



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, April 22, 2013, 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 Michael Windrem
- Councilman Billy Bain
- Councilman George V. Lob
- Councilman Jaime A. Petralanda

Also Present:

- City Manager Ronald K. Gorland
- Assistant City Manager/Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Golf and Country Club Director Paul O'Dell
- Building & Code Compliance Director H. "Tex" Ziadie
- I. T. Director Jorge Fonseca
- City Clerk Magali Valls
- Deputy City Clerk Suzanne S. Hitaffer

2. Invocation: Councilman Lob offered the invocation.

Salute to the Flag: Children from the audience led the audience in the Pledge of Allegiance and Salute to the Flag.

Mayor Garcia presented baseball caps to the children who participated in the salute to the flag.

3. Awards & Presentations:

3A) Introduction of Golf and Country Club Director Paul O'Dell

City Manager Ronald K. Gorland introduced newly hired Golf and Country Club Director Paul O'Dell.

Mr. Gorland said that Mr. O'Dell had already made a lot of changes at the golf course and he was selected for the position based on the best business manager that could be found in South Florida, but he is actually from Dallas, Texas and has lived here for many years. Paul's reputation is wide and very strong, which is exactly what is needed since the golf operation is a business. The target for the golf course is to break even and Paul has the experience to make this happen.

Golf and Country Club Director Paul O'Dell distributed caps to Council with the Miami Springs Golf and Country Club emblem. He said that he is proud to be with the City of Miami Springs and his history in the golf business has been in turning around facilities and making them profitable, just like a business, with the revenues and expenses offsetting each other and providing recreation at the same time.

Mr. O'Dell explained that the items that need to be addressed are vast; it will not happen overnight and he feels that they can be done by working with Council and the City Manager. He noted that grant funds are available and he will pursue those funds for the Golf Course. He will be submitting an addendum budget to Assistant City Manager/Finance Director Alonso in order to be able to make improvements so that people can see a change.

Mr. O'Dell reported that the grass was removed from around the putting greens and it looks better already. He also met with Food and Beverage operator Carlos Santana and pointed out several items in the building that need to be improved within two weeks that are a matter of cleanliness and paying attention to detail.

Mr. O'Dell promised more cleanliness and a new appearance for the facility that is not expensive, such as paint and pressure cleaning of the concrete areas. The food and beverage operation is perceived as belonging to the City of Miami Springs Golf and Country Club, not a private catering operation. He reiterated that he is glad to be in Miami Springs and he will be working hard.

3B) Presentation of Award Winning Video "Take a Stand, Lend a Hand" by Miami Springs Senior High School Students Jennifer Porres and Daniela Zapata

Miami Springs Senior High School students Jennifer Porres and Daniela Zapata presented their award winning video "Take a Stand, Lend a Hand".

3C) Certificates of Recognition to Miami Springs Senior High School Students Jennifer Porres and Daniela Zapata

Mayor Garcia presented Certificates of Recognition to Jennifer Porres and Daniela Zapata who earned the first place award at the "Bully-Free-O-Five" Miami-Dade Public High School Art & Film Festival for their video "Take a Stand, Lend a Hand", winning \$1,000 worth of prizes and \$5,000 cash for their school.

Mayor Garcia recognized Miami Springs Senior High School teacher Rene Barge and Principal Anna Rodriguez for the great things that are happening at the school. He said that Mr. Barge is one teacher that goes above and beyond and he urged him to keep up the great work.

4. Open Forum:

Pelican Playhouse

Nancy Jones and Ralph Wakefield of 255 Springs Avenue congratulated the new Council and distributed envelopes with an invitation to the next show called "Fairy Tale Theatre" that is opening on May 3rd, running through May 12th. Ms. Jones invited everyone to attend Gala Theatre Night on May 2nd and to bring their kids. The Pelican Playhouse is partnering with the American Cancer Society/Relay for Life for a fund raiser. Jimmy Mills and Suzanne Wolar have teams and the proceeds from the tickets they sell will go to the American Cancer Society.

Puppeteers

Mr. Wakefield announced that the lunchtime for seniors' production will be held in the Rebeca Sosa Theatre at the Community Center on Thursday, April 25th in which the Pelican Playhouse Puppeteers will be performing, including the Mayor's daughter. He encouraged everyone to come and see the kids who are wonderful.

