that are currently on the board do not have the financial experience.

Councilman Lob explained that the fact that there is currently no experience on the board is more of a reason why someone with financial background should be appointed.

City Manager Ronald K. Gorland said that this position has a great deal of impact on the investment returns of the retirement funds. Some of the problems that the City is having are because investment returns have not been that good. That is not to say that members have to be financial planners, although Gene Duffy is a financial planner and certified trustee as well. He feels that it is important at this point to appoint someone who has a strong financial background and someone who is willing to make changes.

To answer Mayor Garcia's question, Chief of Police Baan said that Gene Duffy is a certified financial planner and he is also a certified public pension trustee. He agrees that someone with financial background should be appointed because it is important to have someone who understands numbers, pensions, annuities and investments.

To answer Councilman Best's question, Chief Baan explained that the board has an investment manager, a "financial watch dog" and an actuary accountant. He is in the process of interviewing investment managers to try and improve the return on the plan.

Vice Mayor Ator moved to appoint Rob Gordon. Councilman Lob seconded the motion.

Councilman Lob reiterated that having someone who has the financial background is very important because there are people whose futures and funds are at stake.

Mayor Garcia said that he knows two of the candidates personally. He mentioned that in reviewing the paperwork, former Councilman Caudle was the only Councilmember that attended the pension board meetings that occurred during the day. The City would be lucky to have any of the three candidates serving on the board. He knows that all three candidates would be willing to serve on other boards if the opportunity arose in the future.

The motion was carried 3-2 with Councilman Best and Councilwoman Bain casting the dissenting votes.

9C) Appointment to the Police & Firefighters' Retirement System for a Full 2-Year Term Ending on September 30, 2014 as Required by Section 35.56 (A) (2) of the City Code (Pete Baan's seat)

Councilwoman Bain moved to re-appoint Pete Baan. Vice Mayor Ator seconded the motion which was unanimously carried on roll call vote.

9D) Recommendation to Permanently Allow Asphalt Shingle Roofs in Miami Springs

City Attorney Seiden said that there are basically three choices; to extend the sunset period that is currently in the ordinance for a further period, make the ordinance provision permanent and eliminate the sunset provision entirely or allow it to sunset in which case the shingle provision will be removed from the code.

Councilwoman Bain moved to allow shingle roofs on a permanent basis. Councilman Lob seconded the motion.

Vice Mayor Ator suggested that the City should continue with the sunset provision and she still supports that suggestion. The last time that Council spoke on this issue, it was based on a lot of information from the Building Official. She is concerned because the Building Official has not been present to voice his opinion and she feels that permanently allowing shingle roofs is a bad idea.

Councilwoman Bain does not feel that it is a bad idea because it is very important to give the residents a choice. Since everyone cannot financially afford to have tile roofs she believes that it would be unfair not to give the residents a choice.

Councilman Lob agreed with Councilwoman Bain. He added that when Council first looked at this item two years ago, he asked several roofing companies for their opinion on shingle roofs and at that time they said that they were just as good as tile roofs if installed correctly and some of them have the same or longer guarantee. He asked why the City would put an extra burden on the residents if the Florida Building Code allows for shingle roofs.

Councilman Best commented that two years ago, Council was able to move forward on a 3-2 vote, recognizing Vice Mayor Ator's introduction of the sunset provision for two years. In lieu of Councilman Lob's absence at the last meeting, Council decided to table this item so that he could be a part of the discussion. He was prepared to vote for the sunset provision at the last meeting and at the present time he is prepared to support the recommendation of Building and Code Director Ziadie.

To answer Vice Mayor Ator's question, Mr. Ziadie said that the code does not differentiate which shingles are permitted or not, but there are many shingles that are available now that were not available five years ago. The dimensional shingles are meant to be virtually equivalent to the tiles.

Mr. Ziadie clarified that in the late 70's and 80's, he did research to find out how the shingle roofs were allowed in Miami Springs and he found that a previous Building Official took it upon him or herself to allow it. Shingles have never been formally allowed by the City in the code other than for the two-year sunset period.

Mayor Garcia stated that he recalls this item coming before Council. The more information someone has on an issue the better informed they are. A big test for him was the sunset provision and the number of shingle roofs that were installed, which was not many. When shingle roofs were permitted the majority of home owners were still installing tile roofs. He is also in favor of giving the choice to the residents.

Mayor Garcia asked City Attorney Seiden if there is something that Council could do to allow the type of roof to be the residents' choice and to provide an incentive if they chose to install a barrel tile roof.

