



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, May 9, 2011, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:02 p.m.

The following were present:

- Mayor Xavier M. Garcia
- Vice Mayor Bob Best
- Councilwoman Jennifer Ator
- Councilman Dan Espino
- Councilman George V. Lob

Also Present:

- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Finance Director William Alonso
- Golf Director Michael W. Aldridge
- Golf Superintendent Sandy Pell
- Recreation Director Omar L. Luna
- Building & Zoning Office Supervisor Harold "Tex" Ziadie
- Deputy City Clerk Suzanne S. Hitaffer

2. Invocation: Councilman Espino offered the invocation.

Salute to the Flag: Students from Miami Springs Elementary School led the audience in the Pledge of Allegiance and Salute to the Flag.

Mayor Garcia presented baseball caps to the students who participated in the "I Led the Pledge".

3. Awards & Presentations:

3A) Presentation of Pioneer Resident Award to James G. Caudle

On behalf of Mayor Garcia, Vice Mayor Best presented the Pioneer Resident Award to former Councilman James G. Caudle in recognition of his contributions to the community as a resident for more than sixty years.

Former Councilman Caudle introduced his wife, children and grandchildren who were present.

3B) Certificate of Sincere Appreciation to Carl Malek

Mayor Garcia presented a Certificate of Sincere Appreciation to Carl Malek, a member of the Ecology Board who unselfishly gives his time year after year to conduct a clean-up of the canal bank and the Circle in Miami Springs.

Mayor Garcia thanked Mr. Malek for all his work and time to make sure that Miami Springs stays beautiful and clean.

Mr. Malek said that the Boy Scouts and the Lions Club deserve recognition for having cleaned the canal banks for many years. He thanked Middle School teacher Ana Ferrer and the Environmental Club, as well as the High School Anchor Club for participating in the clean-up.

Mayor Garcia asked that each Councilmember respectfully request to speak through the Chair in order to maintain decorum during the meetings. By following this procedure the discussions will be more orderly and everyone will be given their opportunity to speak.

City Attorney Jan K. Seiden explained that many elected bodies ask for the floor through the Chair before expressing their opinions. This will allow everyone an opportunity to speak and everyone will not be speaking at the same time.

4. Open Forum:

City Manager

Former Councilwoman Helen Gannon congratulated the Mayor and Council. She said that City Manager Jim Borgmann is a huge Florida Gator fan and an even bigger Miami Springs fan. He is a man who has done everything in the City and she has never seen him upset or be discourteous to anyone. During his transition in leaving the City, she hopes that all have an opportunity to show him the appreciation for the job that he has done.

Code Violations

Former Councilwoman Helen Gannon was of the opinion that the City is losing its beauty. She noted there are code violations in regard to cars parking on lawns, illegal parking of commercial trucks and taxi cabs, and people living in garages. She hopes that the code compliance staff will canvass the city to look for illegal living quarters and bring the city back to how it used to be.

Construction Site

Freddie Caldera of 480 Minola Drive complained about the dust from the construction work site next door to his home. He asked the Building Department Staff if there were any regulations and they told him there was nothing they could do. He still has dust on his car and on the walls of his house.

Assistant City Manager Gorland will follow-up with Mr. Caldera.

Lorraine Tappen, Senior Planner with Calvin Giordano & Associates referred to a letter she sent to the City regarding the Abraham Tract and requested that it be attached to the Revitalization and Redevelopment Ad-Hoc Committee minutes.

Ms. Tappen distributed color palette brochures that the City can use to clearly show property owners what colors they are required to use when they paint or re-paint their buildings on N. W. 36th Street and all other commercial areas. She also left a digital copy on a CD with the Assistant City Manager and a color palette board for the Building and Planning Department with color paint chips.

City Attorney Seiden said that the color palette board should never leave the City Hall because it identifies the Benjamin Moore color numbers that anyone can take to any paint store.

Thank You

Nery Owens of 332 Payne Drive thanked Council for painting the Tot-lot that looks beautiful.

5. Approval of Council Minutes:

5A) 04-25-2011 – Regular Meeting

Minutes of the April 25, 2011 Regular Meeting were approved as written.

Councilman Lob moved the item. Vice Mayor Best seconded the motion, which was unanimously carried on roll call vote.

6. Reports from Boards & Commissions

6A) 04-14-2011 – Board of Parks and Parkways – Minutes

Minutes of the April 14, 2011 Board of Parks and Parkways meeting were received for information without comment.

6B) 04-18-2011 – Revitalization and Redevelopment Ad-Hoc Committee – Minutes

Minutes of the April 18, 2011 Revitalization and Redevelopment Ad-Hoc Committee meeting were received for information.

Councilman Lob said that the Committee made a recommendation for looking into the possibility of having university students test the new Code by actually designing a building for N. W. 36th Street. This is an item he would like Council to discuss.

Councilwoman Ator stated that she attended the Revitalization and Redevelopment Ad-Hoc Committee meeting and their recommendation to hold a design competition or have university students work on a design for N. W. 36th Street was very interesting. The Architectural Review Board also indicated that there was lack of vision and she would suggest that someone from the Ad-Hoc Committee attend the Architectural Review Board meeting to discuss the issue.

Councilman Lob clarified that there are two separate issues; one is a review of the new district boundary regulations and the other was for the design competition.

Councilwoman Ator agreed there were two ideas presented by the Ad-Hoc Committee. She said that university students would form teams and use the Code regulations in order to design a building that the City would not want.

Councilman Espino stated that Committee member Joe Valencia presented the idea to “debug” the Code. It would be a group project and there would be several renditions of what market conditions would permit on N. W. 36th Street.

Councilwoman Ator reiterated her suggestion for sending the recommendation to the Architectural Review Board so that they could add to the conversation.

City Attorney Seiden suggested asking Ad-Hoc Committee member Joe Valencia to join him at the June 1st Architectural Review Board meeting since he is attending that night.

6C) 04-19-2011 – Education Advisory Board – Minutes

Minutes of the April 19, 2011 Education Advisory Board meeting were received for information without comment.

6D) 04-21-2011 – Historic Preservation Board – Minutes

Minutes of the April 21, 2011 Historic Preservation Board meeting were received for information without comment.

6E) 04-26-2011 – Ecology Board – Minutes

Minutes of the April 26, 2011 Ecology Board meeting were received for information.

Councilman Lob stated that the Ecology Board members mentioned for a second time that they were waiting for a response from Council on a recycling letter prepared by Dr. Zapata. He would like a copy of the letter so that Council can discuss it.

Councilman Espino asked if the letter was in regard to commercial recycling. He recalled that Council considered a proposal from Ms. Ferrer at the Middle School in regard to city-wide recycling.

Councilman Lob responded that he had never seen the letter and he would like Council to comment on the content.

Secretary to the Ecology Board Aly Paz explained that it is a commercial recycling memo about the fact that all commercial businesses are required to recycle and the letter was prepared to let them know before they receive violations.

City Attorney Seiden clarified that Council had adopted the County process and it is a matter of notification to the commercial property owners.

6F) 04-28-2011 – Code Review Board – Cancellation Notice

Cancellation Notice of the April 28, 2011 Code Review Board meeting was received for information without comment.

6G) 05-02-2011 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the May 2, 2011 Zoning and Planning Board meeting was received for information without comment.

6H) 05-02-2011 – Memorial Committee – Minutes

Minutes of the May 2, 2011 Memorial Committee meeting were received for information without comment.

6I) 05-03-2011 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the May 3, 2011 Code Enforcement Board meeting was received for information without comment.