5. Approval of Council Minutes: (Approved with one motion)

5A) 04-08-2013 – Special Meeting

Minutes of the April 8, 2013 Special Meeting were approved as written.

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

5B) 04-08-2013 – Regular Meeting

Minutes of the April 8, 2013 Regular Meeting were approved as written.

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

6. Reports from Boards & Commissions:

6A) 04-03-2013 – Architectural Review Board – Minutes

Minutes of the April 3, 2013 Architectural Review Board meeting were received for information without comment.

6B) 04-09-2013 – Recreation Commission – Cancellation Notice

Cancellation Notice of the April 9, 2013 Recreation Commission meeting was received for information without comment.

6C) 04-10-2013 – Golf and Country Club Advisory Board – Lack of a Quorum

Lack of a Quorum Notice of the April 10, 2013 Golf and Country Club Advisory Board meeting was received for information without comment.

6D) 04-11-2013 – Board of Parks and Parkways – Minutes

Minutes of the April 11, 2013 Board of Parks and Parkways meeting were received for information without comment.

6E) 04-15-2013 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice

Cancellation Notice of the April 15, 2013 Revitalization and Redevelopment Ad-Hoc Committee meeting was received for information without comment.

7. Public Hearings:

None.

8. Consent Agenda:

8A) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$15,000.00 to Firepower Displays Unlimited, LLC for the Purchase of the 4th of July Fireworks Display, Pursuant to Section 31.11 (E) (6) (g) of the City Code

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

Councilman Lob moved the item. Vice Mayor Windrem seconded the motion.

Mayor Garcia asked for confirmation that the company would be providing the same display as last time and the City Manager clarified that everything would be the same and the Village of Virginia Gardens will contribute \$3,000.00 making the net cost to the City \$12,000.00.

The Mayor commented that last year's fireworks display was the best he has ever seen in the last thirteen years. He would be happy to provide a letter of recommendation for Firepower Displays Unlimited because they do an incredible job.

City Manager Gorland added that the company has a good relationship with the Fire Department and there have been no safety issues.

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

9. Old Business:

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

Vice Mayor Windrem (Group I) appointed Miguel Becerra to the Recreation Commission for an unexpired term ending on April 30, 2015.

Councilman Petralanda (Group IV) appointed Mike White as the alternate member to the Board of Adjustment/Zoning and Planning Board for an unexpired term ending on October 31, 2015. He thanked former member Todd Stiff for his hard work.

Councilman Petralanda read a message from Mr. White explaining that he wanted to give back to the City that he calls home and he is willing to give back in any way he can. He feels that Mr. White is going to be an asset to the Board.

Councilman Lob (Group III) appointed Maria Petralanda to the Historic Preservation Board for an unexpired term ending on February 28, 2015.

9B) Recommendation from the Education Advisory Board Regarding Asking the City Council to Authorize Representation to the Board from Public Works, Police and the Chamber of Commerce in Order to Achieve the Collaboration Between the City and Miami-Dade County Public

City Manager Ronald K. Gorland stated that the Education Advisory Board asked the City Council to authorize representation to the Board from Public Works, Police and the Chamber of Commerce. Subsequent to the last Council meeting, he spoke with Education Advisory Board Chair Dr. Salomon and discussed what is needed and required. It was determined that the only person from the Administration that needed to attend was Elderly Services Director Karen Rosson because of a special program they want to implement and there is no immediate need for what was originally requested.

Nery Owens of 456 DeLeon Drive was concerned about this issue because advisory boards are appointed by Council to make recommendations. In her opinion, the Education Advisory Board is the same and they do not hold responsibility or authority to collaborate and they seem to be asking for support staff that other boards do not have. She congratulated the City Manager for resolving this issue.

9C) Scheduling of Executive Session on Monday, April 29th or Tuesday, April 30, 2013

Councilman Bain asked why the Executive Session that was scheduled for April 25th was cancelled.

City Manager Gorland stated that consultant Jim Linn who lives in Tallahassee said that, in his opinion, due to all the changes that the State Legislature is contemplating he would not be able to make recommendations on April 25th, and it would not be in the City's best interest to incur the associated cost. He recommended that the meeting be held after the Legislative session is over and he sent an e-mail to that effect.