City Attorney Seiden replied that the issue is that the installation of a tile roof is more of a process from a Building Department standpoint. If the City is going to give someone an incentive, the only way it could be done is to charge the homeowner less for the permitting fee or something of that nature.

City Attorney Seiden added that giving an incentive would be inappropriate because the actual job of installing a tile roof is far more intensive and justifies the permit fee more than it does for a shingle roof. It would be costing the City theoretically more time and effort.

Mayor Garcia would like City Attorney Seiden to think of ideas similar to the one he proposed to discuss at a future meeting.

City Attorney Seiden commented that the City has been very adamant about upholding the standard for tile roofs. He has witnessed a few cases over the years where residents who were elderly and did not have the funds to install a tile roof were turned down from installing shingle roofs.

Mayor Garcia knows of a person who has been patching their roof for fifteen years because they did not have the funds for a tile roof and because shingle roofs were not permitted. He feels that people who cannot afford a tile roof will definitely take advantage of the shingle roof option if it were available.

The motion carried 4-1 on roll call vote with Vice Mayor Ator casting the dissenting vote.

9E) Recommendation to Remove Code Section 150.010 (H) of the City Code – (Gravel roof coverings shall be required for all roofs with a slope of ½ to 2 and ½ to 12) Addendum to Roof Memo of September 26, 2012

City Manager Ronald K. Gorland read the memo as follows:

"In conversations with the Roofing Plans Examiner and Building Inspector, he mentioned that section 150-010 (H) of the current code is out of date and should be removed from the Code for the following reasons:

- *The pitch specifications are incorrect.*
- *With a pitch of 2" per foot or greater, tile or shingle roofs would be allowed.*
- *Requiring gravel roofs is not in the best interest of the City.*
- *Many new types of flat or low slope roof coverings are not available on the market and approved by the Building Code, such as:*
 - *Built Up Roofing Systems*
 - *Granulated Cap sheets*
 - *Granulated Modified*
 - *Fiberglass*
 - *Thermoplastic Polyolefin*
- *A number of these new types of roof coating are superior to gravel roofs. Most of them already have or require a white coating as a final step in installation.*

Based on the above, it is the recommendation of the Building and Code Compliance Department that this section of the Code, 150-010 (H), be stricken from the Code of Ordinances."

City Attorney Seiden explained that the only reason that this section was put back in the code a few years ago was because there was a glitch in the process which allowed people to black top their roof and it looked terrible.

Councilman Lob moved to remove section 150-010 (H) of the code. Councilman Best seconded the motion which was unanimously carried on roll call vote.

9F) Consideration of Amending Code Section 150.034 Regarding the Location for the Installation of Central Air Conditioners and Heating Units, Pool Pumps and Equipment, and Sprinkler Pumps Equipment

City Manager Ronald K. Gorland read the memo as follows:

"Four variance requests to permit mechanical equipment in side yards have been considered by the Board of Adjustment in the last three months. Of these, one variance was granted (after the fact) and the others were not approved. One case was successfully appealed by the Board of Appeals, and two additional appeals are pending.

The City Clerk has provided minutes of previous requests and the minutes of the Code Review Board meeting of March 23, 2006, when this issue was discussed and a Code Amendment was recommended."

Vice Mayor Ator commented that the case from the Code Review Board in 2006 was actually for an emergency generator.

City Attorney Seiden advised Council not to bring up the subject of generators because they are dealt with by the Florida Building Code. The City was prohibited from preempting the field in regards to the generators.

City Attorney Seiden clarified that the code was put into a format that explains clearly what is supposed to be done and what applies in which case. The only cogent argument that he heard was from Board of Adjustment member Ernie Aloma stating that the newer models of air conditioning units do not make as much noise.

City Attorney Seiden explained the conversation he had with an architect at the previous Board of Adjustment meeting. The simplest reason to keep the code as it is now is that most homes in Miami Springs provide an ample amount of space to place mechanical equipment in the rear yard. If homes are newly built, there is no reason why equipment cannot be placed in the proper location such as pool equipment being next to the pool. To some extent, the design professionals are creating these problems.

City Attorney Seiden stated that there are exceptions if the equipment is already installed in the side yard and it is being replaced. The only issues that have arisen are from new construction homes because the architects have not been following the code. He suggested having a bold lettered memo on the desk of the Building Department that can be given to every architect or engineer advising them of the provisions of Section 150-034.