6J) 05-04-2011 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the May 4, 2011 Architectural Review Board meeting was received for information without comment.

6K) 05-02-2011 – Board of Adjustment – Approval of Actions Taken at their Meeting of May 2, 2011, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of May 2, 2011 were approved subject to the 10-day appeal period.

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

City Attorney Seiden informed Council that there might be an appeal in regard to one of the boat cases and Council agreed to place it on the agenda for May 23rd if necessary.

Mayor Garcia stated that he appreciates Council's efforts in working with the advisory boards and reporting their recommendations.

(Agenda Item 10 H was considered at this time)

7. Public Hearings:

7A) Second Reading – Ordinance No. 1017-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-046, Home/Business Occupational Use, Establishing Conditions of Eligibility; Specifying Operators; Permitting Limited Signage, Storage and Parking; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 4/25/2011 – Advertised: 4/27/2011)

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

Attorney Seiden stated that this is the second reading and public hearing on the proposed ordinance. He noted that the requested changes were made in Section (H) (3) and Councilwoman Ator will be abstaining from discussion and from voting on the item.

City Attorney Seiden explained that the ordinance provides for a 6 square foot wall sign and a 6 square foot monument sign. He was thinking that perhaps the monument sign should be larger since it is on the ground; it could be 3' x 4'.

Councilman Espino recommended leaving the size at 2' x 3' since the subject properties would be encroaching residential neighborhoods.

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

Vice Mayor Best moved the item. Councilman Espino seconded the motion which was carried 4-0 on roll call vote with Councilwoman Ator abstaining.

8. Consent Agenda:

Councilwoman Ator requested to remove items 8B through 8H from the consent agenda for discussion.

8A) Approval of the City Attorney's Invoice for April 2011 in the Amount of \$12,298.50

City Attorney Seiden read the title of the award.

There was no discussion regarding this item.

Councilman Espino moved the consent agenda. Councilwoman Ator seconded the motion which was unanimously carried on roll call vote.

(Agenda Items 8B through 8H approved with one motion)

8B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$8,000.00, on an "As Needed" Basis, to Turf Choice for Chemicals, Pursuant to Section 31.11 (E) (6) (g) of the City Code

Assistant City Manager Gorland stated that Golf Superintendent Sandy Pell could answer the detailed questions regarding the items. He read the title of the award. He added that no additional funds are being requested and funds are included in the budget.

Councilwoman Ator said that Council approved certain amounts after the budget passed in October. She asked for further explanation regarding the funding.

Golf Superintendent Sandy Pell explained that the initial purchase orders were placed under the Golf budget and none were placed under Parks. She has been charging both Golf and Parks to the appropriate accounts. These requests are the amounts that remain for Parks with the exception of a couple.

Finance Director William Alonso stated that during the budget process, funds are allocated under operating supplies. Council might approve \$50,000 for the year, but they do not determine who the purchases will be made from. Ms. Pell buys from different vendors during the year depending on the pricing. The memorandum indicates the remaining funds available in the account.

City Attorney Seiden explained that when the purchase order was originally opened it was not opened for the full amount in the budget and this is the balance.

Assistant City Manager Gorland stated that some of the requests might not be for the full balance in the account.

Councilwoman Ator noted that there was a newspaper article regarding the use of bids by Broward County for the purchase of office furniture and since the City relies on bids from other cities she wants to make sure that Council is performing due diligence.

To answer Councilwoman Ator's question, Ms. Pell said that she always gets three prices from vendors and she selects the least expensive. Turf Choice is a vendor that handles ten or fifteen agricultural supplies that are less expensive than piggy backing on a bid. She assured Council that she does a lot of homework on the pricing in order to expand the dollars as far as she can.

Mayor Garcia commended Golf Superintendent Pell.

City Attorney Seiden clarified that 8B is a waiver of competitive bid, whereas 8B, 8C and 8D are piggy-backing off the City of Delray Beach for chemicals and fertilizers, while 8F, 8G and 8H are sole source items.

Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

8C) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Diamond R. Fertilizer, Inc., Utilizing City of Delray Beach Bid #2010-42, in an Amount not to Exceed \$8,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code

This item was discussed under 8B.

Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

8D) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Howard Fertilizer, Utilizing City of Delray Beach Bid #2010-42, in an Amount not to Exceed \$10,000.00, on an “As Needed” Basis, Pursuant to Section 31.11 (E) (5) of the City Code

This item was discussed under 8B.

Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

8E) Recommendation that Council Award a Bid for Fertilizers and Chemicals to, Lesco John Deere Landscapes, Utilizing City of Delray Beach Bid #2010-42, in an Amount not to Exceed \$6,000.00, on an “As Needed” Basis, Pursuant to Section 31.11 (E) (5) of the City Code

This item was discussed under 8B.

Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

8F) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$5,000.00, on an “As Needed” Basis, to Florida Superior Sand, for Topdressing/Amendments/Soil mixes, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code

This item was discussed under 8B.

Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

8G) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$13,500.00, on an “As Needed” Basis, to Land and Sea for Fuel and Oil, Pursuant to Section 31.11 (E) (6) (g) of the City Code

This item was discussed under 8B.

Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

8H) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$11,500.00, on an “As Needed” Basis, to Hector Turf, for Repairs/Parts, Pursuant to Section 31.11 (E) (6) (g) of the City Code

This item was discussed under 8B.

Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

(Agenda Item 9D was considered at this time, followed by 10C and 10G)

9. Old Business:

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

Vice Mayor Best (Group I) **re-appointed** Elizabeth Manning to the Education Advisory Board for a full 2-year term ending on May 31, 2013.

Councilwoman Ator (Group IV) **re-appointed** Rob Gordon to the Education Advisory Board for a full 2-year term ending on May 31, 2013.

Councilman Espino (Group II) **re-appointed** Carl Malek to the Ecology Board for a full 3-year term ending on April 30, 2014.

Councilman Espino (Group II) **re-appointed** Arthur Freyre to the Code Review Board for a full 3-year term ending on April 30, 2014.

Councilman Espino said that he would like to refresh the term for Architectural Review Board member Roger Plasencia even though his term is not up.

Mayor Garcia sent a letter to all his appointees requesting a response of their intent to continue serving. He asked the City Attorney if he is required to re-appoint them.

City Attorney Seiden advised the Mayor that he could confirm with the City Clerk that he is not going to make a change of his appointees whose terms are not up. He does not have to officially re-appoint them because they are already appointed. He should confirm any new appointees.

9B) Discussion Regarding Code Compliance Timelines

Assistant City Manager Gorland stated that per Council’s request a spreadsheet was prepared showing the suggested changes to the current procedures regarding code compliance timelines.

Different code violations have different timelines for compliance depending on whether or not a safety/health issue is involved. The procedures outlined in the spreadsheet are general without specific times allowed for compliance. The spreadsheet is divided with the current procedures on the left and the proposed on the right.

Assistant City Manager Gorland explained that the major change that is suggested is to drop the verbal communication and begin with a written courtesy notice, followed by a written notice of violation letter, Summons to the Board and following through on the actions. Currently it takes three to six months to bring someone to the Code Enforcement Board and the time could be shortened to three months or less.

City Attorney Seiden brought Council's attention to the City code provisions for the Code Enforcement Board and Florida Statute Section 162.06 that states: ". . . *an inspector shall notify the violator and give him or her reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify an enforcement board and request a hearing . . .*"

Councilwoman Ator stated that she appreciates the proposed timeline and it reflects Council's urgency to try to move the process along quicker, as discussed at the last meeting.