City Manager Gorland said that in the meantime, Councilman Lob told him that he thought it would be a good idea to hold the Executive Session anyway so that Council could be advised of the current information. This meeting will not include Jim Linn, but it will include the rest of the negotiating team who will answer questions based on what is known at this time.

City Clerk Magali Valls advised Council that the individual and group photographs could be taken at 5:45 p.m. if the meeting is scheduled at 6:30 p.m.

Council scheduled an Executive Session for Tuesday, April 30, 2013, at 6:30 p.m., preceded by a photography session for Council group and individual photos at 5:45 p.m.

10. New Business:

10A) Council Liaison Appointments to the Advisory Boards

Mayor Garcia stated that Council was provided with a list of the different advisory boards and the current liaisons. He asked if there are any requests to sit on a particular board.

Councilman Petralanda replied that he is interested in the Education Advisory Board, the Historic Preservation Board and the Board of Parks and Parkways.

Vice Mayor Windrem expressed his desire to be the liaison to the Historic Preservation Board.

After discussion, Council decided on the following appointments:

- Bd. of Adjustment/Zoning & Planning: Councilman Bain - 2
- Architectural Review Board: Councilman Petralanda - 4
- Civil Service Board: Councilman Lob - 3
- Code Enforcement Board: Councilman Lob - 3
- Code Review Board: Councilman Lob - 3
- Disability Advisory Board: Vice Mayor Windrem - 1
- Ecology Board: Vice Mayor Windrem - 1
- Education Advisory Board: Councilman Petralanda - 4
- Golf and Country Club: Councilman Bain - 2
- Historic Preservation Board: Vice Mayor Windrem - 1
- Bd. of Parks & Parkways: Councilman Petralanda - 4
- Recreation Commission: Councilman Bain - 2

 Councilman Petralanda stated that he would like to nominate his wife Maria for the Historic Preservation Board.

City Attorney Seiden reminded Council that the Board Liaisons attend the meetings to listen, answer questions and not to participate in the meeting. Council will listen to what the board members' views are and if there are questions about the City Council or City Administration's positions on matters, it is fine to answer or questions can be brought back to the Council directly. Liaisons should not take an active part in participating in the Board's discussion.

10B) Recommendation that Council Award a Bid to Lowes, Utilizing the Cooperative Purchasing Network Contract R4954 in the Amount of \$20,000.00 on an "As Needed" Basis for Various supplies and Stock Items Pursuant to Section 31.11 (E) (5) of the City Code

City Manager Ronald K. Gorland read the title of the award. He explained that this is necessary for Public Works to purchase all kinds of products that are used on a daily basis; there is no budget impact other than the amount that was previously approved in the budget.

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

The City Manager clarified for Councilman Bain that funds are included in the budget and this is only specific to what the Public Works Department purchases from Lowes. There is no budget impact.

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

10C) First Reading – Ordinance No. 1053-2013 – An Ordinance of the City Council of Miami Springs Amending Code of Ordinance Section 34-14, Appointments, by Adding Thereto a Maximum Number of Hours for Other Than Fulltime Classified Employees; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

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

Attorney Seiden stated that the City Administration received a presentation regarding the Affordable Health Care Act. The Administration wants to protect against going over the 29-hour limit for part-time or other seasonal, temporary, or substitute employees because if they do, they are entitled to full-time benefits for insurance that would be financially burdensome to the City.

City Attorney Seiden noted that he first drafted the ordinance in a manner that said that *"Except as to subsection (d) below, in no event shall any person hired by the City in any of the following categories of employment be permitted to work in excess of 29 hours per week."* Subsequently, the County was contacted to see how they are handling the matter since they received the same presentation and the County says that no employee in the categories shall be permitted to work in excess of 59 hours during any bi-weekly pay period, which is exactly what the City has. This new language provides more flexibility for the Administrative Staff in scheduling, especially for the Recreation part-time or seasonal employees.

Councilman Bain moved the item. Councilman Petralanda seconded the motion, which was carried 5-0 on roll call vote.