Mayor Garcia asked Council to consider the situation in which a person building a new home decides to make the side yard setback even larger by making their home smaller or creating an indentation and blocking it off which would be farther away from the required side yard setback.

Councilman Best commented that a strong argument for not having equipment in the rear yard would be because people like patios in their backyard. In a lot of cases neighbors will have equipment on the same sides of their home to counteract the noise. The decibel levels of newer units are considerably lower. He feels that the code should be left as is and to let the Board of Adjustment continue to do their job and if a case needs to come before Council then so be it.

Mayor Garcia drew an example on the display board for the Council members to understand his earlier statement. He would like for residents to have the choice to place their equipment in the rear yard or on the outside of the required side yard setback.

City Attorney Seiden does not believe that anyone is going to build their home to be narrower so that they are able to place equipment in a side yard. They may decide to design an indentation but it would take away from their square footage. Most people want to maximize the use of their property and that is when it becomes an issue.

Mayor Garcia said that an indentation has already been designed for one of the homes and the homeowner is requesting relief from Council.

City Attorney Seiden commented that the homeowner who made the indentations in his new construction lives on Hunting Lodge Drive where space is not an issue. Issues will arise on homes other than ones on Hunting Lodge Drive, Deer Run and other large lots.

Planning and Zoning Director Holland stated that there was simple language that came out of the Code Review Board's meeting of April 23, 2006 and the term "minimum side setback" was used which meant that basically no portion of any central air conditioning or heating unit or electric generator shall be located in any minimum side yard setback which is another way of stating what Mayor Garcia suggested.

Mayor Garcia explained that the equipment should not be placed within the minimum required side yard setback. He would like to give residents options such as having proper screening or placing the equipment in the side yard or the rear yard.

Mr. Holland said that adding the term "minimum setback area" would suffice. There is a conflict in the code that was apparent with the case that Council heard tonight in that regulatory measures should not be included in the definition section which is the case for yards.

Mr. Holland noted that Section 150.002 (C) (79) includes language stating that no portion of any central air conditioning unit or heating unit shall be located in any minimum rear yard setback area. He sees no reason to prohibit the equipment in a minimum rear yard and it would eliminate the conflict.

Mayor Garcia commented that a new home would have new equipment that is quieter and even if the unit were to break and is noisy, it would be replaced.

Vice Mayor Ator said that there had been discussion on the air conditioning units, but Council had not addressed the pool or sprinkler pump issue since they are also noisy. She does not understand why someone designing a new house cannot read and follow the Code, especially an architect.

Mayor Garcia agreed that an architect should know their job, but that is not related to the cases that have been presented. He said that this discussion is about changing the Code and allowing the opportunity to place the equipment in the side yard, but not within the required minimum side yard setback.

Vice Mayor Ator expressed her concern about changing the Code every few years because that makes it difficult for people to understand what the Code actually states. Part of the problem is that the Planner is approving plans and he should know what the Code says.

Councilman Lob said that the Florida Building Code changes and is updated all the time and everyone dealing with construction must review it. He commented that this Council could amend the Code and the next Council might overturn their decisions; the Code will change over time based on the current situation. He said that air conditioners are much quieter today than they were five or even ten years ago.

Councilman Lob added that he does not have an issue with amending the Code provision and allowing a choice. He noticed that most houses in the City do not have the equipment in the back yard, which has never bothered him. He asked what new communities are requiring and whether or not they are allowing equipment in the side yard.

City Attorney Seiden stated that research five years ago showed there was a trend for placement of the equipment in the rear yard for new construction.

Vice Mayor Ator said that there had been a lot of discussion and it sounds like there is support for amending the Code. She would suggest asking the City Attorney to draft language and when he brings it back Council can discuss it at that time.

City Attorney Seiden suggested that Council could throw out the provision allowing the equipment to be placed in the side or rear yard as long as it is not within the setback area, or keep the provision as it is and include within it an additional provision that allows for the equipment to be in the side yard of new construction as long as it is inside a "niche" area.

The City Attorney will draft an ordinance for Council's consideration at the next meeting that allows equipment inside of a "niche" area that is outside of the setback area.

9G) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$3,000.00 to Southeast Design for Changes to the Design Plans for the Westward Drive Median Bikepath/Walkway, Pursuant to Section 31.11 (E) (6) (g) of the City Code

City Manager Ronald K. Gorland read the title of the recommendation and the memo from Assistant City Manager/Finance Director William Alonso.