To answer Councilwoman Ator's question, Building and Zoning Office Supervisor Harold "Tex" Ziadie explained that courtesy notices are not issued for civil infractions; the first step is a civil infraction notice, followed by a ticket. Painting is not a civil infraction and the first step would be a written courtesy notice giving 30 days for compliance; the second step in the revised procedures would be a formal letter, notice of violation that would be hand-delivered or sent by certified mail to the resident giving a second 30 days and the last step would be a Summons to the Board. This process could take 90 to 120 days.

Councilwoman Ator clarified that the Summons to the Board would come at the 60-day mark, instead of 150 days. She felt that this proposal would address the urgency and hopefully the new staff will also help.

Councilman Espino stated that the new timeline is exactly what he wanted to see. He has not seen the courtesy notice and he wants to make sure that is courteous since people who are being told they are doing something wrong do not respond favorably. He wants to make sure the notice is informative, direct and not seen as punitive.

Mr. Ziadie will provide a sample copy of the courtesy notice that is on a letter size sheet of paper with the City logo at the top. The notice includes a statement that the City would like to keep Miami Springs beautiful and it describes the infraction, address and amount of time for compliance with a copy of the actual code related to the violation.

Mayor Garcia stated that the courtesy notice is placed on the door and it is very official looking. He wants the notice to inform the homeowner that their compliance is greatly appreciated with a friendly notice and positive graphics.

Mr. Ziadie explained that the verbal notice was put into effect as the first step because Mr. Gorland, under Council's guidance, was asked to make the procedure friendly. Code Enforcement was changed to Code Compliance and unless it is a safety issue the first contact is verbal.

Councilman Espino moved to approve the new code compliance abridged timeline as specified in page two of the memorandum. Councilwoman Ator seconded the motion.

Councilman Lob asked if it would be possible to give verbal notice for civil infractions in the residential areas.

City Attorney Seiden explained that the ticketing system authorized by the Florida Statutes is based on immediate action, while code enforcement is a delayed procedure. There is nothing wrong with verbal notice, but it would delay the process.

Assistant City Manager Gorland stated that verbal contact takes a great amount of time in following up with the residents to make sure they are at home.

Mr. Ziadie said that there is a request for contact form that is left on the door when residents are not home and they ask the resident to call the office in regard to a possible code violation.

Councilman Espino asked if there had ever been an incident where a verbal notice escalated into a dispute.

Mr. Ziadie agreed that there had been many incidents that escalated into a verbal exchange and accusations of selective enforcement.

Mayor Garcia said that he understands the concerns about keeping the City beautiful; his main concern is related to the commercial areas and enforcement of the codes, although the residential areas are also important.

Assistant City Manager Gorland clarified that Staff is not recommending a "shock type" approach. They are recommending steps to shorten the process and the commercial areas will be addressed in the next agenda item.

The motion was carried unanimously on roll call vote.

9C) Discussion Regarding Code Compliance Sweep of Commercial Properties

Mayor Garcia called the property owners of 365 Westward Drive to thank them for painting the building a color that happens to be on the color palette. The owner is out of the country and he spoke to his assistant who explained that they have many properties and it was on their list for maintenance; the painting was purely coincidental. He recognized that pressure cleaning and a fresh coat of paint adds life and beauty to a building.

Assistant City Manager Gorland read his memorandum for the record about the activities of the Code Compliance Department:

1. *Completed revised part-time job descriptions highlighting preference for code enforcement and/or construction experience. An ad has already been placed on the website and in The Miami Herald.*
2. *Distribution of the new color palette to all commercial property and business owners.*
3. *Information regarding the upcoming safety and appearance related code compliance sweeps including timelines and code violations being targeted.*
4. *Providing details of the citation process.*
5. *Arranging informative Gazette and website articles, mailers and flyers.*
6. *Developing a monthly or quarterly award program with the Chamber and the Revitalization and Redevelopment Ad-Hoc Committee for Council recognition of property improvement.*
7. *Preceding will be accomplished with a great deal of communication seeking willing compliance but when compliance is not forthcoming, more aggressive measures will be taken much sooner than in the past.*
8. *Monthly reporting will be provided to Council indicating case details, status of the "compliance pipeline" and codes that should be considered for tweaking.*
9. *Codes key to commercial area sweeps include signage and maintenance of property.*

Assistant City Manager Gorland stated that the plan is aggressive and Staff will work with Council and keep them informed of the sweeps to see if they agree. Mr. Ziadie will be cross-training two employees very shortly and he is currently working on an assessment of the commercial areas.

Mr. Ziadie explained that he toured the commercial areas and took photographs of common violations and is proposing a plan of action to clear up the violations. He is ready to make a presentation to Council.

Assistant City Manager Gorland clarified that sweeps are the most convenient approach, however complaints are addressed immediately. In the past, when complaints were made, the Code Compliance staff targeted the complaint as well as other violations within the radius of a few blocks. They will try to stay away from this if possible.

Councilman Lob would like to emphasize the fact that when the process begins he wants Staff to be as cordial as possible, not confrontational, and to stress the seriousness of correcting the violations.

Mr. Ziadie assured Council that part of the training of the new employees will be related to customer service in terms of dealing with the public.

Councilman Espino stated that the property owners should be aware of the common violations and the new color palette. Another issue that has not been addressed is whether or not a building that is not in conformance with the color palette is considered a violation or grandfathered in. Some buildings are making painting adjustments and it is fortunate that the building the Mayor mentioned was within the color palette, but other buildings might not be.

Councilman Espino suggested offering an incentive to owners that paint their buildings by removing any fees or violations they have accrued. He said that paint does not cost a lot and it makes a significant improvement and he would like to enforce the color palette, allowing a certain amount of time for owners to comply.

Councilman Lob agreed that he would like to implement a timetable for conforming with the color palette whether it is six or nine months. He said that many buildings on Westward Drive require painting.

City Attorney Seiden said that as it stands now, every property owner would be grandfathered in since a color palette did not exist until last week. He explained that an ordinance could be adopted that says the color palette has been approved and property owners will be allowed a certain amount of time to amortize the existing paint, including incentives for painting within a certain amount of time up to one year. Compliance with the color palette cannot be imposed at this time without some type of legislation.

Assistant City Manager Gorland felt that the legislation should also include a penalty.

Mayor Garcia would not want to burden the business owners by making them paint the entire building if they can simply remove the mildew and touch up the paint in certain areas.

Attorney Seiden explained that the Mayor's concern could be handled under the present code for maintenance of property, while Councilman Espino is proposing full compliance with the color palette within some period of time.

Councilwoman Ator expressed her concern about offering incentives for violations and removing fines if someone paints their building.

City Attorney Seiden said that the Code Enforcement Board does not appeal to Council; the appeals are taken to the court system and likewise the tickets can be appealed to the Code Enforcement Board. Part of the ordinance could include incentives, based on what needs to be accomplished and the time frame.

Mr. Ziadie clarified that there are no permit requirements or fees for painting.

Councilman Espino explained that his idea for an incentive was not to remove the infraction, only the associated fines.

City Attorney Seiden said that the Code Enforcement Board has a certain amount of jurisdiction in reducing fines. There is a special form and process allowing the board to review the case based upon an explanation or plea to reduce the fine.

Mr. Ziadie stated that based on his sweep of the commercial area, it does not seem that painting is the number one problem; the number one problem is signs and at the appropriate time Council can address the specifics as to how they want to enforce the code. Painting can be addressed under maintenance of property and the color palette is another issue. Since there is no permit required to paint a building the property owners need to be informed of the color palette.

City Attorney Seiden explained that when an ordinance is drafted, it could allow a certain amount of time to comply with the color palette and once that time limit expires it will become a code violation that is subject to a fine.