10D) Recommendation that Council Award City RFP # 02-12/13 to Albarni, Caballero & Company, LLP, the Lowest Responsible Proposer, in the Amount of \$32,000.00, for External Auditing Services, Pursuant to Section 31.11 (E) (2) of the City Code

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

City Manager Gorland explained that the City advertised an RFP for external auditing services for Fiscal Year 2013 in the Miami Business Review, including three option years for 2014, 2015 and 2016. The City placed a copy of the RFP on the City's website and Demand Star (Onvia). The financial requirements of the RFP included the annual external audit of the City's Comprehensive Annual Financial Report (CAFR) as well as the annual Single Audit, if one is required.

A total of nineteen bid packages were sent to various CPA firms; the City received five bids of which only one company was considered non-responsive for lack of a bid bond. The Audit committee selection, approved by Council on February 11th was comprised of himself, City Attorney Seiden and Chief of Police Baan. The Committee evaluated and rated the firms and Alberni, Caballero and Company was rated first on all three rate sheets.

Based on the results, the Administration concurs with the recommendation of the Audit Committee and recommends awarding the contract to Alberni, Caballero and Company, LLP who is the City's current auditor. The current contract ends on September 30, 2013 and the City is required to have annual audited financial statements. The cost for external auditing services is \$32,000 and \$3,500 for single audit (if required). Funds are available in the Finance Department/Professional Services – Audit Fee.

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

To answer Councilman Bain's question, the City Attorney clarified that the contract is for one year with three annual renewal options. The option prices are very reasonable and the cost is lower than the current price this year.

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

10E) Recommendation from the Board of Parks and Parkways to Fund the Site Preparation, Purchase and Installation of New Plants and Landscaping for the Purpose of Renovating the Butterfly Park

City Manager Ronald K. Gorland stated that this is a recommendation from the Board of Parks and Parkways based on their actions taken at their meeting of April 11, 2013. The Board is requesting that the City funds the site preparation, purchase and installation of new plants and landscaping for the purpose of renovating the Butterfly Park in a manner that provides for the security and enjoyment of the public and will attract butterflies and birds to the area. The cost of the project is \$2,500, and if funds are not available in the current year budget, they are requesting that the restoration be done in quarterly budget phases in the Fiscal Year 2013-2014 budget.

City Manager Gorland clarified that funds are not included in the current budget. He recommends that it be considered in the upcoming budget process for the next fiscal year.

Councilman Petralanda said that he read the Board of Parks and Parkway minutes and there was a PowerPoint presentation. He would like to see an itemized breakdown of the \$2,500 because it seems like most of the work will be done by students and someone is going to donate the trees.

By consensus, Council agreed to consider the request during the upcoming budget process.

10F) Recommendation from the Board of Parks and Parkways Regarding the Yard of the Month for May and June 2013

City Manager Ronald K. Gorland stated that the Board of Parks and Parkways members are recommending 651 Falcon Avenue and 489 LaVilla Drive as the Yards of the Month for May and June 2013, respectively.

Vice Mayor Windrem moved the item. Councilman Lob seconded the motion.

Vice Mayor Windrem asked if it is too early to be selecting the June Yard of the Month and Mayor Garcia explained that the selections are made in advance so that the awards are advertised for the public to go by and see the homes.

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

10G) Code Compliance Revision Recommendations Regarding Commercial Vehicles

Building and Code Compliance Director Harold "Tex" Ziadie stated that revising the code for commercial vehicles is the top priority. The current code is inadequate for controlling commercial vehicles in the City and it does not allow any commercial vehicle to be parked in the City for longer than two hours, even on commercial property. He is proposing two sections; one section to deal with commercial properties and another to deal with residential properties; tonight he will only be dealing with the code as it pertains to residential properties.

Mr. Ziadie proposed liberalizing the code to allow some parking of commercial vehicles under certain stipulations. He presented suggestions for amending the Code in regard to dealing with the parking of trucks, vans and utility vehicles in the residential zoning districts of the City.

City Attorney Jan K. Seiden commented that the theory behind these types of ordinances is that commercialization of the residential districts, in any form, reduces the aesthetics and the values of the properties and that is why they were favored ordinances in the past. Times have changed and many people are driving pick-up trucks. He noted a City of Coral Gables' case that was upheld by the courts, although their Commission eventually changed the law.