The City Manager explained that on April 23rd, Council approved an expenditure to Southeast Design for architectural and design services for the Westward Drive Median Project. The plans were completed about three weeks ago and submitted to the Citizen's Independent Transportation Trust (CITT). The Public Works Director was notified by CITT that the project did not meet their requirements since the majority of the blocks involved had sidewalks with access to the bus benches located in the areas.

The City was advised that there might be an MPO Transportation Enhancement RFP available that would, if awarded, cover the entire project, including landscape modifications, lighting and signage. This proposal must be submitted by November 30th, with significant detail, cross section drawings, timelines, engineering and electrical plans, etc.

City Manager Gorland explained that because the funding is federal-through state funding, the path will need to be widened one-foot to meet the FDOT and AASHTO recommendations of ten feet for as much of its length as possible. Architect Perez-Vichot has indicated that this is possible, and that the electrical drawings had been partially completed. MPO funding is on a five-year timeline, which means that, if awarded, the funding will be available at some point during the next five years.

Historically, "shovel ready" projects receive priority in the dispersal of funds. Additionally, there is no required City match and up to 15 points are awarded if there is substantial local commitment. This may take the form of fees paid for plans, the Public Works Director's hourly cost for supervision and the removal/mitigation for trees and other plantings, and any other Public Works involvement as well as actual dollars.

The funding for the expenditure would have to come from the designated fund balance because the project does not meet CITT requirements. The total cost is \$3,000.00. He asked Grant Writer Carol Foster what the likelihood of this project would be and she replied that it was 30-50% likely. He advised Council that by spending the \$3,000 there is no guarantees or even a high likelihood that at some point in the future that the City would be considered.

Mayor Garcia asked what entity the grant is with and City Manager Gorland replied that the grant is with the Metropolitan Planning Organization (MPO).

City Attorney Seiden explained that even if the City was awarded the grant, the City may not receive the actual funds for five years.

City Manager Gorland stated that if the City wanted to take advantage of the grant the \$3,000 would need to be spent to alter the plans.

Councilman Lob said that during the budget process he made a statement that he would vote no for anything that was being funded out of the designated fund balance and with that being said, a lot of funding has already been spent on this project. He said that the City cannot use CITT funding for this project and he would hate to see the funds that have already been spent go to waste.

Councilman Lob commented that if there is a chance that funding can be obtained from another source then he believes that the City should be ready. He is a big proponent for having "shovel ready" projects and he feels that it would be a waste of the funds that have already been spent if the project was not finished.

Councilman Best agreed with Councilman Lob. The \$3,000 would be very well spent in terms of moving forward and potentially getting a 50% chance of the project occurring.

Vice Mayor Ator asked Mr. Alonso asked where the funds would come from in the designated fund balance and Mr. Alonso replied that there are still funds in the Downtown Revitalization balance.

Councilman Best moved to invest \$3,000.00 out of the designated fund balance for the positioning of the paperwork and drawings necessary to move on the to MPO Transportation Enhancement RFP. Councilman Lob seconded the motion which was carried 3-2 with Vice Mayor Ator and Councilwoman Bain casting the dissenting votes.

10. New Business:

10A) Consideration of Providing Prepaid Return Envelopes for Absentee Ballots for Municipal Elections

City Manager Ronald K. Gorland read the memo from City Clerk Magali Valls as follows:

"On September 21, 2012, I sent you information regarding the actions the Miami-Dade County Commissioners had taken by passing a resolution to provide pre-paid return envelopes for absentee ballots in all countywide elections.

The Miami-Dade County Supervisor of Elections has notified municipalities that cities/towns/villages that have elections that do not coincide with the County's, have a choice of using pre-paid return envelopes or using regular envelopes where they would be required to put postage for mailing absentee ballots.

I have contacted the Elections Department and they have provided me with an estimate of \$700.00 as the additional cost for Business Reply Mail, based on 100% return of the 1,095 absentee ballot requests on file.

It is my recommendation that Council approve this additional expense."

City Manager Gorland explained that \$700 is the maximum price that it would cost and that it would probably cost approximately \$500.

Vice Mayor Ator explained that she has experience with Business Reply Mail. She spoke with City Manager Gorland regarding permitting and asked if the City was going to be placed under the Supervisor of Elections number and he replied that he believes the City will be placed under the Supervisor of Elections number. She stated that the City only pays for the absentee ballots that are returned.

Vice Mayor Ator commented that she asked City Manager Gorland where the funding would come from and he advised her that it would probably have to come from the Council budget. She supports the minimal expense of providing Business Reply Mail envelopes for the election.