Councilwoman Ator stated that after reviewing the code for signage she realized that almost no one in Miami Springs is in compliance. She would be very interested in Mr. Ziadie's presentation and would like him to come to the next meeting with all the photographs.

Mr. Ziadie assured Councilwoman Ator that his presentation is ready and it is broken down into the different types of sign violations.

Assistant City Manager Gorland will place the presentation on the next agenda.

Councilman Espino stated that someone that has not painted their building in a long time tried to cover up graffiti with the same color, except that after so many years the original color is significantly faded. He would like to recognize the issue of mismatching paint and hold the commercial property owners up to the same standards as the residents.

Councilman Espino would like to see a discussion on the next agenda related to incentives that could be attached to an amortization code section.

Mr. Ziadie agreed with Councilman Espino that there are many cases of mismatching paint and graffiti that can still be seen.

Councilwoman Ator asked what would be an example of an incentive because she cannot think of any.

City Attorney Seiden said that since there are no fees or fines involved the reality is that an issue related to maintenance of property could be delayed as long as they agree to paint within the period of the amortization.

Councilwoman Ator suggested sending the new color palette brochure with a letter informing the property owner that they have a certain amount of time to paint with follow up reminders for those that do not comply.

Mayor Garcia asked the City Attorney about the legality of making property owners comply with the color palette if they do not have a violation for maintenance of property.

City Attorney Seiden explained that the policy and intent is clear for the record that the City is in a revitalization mode in all commercial areas and as part of the process the first step was to approve the color palette. Council can pass legislation that says that based upon the City's policy and intent that every property must be in compliance with the color palette within a certain period of time. There is really no incentive since there are no permit fees.

Vice Mayor Best said that any property owner who wants to generate business and make money will generally keep their property nice. The problem is the absentee landlords and getting their attention.

Mayor Garcia commented that some landlords live in the City that could improve their buildings and they will not do it. He understands that some landlords are absent but some live in the area and have violations on their commercial properties.

Vice Mayor Best suggested distributing the color palette to all property owners.

Council directed the Administration to schedule an agenda item for the May 23rd Council meeting for a presentation regarding code violations.

(Agenda Item 10A considered at this time)

9D) Golf Course Marketing Plan

Golf Director Mike Aldridge presented the Golf Course marketing plan for the summer. He explained that during the upcoming budget workshops he will present the marketing budget for the winter season. He is asking for \$6,018.00 for additional marketing in the late summer in order to be ready for the fall season.

Mr. Aldridge explained that one item is an advertisement in Le Soleil that is a Canadian publication. In addition, the Golf Course will be marketed on "Living Social" and "Group On". He met with a publicist who is preparing a story for Golf World and other magazines. He was selected by the Golf Channel to give a fifteen minute free lesson at the Golf Course in the month of May.

Assistant City Manager Gorland read the following list of proposed advertising expenditures totaling \$6,018.00:

Insert in the Gazette for May	\$300.00
Advertise in Le Soleil Summer Issue (1)	\$400.00
Advertise in Doral News (1 x per month)	\$800.00
Advertise in The Miami Herald (1 x per month)	\$618.00
Advertise in The Miami Herald (membership)	\$3,000.00
Brochures, Flyers for posting	\$900.00

Golf Director Aldridge added that Miami Springs is one of four golf courses in the Miami-Dade area and persons staying more than two nights at the Marriott will receive a coupon for a free golf pass; they pay a \$20.00 cart fee and the Marriott reimburses the course \$15.00.

Mayor Garcia asked if the insert in the Gazette for \$300.00 included the printing of the material.

Mr. Aldridge explained that \$300.00 does not include printing, although there are funds in a separate account for printing. Most of the advertising dollars were spent and some funds will be transferred from other accounts.

To answer Mayor Garcia's question, Mr. Aldridge clarified that \$6,018.00 is not a monthly expense; it is the total amount that will be spent in the months of July, August and September. The publications in the Doral News are \$200.00 per month for four months. The advertisement in The Miami Herald is \$103.00 per month for six months and the September membership ad will run for three consecutive Saturdays in September for \$1,000 per ad.

Mayor Garcia asked for more detail on the brochures and flyers for posting.

Mr. Aldridge stated that the banners were placed on Curtiss Parkway today and there are white signs around the driving range and putting green with information on the super twilight rate and the range special. The brochures and flyers will be translated into Spanish and French. CTM is the company that does the graphic design and translation of the brochures that will go out in September.

Councilman Lob asked Mr. Aldridge to check into the possibility of placing decorative banners on N. W. 36th Street since it is heavily driven by many people.

Mr. Aldridge reported that seventeen outings were booked for the summer; last year there was only one and that was Blessed Trinity.

Councilwoman Ator asked if there is a cost to the City for “Living Social” and “Group On”.

Mr. Aldridge responded that the internet service is free and there is a gift certificate on-line to play a discounted round of golf.

Councilwoman Ator also asked about the cruise ship guide that was included in the back-up documentation.

Mr. Aldridge stated that he is trying to get involved with the cruise ships so that they can provide information about Miami Springs.

Councilwoman Ator suggested that Mr. Aldridge should make sure that the cruise ships depart from Miami before spending any funds.

Councilman Espino thanked the Golf Director for his efforts to bring people to the Golf Course. He asked if there is a process in place to track the success of any particular marketing effort.

Mr. Aldridge responded that a daily sheet will be placed behind the counter and new golfers will be asked how they heard about Miami Springs. He continued to explain the marketing efforts.

Councilman Espino was surprised that some comments he received about the Golf Course is that the course is very long and it takes a long time to play.

Mr. Aldridge explained that there are four sets of tees and players have the option of playing from the long, standard, senior or ladies tees. Playing from the senior tees makes the game shorter.

Councilman Espino mentioned that some Golf Course Pro Shops are designated as an outlet for a particular golf store as a way to piggyback on their marketing efforts or website.

Mr. Aldridge explained that Edwin Watts has outlets in some golf courses but not that many. He offered to look into the idea.

Councilman Espino reiterated his recommendation to track the information in order to plan for Fiscal Year 2011-2010.

Mr. Aldridge mentioned that the Golf Course would sponsor the district and regional golf championships for the High School and the Middle School.

Mayor Garcia asked if the computer system at the Golf Course could track player information, similar to the RecTrac system that is used at the Community Center. He would like Mr. Aldridge to inquire about the software program.

Assistant City Manager Gorland said that RecTrac could track the information, but the first year it was tested the amount of information and the response time was very slow and people were upset at the counter. He explained that Rec Trac and Golf Trac are the exact same system and with the new server it might be possible.

Mr. Aldridge said that Golf Trac keeps track of members, guests, residents, after 4:00 p.m. play, etc. The super twilight rate is paying off with approximately ten to fifteen players each day.

Vice Mayor Best asked if the Vermont System has the capability to track the information instead of keeping track on a separate piece of paper.

Mr. Aldridge clarified the Vermont System can track the players, but not how the new players heard about the Golf Course.

Assistant City Manager Gorland explained that there might be different system modules that they could look into.

Mayor Garcia emphasized that the Golf Course operation is a top priority.

Councilman Espino moved to approve an allocation of \$6,018.00 for the Golf marketing plan for the months of June, July, August and September. Councilman Lob seconded the motion, which carried unanimously on roll call vote.

9E) Discussion Regarding Advertising in the Conference Edition of Quality Cities Magazine

Councilman Espino stated that he believes the conference ad is a great opportunity to promote Miami Springs through the publication that is distributed to 4,000 regular subscribers, including all the elected officials in the State of Florida, more than 300 attorneys, as well as all the vendors who attend the conference.