Mr. Ziadie said that under the current code, any vehicle over one ton carrying capacity represents a commercial vehicle and many residents have big trucks that exceed this capacity and this technically makes them commercial vehicles. He is recommending limited allowance for parking commercial vehicles in the City and there are definitions to show the intent. All trucks, vans or utility vehicles without any commercialization, which do not exceed 14,000 pounds gross vehicle weight, may be parked without restriction or limitation in the City residential zoning districts. He said that commercialization can include as little as signage or the addition of supplemental equipment on the vehicles.

People who have large commercial vehicles might bring them home at night or at lunchtime, and technically under the code this is a violation, according to Mr. Ziadie. Visitation parking during the hours of 7 a.m. to 10 p.m. allows the parking of commercial vehicles providing service to residential properties for a period of up to two hours, unless an extended period is approved by the City Manager or his designee. This is a loophole in the current code and that is why he added "providing service to residential properties."

Secondly, visits to owned residences by City residents who drive commercial vehicles, provided there is no disruption to traffic or safety, is allowed for up to two hours. Visits are not allowed for the purpose of restocking, cleaning or servicing commercial vehicles, according to Mr. Ziadie.

To answer Councilman Bain's question, Mr. Ziadie said that parking of commercial vehicles providing service to a residential property is currently allowed up to two hours and he is proposing to keep this provision or to modify it for a different number of hours. The time cannot be open-ended or else people will take advantage of the time limit. This aspect of the code has never been enforced, but there must be some control.

Mayor Garcia would like to know about specific issues with certain types of vehicles, even though the code is antiquated and hard to enforce. He is curious what issues exist that might have sparked this revision in order to get a better understanding of the regulations.

Councilman Petralanda commented that he has the same issues as Councilman Bain and perhaps there should be a longer time period.

Councilman Bain clarified that he disagrees with the current two hour time period and this should be discussed going forward.

Mr. Ziadie stated that provisional parking is for commercialized vehicles that are less than 14,000 pounds in gross vehicle weight and it is being proposed to provide some means of allowing people in the residential zones to park commercial vehicles with certain stipulations. These types of vehicles would be allowed to park in rear yards, provided they are no closer than five feet to any property line. If rear yards are not accessible or available, parking in side yards of residentially zoned properties may be permitted by variance application.

Mr. Ziadie continued to explain the types of commercial vehicles that are prohibited from parking in residentially zoned districts of the City, regardless of size or weight. They include box trucks, equipment carriers, trailers, lunch/food trucks, material/supply carriers, tow trucks, pickup trucks altered to carry materials or supplies, commercial transportation vans, buses, tractor trailers, other vehicles that are clearly designed for commercial use and vehicles with commercial company advertising or information printed on the body of the vehicle.

City Attorney Seiden said that they wanted to provide additional relief in the code since it is reasonable for someone to have commercial printing on the side of the vehicle and theoretically this is a commercial vehicle. An exception is proposed for any vehicle, mainly cars, small trucks and vans that are commercialized only to the extent of signage and are under a certain weight limit of 9,000 pounds. Certain parking would be permissible with very limited commercialization without needing a variance.

Councilman Bain pointed out that just because a truck has racks it does not make it a commercial vehicle; people have racks for hunting and other sports.

The City Attorney explained that the example presented by Councilman Bain would be covered under another code section for recreational vehicles.

Mr. Ziadie continued his PowerPoint presentation showing various types of vehicles with racks that are often parked in front of homes on City property in the swale.

City Attorney Seiden explained that under the proposed code, these vehicles could be parked in the rear yard or they could get a variance. The intent is to be consistent with the code for recreational vehicles because parking trucks in the front yard tends to bring down the value of the homes in the neighborhood. It is Council's prerogative to enforce this theory.

Mr. Ziadie added that the theory of a side yard variance is that it gives the Board of Adjustment the authority to allow parking under certain conditions, such as proper screening.

Councilman Bain was concerned that creating this law would cause an expense to a homeowner who has a small commercial truck because they would have to spend money to screen the vehicle.

City Attorney Seiden said that theoretically the type of vehicle mentioned by Councilman Bain is not allowed to be parked in a residential district under the current code.