Councilman Lob feels that this has direct impact to the citizens and he is in favor of it.

Vice Mayor Ator moved the item as recommended by the City Clerk. Councilwoman Bain seconded the motion, which was unanimously carried on roll call vote.

10B) Consideration of Amending Code of Ordinances Article IV – Memorial Committee – Section 32.20 – Establishment and Membership

City Attorney Jan K. Seiden stated that at Council's direction, the Administration tried to notify the Memorial Committee to meet in order to discuss a citizen's request for street naming of her deceased son. Section A of the Ordinance provides that one member of the Committee shall be the President of the Miami Springs Ministers' Council and the City Clerk found out that there is no longer such an organization.

City Attorney Seiden explained that Council could eliminate that particular position on the Board and have a four-member board or substitute another member. He suggested acquiring the names of the various religious institutions of the City and the seat could be assigned on a rotating basis from year to year.

City Attorney Seiden said that the City Clerk could call each religious institution and ask whether or not they would like to participate in the process and if so, their name would be put on the list.

Mother Keedy from All Angels Episcopal Church said that it could be difficult because many churches meet with other churches in the community and a number do not speak English.

To answer the Mayor's question, the City Clerk explained that Pastor Van Lahmeyer from the Presbyterian Church previously participated on the Committee, and although he was not really the President of the Minister's Association, he was functioning as such.

Mayor Garcia suggested asking the major churches in the City if they want to participate on a rotating basis.

City Attorney Seiden stated that he would draft an amendment to the Code once it is determined who is willing to participate.

Vice Mayor Ator pointed out that just like the minister that left the Presbyterian Church, other churches relocate their clergy members from time to time the same as the Methodist church does. She would suggest that the Code be amended to state a representative of the church and not a specific person and the City Attorney agreed.

The City Attorney will amend the ordinance and bring it back to Council for consideration.

10C) Resolution No. 2012-3565 – A Resolution of the City Council of the City of Miami Springs Providing for the Fifth Amendment to the FY2011-2012 General Fund and Special Revenue and Capital Projects Fund Budgets; by Increasing General Fund Revenues from Undesignated Reserves to Cover Authorized and Approved General Fund Expenditures; By Increasing the Capital Projects Fund of the Special Revenue and Capital Projects Budget to Account for Curtiss Mansion Related Project Costs and Expenses; Providing Intent; Specifying Compliance with Accepted Budgetary Processes and Procedures; Effective Date

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

Attorney Seiden stated that there is an exhibit that explains what in fact was done.

Vice Mayor Ator moved to adopt the resolution. Councilman Best seconded the motion which was carried unanimously on roll call vote.

10D) Recommendation that Council Award City RFP # 09-11/12 to A-1 Property Services Group, the Lowest Responsible Proposer, in the Amount of \$60,120.00, for the Miami Springs Country Club Roof Repairs, Pursuant to Section 31.11 (E) (2) of the City Code

City Manager Ronald K. Gorland read the memo as follows:

“On August 28, 2012, the City advertised the Request for Proposal # 09-11/12 for Miami Springs Country Club Roof repairs of which 17 vendors were notified of the opportunity to bid. On August 30, 2012, contractors were required to attend a Mandatory Pre-Bid conference and only 7 were in attendance. On October 4, 2012, the City received 4 proposals and only three vendors were considered responsive.

A committee comprised of Public Works Director Nash and Professional Services Supervisor Tammy Romero met and evaluated the proposals received. After careful review, the committee is making a recommendation for A-1 Property Services, Group as the lowest responsible proposer. The total cost is \$60,120.00 and funding would come from the designated fund balance.”

Councilman Best moved the item. Councilwoman Bain seconded the motion which was unanimously carried on roll call vote.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Calendar of Events

City Manager Gorland reported that there are many events and activities that he would like everyone to be aware of and they are listed on the City's website.

Hurricane Season

City Manager Gorland reminded everyone that it is still hurricane season and that Hurricane Wilma came at this time of the year in 2005. There is at least one named storm and a tropical depression. He urged the public to stay in touch.

November Meeting

City Manager Gorland announced that Council would only meet once in November on Monday the 19th.

Halloween Festival

City Manager Gorland reported that the Parks and Recreation Department is inviting local residents to the City's 7th annual Halloween Festival celebration being held at the Miami Springs Community Center on Saturday, October 27th at 6:00 p.m., with a costume contest in the gymnasium, followed by a "ghoulish" egg hunt. I. D. bracelets will be required and are currently on sale for Miami Springs and Virginia Gardens residents, based upon proof of residency. Non-residents can purchase I. D. bracelets for \$10.00 beginning on October 24th.