Councilman Espino referred to the sample ad for the City of Clearwater, explaining that this was his vision for a potential advertisement for Miami Springs. The City's ad could include the new logo, pictures and scenes of Miami Springs with language congratulating the Florida League on their 85th anniversary. The ad would also include a photograph of Council and it would be in line with what Council has been looking at for marketing.

Councilman Espino recommended a full-page color advertisement with scenes and locations from the City, “Living, Working, Playing”, “At the Heart of it All”, highlight the economic redevelopment efforts, congratulate the Florida League of Cities, showcase the newly elected Council and direct people to the website.

Mayor Garcia said that historically the City has not done image based ads to attract people as Councilman Espino suggested. He explained that \$1,000 is for the full page ad that will show what Miami Springs has to offer. He would like an image ad designed for an additional cost since it will market Miami Springs and its location. Staff can decide who will select the design company and the deadline is June 3rd.

Councilman Espino added that the ad could be utilized in the future as a flyer representing the City by removing the reference to the conference.

Vice Mayor Best commented that Council would have to approve the design at the next meeting on May 23rd.

Councilman Espino moved to approve \$1,000 for the ad and up to \$1,000 for the design and production of the ad. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote.

Council **requested** an agenda item for the May 23rd Council meeting to approve the design.

9F) Discussion of Status of Charter Amendment Petition Certification

City Attorney Seiden stated that per the direction of the City Council he sent a letter to Miami-Dade County Elections Supervisor Lester Sola and the County Attorney’s Office on April 27th requesting more information on the petitions not meeting the requirements in Miami-Dade County Code Section 23-13. He did not receive a reply to either of the correspondence that was sent and no additional documentation or information was received.

Attorney Seiden explained that as a result of the lack of information from the County Supervisor of Elections, the City Clerk who is the City’s Supervisor of Elections, remains unable to fully certify the petitions and signatures in order to make a final decision despite the prior approval of the signatures by the County, accompanied by the qualifying letters of March 25th and April 6th, which called into question the unqualified certification that she could bring to Council.

At this point in time the following facts are known:

- 1,054 signatures were approved subject to the restrictions and conditions of the two letters from Miami-Dade County Elections.

- The City Clerk, as the Supervisor of Elections for the City has been unable to fully certify the County review and the approval of the signatures due to the restrictions and conditions of the letters.
- The provisions of the Miami-Dade County Code of Section 12-23 (3) (a) through (e) were in some form apparently violated by the petitions and petition organizers.

City Attorney Seiden stated that the City Clerk, as the Supervisor of Elections, must rely on a body that has more resources to handle the verifications that are necessary to reach these decisions. It is clear that all petitions violated County Code provision 12-23 (3) (a) in that the petitions were not in all three languages. Any violations of the provisions of the Code of 12-23 are grounds for disqualification of petitions.

In accordance with Miami-Dade County Code Section 12-23 (2), Attorney Seiden said that it is apparent that the committee proposed and used the wrong form. He stated that the form specified in Section 12-23 basically says that it should be in 12 point font with no more than one signature per page. He further explained that the petition form was approved by the County Attorney in November 2009.

City Attorney Seiden stated that at this point in time it would be appropriate that Council take action based on the opinion of the City's Supervisor of Elections and direct the City Clerk, as the City's Supervisor of Elections to bring back a decision to either disqualify the petitions based on the documentation received from the County or bring it to Council to place the question on the ballot.

Attorney Seiden clarified that according to County Code Section 12-23 (3), regarding disqualification of forms, that decision is to be made by the Supervisor of Elections. If she determines that in fact the petitions should be disqualified for one or more reasons that will be reported to Council.

It is apparent that the City is not going to get additional information and a decision has to be made by the City's Supervisor of Elections, according to Attorney Seiden. She can bring the matter to Council at the next meeting for whatever action is decided and it is her job to make the determination of qualification or disqualification.

Councilwoman Ator explained that even if the signatures are disqualified the question could be placed on the ballot with a majority vote of Council.

Mayor Garcia said that regardless of what the City Clerk recommends as the Supervisor of Elections, it will be Council's decision at that point.

Attorney Seiden clarified that if the City Clerk disqualifies the petitions, then they are disqualified based on her judgment. If Council wanted to waive the disqualification characteristics, that would fall under their jurisdiction. As Councilwoman Ator said, Council can place anything on a ballot that they feel is appropriate by following the proper steps.

Councilwoman Ator reiterated the point that even if the petitions are disqualified, Council can place a question on the ballot without the proper signatures. The Clerk will either say they are disqualified or that it should be put on the ballot.

City Attorney Seiden explained that the question would be placed on the ballot no less than sixty and no more than 120 days from the date of certification. A motion would be appropriate for the City Clerk to no longer wait and to make a decision whether to certify to Council for placement on the ballot or disqualification for no further consideration.

Councilwoman Ator moved to direct the City Clerk to make a decision whether to certify the results of the petitions based on the information supplied by Miami-Dade County Elections Department or to disqualify them and render a decision to Council and the organizers of the petition drive. Councilman Espino seconded the motion.

Councilman Lob stated that he has heard and knows for a fact that at least one Hispanic family signed the petition and when it was explained to them what they signed they said that they did not realize what they were signing. Miami Springs is 71.2% Hispanic and it would be a disservice to the citizens to say that the question could be placed on the ballot based on the language only being in English. The correct petition form has been available since 2009, and the circulators of the petition should have done their due diligence. He would like to see the petitions disqualified.

Councilman Espino supported the statements made by Councilman Lob.

Vice Mayor Best said that everyone is aware that the people took their time and effort to put the petition forward, but it is apparent that it was not done appropriately. There might be 71.2% Hispanics in the town and most of them probably speak English quite well and that is not an issue, but it is a technicality that is required by County ordinance for the question to be in three languages.

Vice Mayor Best is certain that the City Clerk will come back and say that the petitions do not express sufficiency to move forward and the group who organized the petition drive can start over again.

Councilwoman Ator said that the City Attorney made it clear that the City Clerk, as the City's Supervisor of Elections has to make the decision and it is inappropriate for Council to influence the Clerk in any way. The Clerk will make a decision based on her integrity and professionalism that she has routinely exhibited without faults for as long as she has known her and as long as she has been doing the job. She is discouraged by everyone giving their opinions and Council should not be influencing a person whose job is mandated by a statutory provision.

City Attorney Seiden stated that his counsel to the Clerk would be to rely upon the same thing she has relied upon every other time she has dealt with an election issue and that is she is bound by the assistance of Miami-Dade County, the procedures, ordinances and provisions of the Miami-Dade County Charter and Code and therefore whatever decision she makes is based upon those issues. All comments made by Council are appropriate to put into the record, but they are irrelevant.

Councilman Espino said that ultimately the issue will come back to Council and that is the time the comments will be relevant. It seems to be the prerogative of the majority of Council not to engage in action that would otherwise waive technicalities and to that end he appreciates the comments made when the time comes.

The motion was unanimously carried on roll call vote.

10. New Business:

10A) Proposal from Calvin, Giordano & Associates, Inc. Regarding Zoning Map

Lorraine Tappen, Senior Planner with Calvin, Giordano & Associates, Inc. presented a proposal to update the City's zoning map. She explained that the current map was last updated in 1993 and since then a number of re-zonings have occurred over time with many designations that do not exist within the current code.

Ms. Tappen said that recently Council designated many new properties as the N. W. 36th Street District that is also a new designation in the Code. In the near future, the Code will also include the Airport Golf Area and the Abraham Tract. In order for property owners to have a clear idea of what regulations apply to their property it is important to have an updated zoning map that can be placed on the website.