Mr. Ziadie continued his presentation showing a pickup truck with a rack and a ladder on top, and utility trailer without any commercial lettering that under the proposed code could be parked in the rear or side yard with a variance. He reiterated that the proposed changes came about because the code is outdated and it is not enforceable. Many issues deal with lunch/food trucks that are owned by a number of residents and they park on the property at night and over the weekend. The current code does not define what the two hour time period is for.

Mr. Ziadie showed examples of take home service trucks and vans. He also showed photographs of various sized vehicles and different weights that would be allowed up to a certain limit.

To answer an earlier question posed by Councilman Bain, City Attorney Seiden explained that the original code dates back to 1962 and 1966, with amendments in 1977, 1982 and 2005, but the theory of the code has not changed for many years. He added that the next section will deal with commercial vehicles in commercial zones.

Mayor Garcia said that in dealing with commercial vehicles in residential areas, he mentioned to the City Manager that he would not want Miami Springs to be as strict as Coral Gables, but he also does not want to be too lenient. The idea is to be somewhere in between, which is difficult due to the possible decrease in property values. It seems like the proposed changes are getting closer to the middle, but it is still too close toward the Coral Gables' aspect in his opinion. He said that perhaps a van could be allowed to park in a driveway as opposed to the swale area.

The Mayor also expressed his concern with the variance process and blocking the view of the vehicles from the street, the same as recreational vehicles.

City Attorney Seiden explained that the community is very different as it relates to side yards; in some yards, parking in the side yard would not be appropriate. There are many small lots in the City.

Vice Mayor Windrem commented that a 50-foot lot with a five-foot side yard setback would not allow parking in the side yard.

City Attorney Seiden said that the process would allow an evaluation and a determination on whether to permit parking under certain conditions.

Councilman Bain said that the examples that were presented are hard to find and the commercial vehicles are not parked on every block. He pointed out the truck with the ladder on the top and said that he knows of someone that owns a truck like that who does many good things for the City and he keeps up his home beautifully. The proposed ordinance would cause this person to park the truck in the back yard.

Councilman Bain said that he would not support the proposed ordinance for this size truck. He said that people keep supplies in their trucks and the conditions in the City should be observed by driving around before making these types of rules.

City Attorney Seiden said that if this type of truck was parked between or in front of the homes the neighbors might object and since Council represents the people they must consider what is in the best interest of all. He said that right now all commercial vehicles in residential areas is illegal and they are trying to find a way to make it legal.

Mayor Garcia commented that he receives complaints about the maintenance of properties and he knows of a neighbor who has a Douglas Orr Plumbing truck with equipment and this person keeps his property clean. He understands that there must be code regulations.

Councilman Lob said that the current code makes the truck illegal and that is why they are suggesting for it to be relaxed.

City Attorney Seiden explained that they are trying to modify the code that will allow the vehicles to be parked in the back yard or to obtain a variance to park in the side yard.

Councilman Lob suggested that there could be a weight limit imposed to see how it works, and if it does not work, the ordinance can be changed.

City Attorney Seiden said that if the ordinance is passed and for some reason it needs to be changed, it is harder to do, unless there are specific issues. Many times ordinances are passed with the expressed purpose of doing the best thing possible, but in practical application, some adjustment might be needed.

Attorney Seiden explained that the theory is to provide a basis for allowing what used to be considered commercial trucks in the front yards of residential properties for parking. It seems that everyone agrees that trucks up to the 14,000 pound weight limit can be placed in the front yard. In addition, commercial vehicles would be allowed up to 9,000 pounds that are slightly commercialized. For those vehicles that go beyond the exception, there would be another exception to allow them to take advantage of the same process that is provided for recreational vehicles, which is placing them in the back yard without a variance or in the side yard with a variance.

Attorney Seiden reiterated that the current code allows no commercial vehicles at all and the proposed changes would allow four exceptions to allow these types of vehicles. He feels that this is a big step forward and he suggested that Council allow him to draft a format that they could review as an ordinance and then change it from that standpoint.

Councilman Bain agreed with the City Attorney's suggestion to draft an ordinance for further review. He feels that everyone should ride through the City to look at the examples that were presented because the vehicles might not be there any longer.