Veterans Day Ceremony

City Manager Gorland announced that a Veterans Day ceremony will take place at the Curtiss Parkway War Memorial on Monday, November 12th at 10:00 a.m.

Soccer Fundraiser

City Manager Gorland reported that the Miami Springs/Virginia Gardens Soccer Club would hold a fundraising dinner on Saturday, November 17th at Woody's West End.

5K Turkey Trot

City Manager Gorland reminded everyone that the 3rd Annual 5K Turkey Trot would be held at 7:00 a.m. on Saturday, November 17th, with registration from 6:00-6:45 a.m. at the Miami Springs Community Center on race day.

12C) City Council

Farmers Market

Councilwoman Bain complimented the All Angels Farmers Market that always has something new and it is pleasant and well run.

Junior Orange Bowl Event

Councilwoman Bain reported that four girls participated in a Jr. Orange Bowl event at the Community Center and they will all advance to the second round in the competition. She complimented Programs Supervisor Patricia Bradley and the Recreation Staff for a wonderful event.

Halloween Safety

Councilwoman Bain would like everyone to be safe when "Trick or Treating" and to attend the Halloween Festival at the Community Center.

Curtiss Mansion Event

Vice Mayor Ator received notice that the Curtiss Mansion event was cancelled and she later was informed that it is still taking place for a limited amount of days. She is sure that it will be a very good event.

Veterans Memorial

Vice Mayor Ator mentioned that her husband Bill Tallman is very distressed about the Veterans Memorial and since Veterans Day is coming up it is a good time to address the problem. There is a typographical error on the memorial and not all veterans who were killed or served in the line of duty are listed on the memorial. She suggested that the Memorial Committee could address the issue. The City Manager agreed there is an error in the marble on the monument.

Halloween Safety

Vice Mayor Ator urged everyone to have a very safe Halloween and to arrive back home before it gets too dark.

Pelican Playhouse

Councilman Best announced that the Pelican Playhouse would hold "The Trials of Robin Hood" the first two weeks in November on Thursday and Friday nights at 7:30 p.m. and at 2:00 p.m. on Sunday. He said that the production is coming together well with the participation of 35 actors.

Halloween Safety

Councilman Best reiterated Vice Mayor Ator's comment urging everyone to have a safe Halloween since there will be many kids on the streets on Wednesday afternoon and evening.

Halloween Safety

Councilman Lob urged everyone to have a safe and "Spooktacular" Halloween.

Curtiss Mansion

Mayor Garcia announced that Miami-Dade County recognized the recipients of the 2nd Annual Historic Preservation awards and the Curtiss Mansion received the Outstanding Restoration Award for a Public Facility. The City Managers' luncheon was recently held at the beautiful facility and a few already contacted the Mansion about holding events there.

City Manager

Mayor Garcia spoke with a few of the City Managers at the Curtiss Mansion luncheon who were candidates for the City Manager's position in Miami Springs and he made it clear that City Manager Gorland is doing a wonderful job.

Castillo Family

Mayor Garcia extended his thoughts and prayers to the Castillo family and he asked everyone to do the same for everyone that was injured in that accident.

Halloween Safety

Mayor Garcia urged everyone to have a safe Halloween and to express their love to their loved ones every day.

Thank You

Councilman Best thanked All Angels Mother Keedy for staying for the entire meeting. He is impressed that someone of her prominence in the community is interested in seeing how the City Council works for 2-1/2 to 3 hours.

All Angels Church

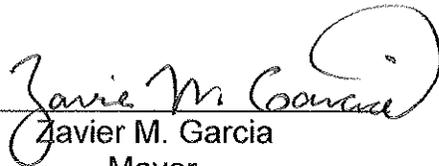
Mayor Garcia said that he spends a lot of time at All Angels Episcopal Church visiting friends and he stopped by there today while jogging.

Farmers Market

Mayor Garcia thanked Mother Keedy for hosting the Farmers Market and complimented Sara Vargas for doing a wonderful job.

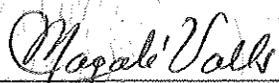
13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:37 p.m.



Xavier M. Garcia
Mayor

ATTEST:



Magali Valls, CMC
City Clerk

Approved as written during meeting of: 11-19-2012

Transcription assistance provided by Suzanne S. Hitaffer and Elora R. Sakal.

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