City Attorney Seiden explained that he would like the City Planner, through the Consultant, to check to see whether the Evaluation and Appraisal Report (EAR) process still applies in light of the new legislation. He said that there were a number of text amendments and designations for the map that were withdrawn at the end of the last EAR process and it was agreed to put them into the next cycle.

Ms. Tappen clarified that the legislature made significant changes in comprehensive planning that might affect the future land use map. The City can make changes to the zoning map whether or not there are any changes to the comprehensive plan. She said that the zoning map is a completely local matter that is not affected by the new legislation.

Ms. Tappen explained that the City Planner is a very good historian of the zoning history and can explain what the regulations are. Based on the new regulations, they will put more of a burden on the City Planner and the updated zoning map will help him move the process forward.

To answer the Mayor's question, Ms. Tappen explained that the cost for updating the zoning map is \$9,860.00.

Councilman Espino asked for more information as to the scope of the work and if it will include the changes that are forthcoming for N. W. 36th Street, Airport/Golf and the Abraham Tract.

Ms. Tappen responded that the work order includes work by the Geographic Information Systems (GIS) Department who will get parcel data from the County and each parcel will be individually marked with the specific zoning designation. They will also include streets, the city boundaries and double check to make sure there is proper alignment within the map. Once the map is placed on the website anyone can zoom in and determine accuracy for each parcel and this type of work is easy to update. Planning will assist GIS in a review of the ordinance in order to determine the boundaries and the final delivery will be a hard copy and a digital copy of the zoning map.

Mayor Garcia asked the Administration to explain the source of funding for the expense.

Assistant City Manager Gorland explained that funds are available in the development fund.

Councilman Lob and Councilman Espino asked what the balance in the development fund is.

Mayor Garcia emphasized the importance of an accurate zoning map for future development.

City Attorney Seiden added that hopefully the City is headed into an era of large development on N.W. 36th Street and the reality is that an accurate zoning map is a must.

Finance Director Alonso stated that \$280,000 was originally set aside in the designated fund balance, although this expense should really come out of the planning budget. The City Planner does not have the funds within his budget and the expense can come from the fund balance or from the \$280,000 that was set aside for Calvin, Giordano.

Ms. Tappen clarified that the City had approved six work orders to date.

Finance Director Alonso estimated that the work orders totaled between \$70,000 and \$90,000 so far.

City Attorney Seiden advised Council that in order to avoid having to obtain quotes the funds should come from the redevelopment monies allocated for the Consultant. Although the zoning map has some planning significance, it really is a revitalization issue and should be treated as such. The motion could include the finding that it was determined that the development of the map is part of the revitalization process associated with Calvin, Giordano.

Councilwoman Ator moved to approve \$9,869.00 out of the \$280,000 designated fund balance. Councilman Espino seconded the motion, which carried unanimously on roll call vote.

(Mayor Garcia called for a recess at 9:58 p.m. The meeting reconvened at 10:16 p.m.)

10B) First Reading – Ordinance No. 1018-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-011, Utility Shed, by Providing a New Method of Calculating the Permitted Size of Utility Sheds on Residential Homesite Properties; Identifying a Further Limitation on Permitted Shed Sizes; 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 this is the first reading of the ordinance that is basically a result of the appeal case for the denial of the variance for the size of the shed. He arrived at a formula he felt is most appropriate. The new language states that the rear yard property is multiplied by 5% and that will set the size of the shed. If a backyard is 2,000 square feet it will allow a shed up to 100 square feet. The applicant that filed the appeal has a backyard of 4,465 square feet and he would be allowed a shed of 225 square feet.

The City Attorney included a maximum size shed of 250 square feet and another limitation is in the code that no more than 15% of the rear yard can be covered by accessory structures.

Councilwoman Ator asked about the calculation of the rear yard and City Attorney Seiden explained that the rear yard is a defined term in the definitions.

Councilman Espino said that the ordinance provides for a sliding scale and it has all the necessary caps and checks.

In response to Councilman Lob's comment, City Attorney Seiden explained that he removed the reference to the concrete slab and added the language that it is subject to the applicable rules and regulations of the Florida Building Code.

Councilwoman Ator moved to approve the ordinance on first reading. Vice Mayor Best seconded the motion, which carried 5-0 on roll call vote.

10C) Resolution No. 2011-3514 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting Rules and Regulations for the Recreation Department, Tennis, Racquetball and Basketball Courts, Children's Playgrounds, Gym, Fitness Center and Dog Park; Providing for Longevity of the Rules and Regulations; Establishing Notification Responsibility of the Rules and Regulations; Authorizing Enforcement of the Rules and Regulations; Effective Date

Nery Owens of 332 Payne Drive stated that the recreation programs and parks are improving since the Parks and Recreation Director was hired. Everything is getting better, gates are locked, the fields look better and the clay is more level. She lives across from Prince Field and can see the improvement every day and she does not have to call the police anymore when kids climb over the fence at Prince Field in the middle of the night.

Ms. Owens applauded Recreation Director Luna and suggested that he could make an assessment of the Golf Course because many public golf courses fall under the supervision of Parks and Recreation.

City Attorney Jan K. Seiden read the resolution by title. He explained that the resolution supersedes Resolution No. 2007-3359 and the rules that Mr. Luna has provided complete each of the individual recreation locations.

Parks and Recreation Director Omar Luna stated that he researched the FRPA and NRPA website to get an idea of the rules and regulations for other parks across the United States and added some provisions that apply to Miami Springs. The general rules will apply to all sites; there are specialized rules for tennis and racquetball courts, rules for children's playground ages 2-5 and 6-12; gym rules for the Community Center and Fitness Center rules, Aquatic Center rules, as well as the Dog Park regulations.

Mr. Luna felt that the rules are very important and the current signage is not consistent. Many times people ask to see the rules and regulations and the proposed resolution will allow enforcement and make the parks safer.

Councilman Lob asked about the regulation prohibiting cooking and barbecuing since the Optimist Club does this at some events.

Assistant City Manager Gorland explained that cooking is only allowed by special permit from the City Manager's Office. The rule applies to people who bring barbecue pits to the parks, which creates a very dangerous situation.

Councilman Lob noted that under the gym rules and regulations no pets are allowed except for those assisting persons with a disability or if a special program is scheduled. He felt this language should be stated on the rules and regulations for each location.

Councilman Lob does not like the fact that no unneutered dogs are allowed in the Dog Park. He understands the reason why, but does not feel that it is right, since many unneutered dogs are not aggressive and the rule stating that "dogs must be removed from the park at the first sign of aggression" would suffice.

Councilman Espino recalled that members of the Dog Park Committee came to Council some months ago and they were huge proponents of the rule in regard to unneutered dogs. He would like to see the rule evaluated with or without the provision.

Vice Mayor Best said that most dog parks in the country where people take their animals have them either spayed or neutered. Those that do not would probably take their dogs to the parks and take the chance that they would be unwanted. The aggressiveness is the main part of his reasoning.

Councilman Lob said that he would vote yes for the resolution, but he personally does not like the rule in regard to unneutered dogs.

Councilwoman Ator knows that there was a concern expressed by the Dog Park committee members about unneutered dogs and she would support this rule based on their recommendation. She questioned the two sets of rules for ages 2-5 and 6-12 since it does not specifically apply to certain parks.