Councilman Petralanda asked Mr. Ziadie to display the examples of the trucks again and noted that the last example is a personal truck, although it would not be his preference, but the proposal would not allow it.

Mr. Ziadie commented that the truck pointed out by Councilman Petralanda is 19,000 pounds and the proposal is to allow trucks less than 14,000 pounds.

Councilman Petralanda said that the proposed law would prohibit someone from buying that truck. He asked if anyone owns this type of truck and Mr. Ziadie replied that there were a few trucks that are similar to the example, and a few are significantly larger and they generally do not deal with them unless a complaint is received or if they are parked on City property.

Mr. Ziadie emphasized that there must be a weight limit in order to set a threshold.

Councilman Bain suggested a weight limit for commercial vehicles, not personal vehicles.

By consensus, Council agreed to move the proposed weight limit up to 19,000 pounds

Mayor Garcia said that he would have an issue with not allowing take-home commercial vehicles, like Comcast trucks and the City Attorney clarified that they would be allowed because they weigh less than 9,000 pounds.

Mayor Garcia added that he was also concerned about the plumbing trucks that have equipment on them and once you allow those vehicles there could be exceptions for others that are not as desirable.

City Manager Gorland said that he, Mr. Ziadie and the City Attorney had spent many hours in an attempt to craft the ordinance and they came up with what was presented this evening.

City Attorney Seiden commented that there must be a starting point and it is Council's decision as the policy makers of the City. They are trying to modernize the code but at the same time they do not want to relax it too much. The ordinance must be specific enough in order for it to be enforced.

Councilman Bain added that instead of a 2-hour period, he would suggest eight hours during a certain time frame.

Mr. Ziadie would like an ordinance that can be enforced. If Council wants to allow commercial vehicles in front of the homes, he would not have a problem.

City Attorney Seiden suggested a middle ground for one issue that seems to be a concern and that is allowing vans or small trucks to be parked in the front if they remove the ladders or equipment and store them at night.

Councilman Bain responded that he would not approve of the City Attorney's suggestion.

By consensus, Council directed the City Attorney to draft an ordinance for further discussion.

10H) Discussion Regarding Advertising in the Conference Edition of the Quality Cities Magazine to Celebrate the Florida League of Cities 87th Conference in Orlando, Florida to be Held During August 15-17, 2013

Mayor Garcia said that Council received a copy of the advertisement in the agenda packet and funds are included in the budget. He asked the City Clerk what size ad was published last year and she responded that it was a full page, four-color ad for \$1,000.00.

Councilman Petralanda asked who designed the ad and the Mayor responded that the City Clerk responded that it was Jo Ellen Phillips.

Mayor Garcia commented that the ad design received recognition from many businesses and it is on display in the office of Mr. Rey at Centurion Air Cargo.

Vice Mayor Windrem moved to publish the same ad as last year. Councilman Lob seconded the motion.

Councilman Petralanda said that he would like to take part in the design of the ad if it is okay.

Mayor Garcia stated that three Council members are involved in graphic design and they are eager to help. Suggestions for changes can be made for Council to consider at the next meeting.

To answer the Mayor's question, the City Clerk confirmed that the deadline to present the ad is May 31st.

Mayor Garcia suggested waiting for the new group Council photograph. He asked the City Clerk to e-mail the design to Council for their recommendations so that Council can forward their recommendations to the City Manager.

Mayor Garcia added that the current ad worked well; it should incorporate the new photograph and a change in the number of years. He added that it is difficult for Council to all agree on additional changes unless it is discussed at a Council meeting and it could be placed on the next agenda.

Councilman Lob recommended checking with Jo Ellen Phillips to see if she will agree to making the changes or providing the file.

City Clerk Magalí Valls stated that Public Information Specialist Carol Foster was not able to make changes to the file last year and she had to rely on Jo Ellen Phillips.

The Mayor said that the Administration would call Ms. Phillips to see if she is willing to edit the file and if not, if she would supply it to the City in a format that can be changed.

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

11. Other Business:

11A) FY 2012-2013 Second Quarter Budget Status Report (Unaudited)

City Manager Gorland stated that the second quarter budget status report is based on revenues received and appropriations expended through March 31, 2013. The purpose of the report is to apprise the City's governing body of the FY 2012-2013 budgetary status and projected year-end revenues, expenditures, and fund balances.