Mr. Luna said that Prince Field is for ages 6-12 and Peavy/Dove is 2-5. Eventually Stafford Park will be 6-12. He explained the components for the different playgrounds and the recommendations of the certified playground safety inspector. He explained that the two sets of rules are basically the same and the manufacturer of the playground equipment will certify the age use for insurance reasons.

Assistant City Manager Gorland explained that the Police were not able to previously enforce the rules and this is the reason for the resolution and the posting of the rules and regulations.

Councilwoman Ator suggested including information that the playground is designed for a certain age group.

Mayor Garcia asked Mr. Luna how he felt about the Dog Park rules and regulations since he met with the committee members.

Mr. Luna responded that his research shows that some parks do not have the rule against unneutered dogs, while many do have the rule. He said that it depends on what the community wants and after speaking with the committee members, 85% wanted the rule included and they are the ones that go to the park every day.

Councilman Espino recommended including the rule and asking the committee members to make an evaluation during the next three to six months and report back on whether or not there has been a decline in aggression.

Attorney Seiden stated that the motion would be to pass the resolution as amended by adding special disability dogs in each rule group. Secondly, the Recreation Director will make an attempt to identify the parks designated for ages 2-5 and 6-12, with a disclaimer or warning for the use of the parks by appropriate age groups.

Mr. Luna also wanted to include no loud music at the parks so that the rule could be enforced.

Councilman Espino moved to approve the resolution and recreation general and specific rules and regulations as amended. Councilman Lob seconded the motion, which carried unanimously on roll call vote.

10D) Resolution No. 2011-3515 – A Resolution of the City Council of the City of Miami Springs Establishing a City Youth Advisory Council; Providing for Council Membership, Appointment Procedures, Term of Membership, Meetings of the Council, Council Officers and Duties, City Support Services, School Support Services, Absences of Members, Applicable Law, Council Duties and Responsibilities; Continuity of Council; Effective Date

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

Attorney Seiden stated that this is the resolution that Council requested that establishes the Youth Advisory Council that would be effective at the beginning of the next school year. He added language in section (8) that the school support services are on a rotating basis as may be determined jointly by the schools nominating members of the Council, at least one adult advisor shall be provided for all Council meeting and activities.

Councilman Espino said that he had proposed that the chairmanship of the council should be vested in the High School appointee and that could be added in Section 6.

Councilman Espino moved to approve the resolution as amended. Councilwoman Ator seconded the motion, which carried unanimously on roll call vote.

10E) Proposal for the City of Miami Springs to Host a Strategic Planning Retreat

Councilman Espino stated that he would like Council to consider his proposal to host a strategic planning retreat on a weekend as outlined in his memorandum of May 3, 2011. He asked to determine if there is a consensus to move forward with his proposal so that it can be brought back for consideration in regard to what issues Council would like to discuss, which will determine the number of break-out sessions.

Councilman Espino explained that participation would include Council, delegates, City Staff and Administration and the meeting would be open to the community. The planning retreat would include many areas to be addressed all at once for the purpose of assembling goals and policies for each section. He provided additional information from the International City/County Managers' Association, followed by a step-by-step guide from a publication on that website and information from other cities.

Councilwoman Ator commented that she is a great proponent of strategic planning and she is very interested in doing strategic planning. The problem she sees is that the way it is being proposed is not really feasible for a variety of reasons. It seems almost like a "charrette" because it is open to all residents and she understands the purpose, but it is not strategic planning as proposed.

Councilwoman Ator felt that the example from Titusville gave the best example of a strategic planning workshop because it had the Mayor, Council members, City Manager, Senior Staff and it was facilitated by someone from outside the City and this is extremely important, if not imperative. In order to have a good strategic planning retreat someone should be well qualified and versed in strategic planning in order to lead the meeting and move it in the right direction.

Councilwoman Ator pointed out that another concern is the schedule with the break out sessions with the various committees and every session must be recorded to be in the Sunshine and there are not enough people in the Clerk's office to accommodate the recordings. This is a very large challenge that is very unfair to the City Staff the way it is set up. She clarified that she does not oppose strategic planning as a general rule, but the way it was presented is not the way to go.

Mayor Garcia said that he is sure Councilman Espino appreciates the feedback from Council and he had said that he was only trying to determine if Council is willing to proceed with something like he is proposing. The Mayor agreed with Councilwoman Ator that a third party is definitely needed to facilitate the meeting, as well as planning for how the Staff would be able to record the sessions and transcribe the minutes.

Mayor Garcia stated that he would approve of some type of strategic planning and see how other cities have done it in order to make it happen. He thanked Councilman Espino for bringing his idea to the table.

Councilwoman Ator asked for the Administration to bring back a plan and what it would entail so that Council could see it in multiple ways with different participants, such as Mayor, Council, Administration and Staff or Mayor, Council, Administration, Staff and delegates or with Mayor, Council, Administration, Staff, delegates and anyone else who wants to come. These are three different global groups and Council should consider all options in order to evaluate the cost, benefit analysis and the reality of the logistics.

Vice Mayor Best applauded Councilman Espino for developing the concept. In his opinion, he does not see the proposal as strategic planning; it is more of a grandiose town meeting. There have been a few of these types of meetings over the years on specific issues and the issues should first be identified that Council will discuss; they should be minimized and in order to get results, there must be views presented from the majority of the people. He does not disagree with the idea in principle and there is nothing wrong with getting public input as long as it is effective.

Councilman Lob would like to do something like Councilman Espino's proposal with a strategic session. He knows that Delray Beach did something similar with 100 citizens participating and there are facilitators that put sessions like this together. He suggested contacting a few facilitators to see what it would involve because it could be beneficial to have a vision in planning for the future. It would be a great idea if it is done right with a moderator as Councilwoman Ator suggested.

Mayor Garcia said that Councilman Espino is proposing an idea for Council's consideration and comments. He asked if Council could compose ideas to structure a strategic planning session and send it to each other.

City Attorney Seiden clarified that all correspondence must go through the City Clerk as a public record and she would handle the distribution. There would be no discussion or responses. In addition, there should be an agenda item on the next City Council meeting to allow transparency and all comments come to the surface.

Mayor Garcia said that at some point in time Council could hold a Workshop Meeting to discuss only this one particular item because it warrants the attention in regard to revitalizing the commercial areas. He explained that there is no rush; it might take three or four weeks to gather ideas and it could be discussed at a meeting in August.

City Attorney Seiden added that Council could ask the City Administration to develop logistics as to how it would be handled. It is a situation that applies to the Sunshine Law so there would have to be minutes taken and a recording at each of the tables that the groups break into. It is a matter of equipment and Staff.

Councilwoman Ator stated that it is not a bad idea to hold a town meeting or a charette, but strategic planning involves a third party facilitator amongst Staff and Council. She said that there should be more details presented.

Councilman Espino moved to continue the meeting until 11:15 p.m. Councilman Lob seconded the motion, which carried 4-1 on voice vote with Councilwoman Ator casting the dissenting vote.

Councilman Lob commented that he does not want Council to be responsible for running the meeting. He said that Delray Beach actually developed a plan for what the City will look like in the future. This could also be the purpose of the City's planning session.

Councilman Espino thanked the Mayor and Council. He has additional information to give to everyone in order to get some indication if there is an interest in his proposal. Some of the questions may be answered in the materials that he provides.

10F) Discussion/Proposal Regarding Conducting an Outside Search to Fill the City Manager's Position

Councilman Espino read the following into the record:

“ Much like each election does for Miami Springs residents, our City Manager’s decision to retire creates an extremely important opportunity for the Council to evaluate and discuss what management skills will be needed to implement its goals, objectives and policies for the City going forward. The selection of a City Manager is one of the most important decisions a Council will make during its term. So, in these difficult times, it is my humble opinion that Miami Springs deserves for this Council to: 1) engage in a frank discussion about skills, communication and other expectations of management; 2) conduct a transparent and conflict-free search for a replacement city manager; and 3) select an individual that is the most qualified and best suited for the job at a price that we as a City can afford.”