At the end of the second quarter of FY2013, the City is within budgeted revenues and expenditures and the Administration is not projecting any significant increase/decrease to the fund balance at the end of the fiscal year. The revenues and expenditures as of the end of the second quarter of FY2012-2013 are within budgeted amounts and in line with the amounts reported for the same period of last fiscal year.

As shown on page 18 of the report, the golf course reported a loss which is approximately double than the same period last year. The main reason for this increase was a decrease in revenues of almost \$51,000 from last year; there is a detailed analysis shown on pages 18 and 19. He added that Assistant City Manager/Finance Director Alonso could answer any questions.

There were no questions or discussion regarding this item.

11B) Recommendation that Council Reschedule the Monday, May 27, 2013 Regular Meeting to Tuesday, May 28, 2013 at 7:00 p.m.

City Manager Ronald K. Gorland stated that this is a request to reschedule the Monday, May 27, 2013 Regular Meeting to 7:00 p.m. on Tuesday, May 28th due the Memorial Day holiday.

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

Chief of Police Peter G. Baan announced that there was a serious crime over the weekend that involved an armed robbery on Westward Drive with a single subject who fired gunshots at the proprietor of a business. Within hours of the crime being committed, the Miami Springs Police Department had a suspect and the subject was positively identified at 10:00 a.m. that same morning.

Chief Baan reported that an arrest is on the way and the crime is essentially solved. He commended the Police detectives for the way they handled the investigation. He added that the subject is not yet in custody and he seems to be a member of a much larger organization.

12. Reports & Recommendations:

12A) City Attorney

Historic Preservation Board

City Attorney Seiden pointed out that Councilman Petralanda does not have a vacancy to the Historic Preservation Board unless he creates it, because Jo Ellen Phillips was appointed by former Councilwoman Ator (Group IV).

Councilman Lob said that he would be more than glad to appoint Maria Petralanda to the Historic Preservation Board.

12B) City Manager

Community Events

City Manager Gorland announced that there are many things going on in the City and urged people to check the City's website and their tweets. Those who do not receive tweets should sign up for them; there have been more than 2,500 tweets since it began over one year ago.

iPads

City Manager Gorland said that his iPad worked fine for this meeting and if Council has any questions they should not hesitate to ask. The paperless agenda will save more than \$20,000 per year. Councilman Lob had a great idea to use Optical Character Recognition (OCR) so that everything is searchable.

The City Clerk will still make one agenda packet for the City Hall lobby.

12C) City Council

Council Notification

Councilman Bain said that if an e-mail is sent to Council and they do not respond there should be a courtesy call to remind them. He did not hear about the Council photographs until today, while the e-mail notification was sent on April 15th.

Earth Day

Vice Mayor Windrem commented that it is quite appropriate to go paperless since today is Earth Day. He wished everyone a happy Earth Day.

All Angels Concert

Councilman Petralanda attended the All Angels concert on Friday featuring pianist Nelson Hall, violinist Chelle Reed, and flutist Judit Espinosa. It was a wonderful concert with great musicians.

Historic Bus Tour

Councilman Petralanda reported that he took the Miami Springs Historical Society's annual bus tour of historic homes that was also a wonderful event.

Historic Bus Tour

Councilman Lob agreed with Councilman Petralanda that the historic bus tour is a great event and everyone should take it.

Terrorist Attack

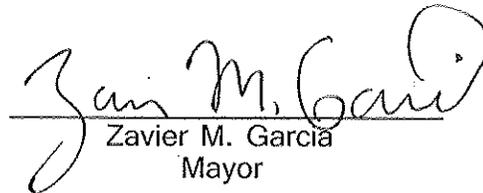
Mayor Garcia asked everyone to keep the victims in Boston and those who have been suffering with the terrible terrorist attack in their prayers.

Sergeant Kelly

Mayor Garcia urged everyone to keep Sergeant Danny Kelly and his family in their prayers as his father has passed away.

13. Adjournment

There being no further business to be discussed the meeting was adjourned at 9:06 p.m.


Zavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk



Approved as written during meeting of: 5/13/2013.

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