Councilman Espino explained that his proposal is that the City Council authorizes the City Clerk to investigate and bring back municipal/executive search firms. He was able to find three firms that neighboring cities have used and the spending parameters are that of the City Manager’s discretion of \$25,000 or less. He estimated the cost to range between \$15,000 and \$25,000 that is an investment based on the returns.

Councilman Espino felt that the most important part of the entire process is to conduct an open and honest discussion. He referred to the information he provided on Colin Baenziger & Associates and the city profiles they created for the searches that he would like Council to discuss. He said that strategic planning goes hand-in-hand in terms of forward thinking.

Mayor Garcia knows that Councilman Espino was not questioning anyone’s integrity. Unfortunately, some folks called him about the proposal and questioned whether or not there is currently transparency. He has been involved with the City for awhile and the current Human Resources Director does a phenomenal job and she is loyal to the City, its residents and its employees. She will be able to conduct a proper search and Council should be able to request copies of all responses from the search.

Mayor Garcia said that at the next meeting, Council could decide the extent of the search and if it should be within the State of Florida before conducting a national search with outside groups and companies. He has experience in dealing with “head hunters” and various companies and with all respect, they have clients that are telling them the individuals they are pitching for.

For the next Council meeting, Mayor Garcia would like the list of requirements that were put out in the past in order for Council to determine if they are still the same requirements and the level of qualifications that they are looking for today.

Councilman Espino clarified that he never questioned the Human Resources Director’s level of integrity. He believes there is an inherent and implicit conflict of interest for the Human Resources Director to conduct the search, in light of the fact that the City Manager has already indicated for the record that he thinks that the Assistant City Manager should be his replacement. He is not saying that the Human Resources Director would be influenced by the Administration, but the perception of a conflict is created.

Councilman Espino said that it is a monumental task for the City to replace the City Manager and unfortunately the Human Resources Director has not been in good health. He questioned where the responsibility would shift if she is unable to proceed with the search. He does not have a timetable for the search, but it has to flow.

When the current City Manager was selected, the information indicates that a nationwide search was conducted, according to Councilman Espino. He was of the opinion that based upon what was represented the search was only done marginally and did not include a number of national organizations. His prerogative is to have an outside search so that there is no perception of a conflict that might lead to questioning.

Councilman Espino said that the qualifications are set by Council and the search parameters are also determined by Council. He does not want Council to micromanage the search; he wants discussion that leads to the profiles and they are sent to professionals that will come back with how they advertised, who they solicited, what the responses were, call logs, etc. for Council to marshal through and work out through a series of months.

Councilman Espino stated that one of his priorities for the next City Manager position is that the City Manager be capable of doing the job without the need for an Assistant City Manager. This is not a “put down” of the current Assistant City Manager; it is related to finances and the budget because it could save more than \$100,000 a year going forward. The investment of \$15,000 or \$20,000 for an outside firm would be handsomely rewarded immediately in the next budget cycle.

Vice Mayor Best was of the opinion that the City does not need to spend \$20,000 because sometimes a good conflict is a good thing.

Councilwoman Ator felt that \$25,000 is extremely unrealistic since she has litigated contracts related to search firms and they generally charge by the hour or they charge a contingency fee if they place someone in the position; they usually take 30-50% or up to 150% depending on the job. She would not approve of spending even \$25,000 because there are expenses on top of that amount, including advertising. Most search firms would identify people who have the skills the City is looking for, but those people might be in a position that they would not identify themselves if they were already working in a similar position. The reality is that the secrecy that is shrouded in the executive search process does not work with local government.

Councilwoman Ator reiterated that she is grossly opposed to spending what could be \$40,000 to \$60,000; there is no way the cost would range from \$15,000 to \$25,000 based on the contracts she has litigated. She added that there should be an open discussion regarding the desired experience, management style, qualifications, and compensation of a potential replacement, as well as goals, objectives and policies the next City Manager would face and she would not be opposed to holding a Special or Workshop meeting to do that as soon as possible.

Councilwoman Ator said that there is no reason why the Human Resources Director cannot handle the search since she has the experience and the reality is that the City Clerk does not have the same experience and would have to confer with the Human Resources Director in order to determine what to do.

Councilman Espino moved to extend the meeting for five minutes. Vice Mayor Best seconded the motion, which carried 3-2 on roll call vote with Councilwoman Ator and Mayor Garcia casting the dissenting votes.

Councilman Espino disagreed with Councilwoman Ator. He said that there are many cities, including three in the information he provided that used an executive search firm and it does not violate the Sunshine Law. He would like consensus to investigate his recommendation to conduct an outside search as a viable solution because something as important as hiring a city manager merits the attention.

Councilman Lob felt that the Human Resources Director is qualified to do the job and he would only consider Councilman Espino's proposal due to her health. He would not be opposed to finding out how much an outside search would cost, although it is a lot to ask, it might be something for Council to consider.

Mayor Garcia said that it is priceless to make sure the right person is placed in the City Manager's position, but in his opinion it will not be necessary to do it. He asked the City Attorney what would happen if the Human Resources Director is unable to conduct the search for health reasons.

City Attorney Seiden said that if the Human Resources Director were unable to accept the responsibility someone else in the City would take over the responsibility. Council must make a decision one way or another.

Councilman Espino recommends that the City Clerk investigate outside search firms and get as much information on what the search will entail, obtain a cost estimate and if it is under \$25,000 the City Manager has the prerogative of getting quotes. He would extend this courtesy to the City Clerk for this item and allow her to solicit quotes from whatever firms she can find that would do an executive search and bring it back to Council.

City Attorney Seiden explained that the City Clerk has never solicited quotes; that is a job for the purchasing agent of the City. The responsibility is not even close to the City Clerk's job function.

Councilman Espino said that he would recommend the City Clerk since she is not an employee of the City Manager or the Administration. The Human Resources Director is an employee who would be selecting their next boss that will work across the hall and the City Clerk could send out a request for a quote.

Vice Mayor Best stated that this is clearly a Human Resources function. He does not know why Council is talking about the City Clerk or purchasing.

Mayor Garcia asked for a motion.

Councilman Espino moved to direct the City Clerk to solicit bids under \$25,000 for executive, outside search agencies to search for the City Manager. The motion died for lack of a second.

(10G considered before 9A)

10G) Approval of Contract with Ricardo Rodriguez, d/b/a Miami Dade Aquatic Club, LLC

Parks and Recreation Director Omar Luna stated that this is the first agreement with Miami Dade Aquatic Club and he met with Ricardo Rodriguez to discuss the use of the pool.

Mr. Luna explained that the agreement provides for a payment to the City of \$1,000 per month for use of the pool Monday through Friday from 5:00 p.m. to 7:00 p.m. The agreement stipulates that they can use the pool from 4:45 a.m. to 6:30 a.m. for approximately three months during the year. There are five or six swimmers that do not generate any noise or complaints. The agreement also provides for use on Saturday mornings from 8:30 a.m. to 11:00 a.m. during the fall/winter schedule and during the summer from 8:00 a.m. to 10:00 a.m. and again at 4:00 p.m. to 6:00 p.m. Monday through Friday and on Saturday from 8:30 a.m. to 11:00 a.m.

Mr. Luna stated that Ricardo Rodriguez completely understands the rules and regulations as stated in the agreement, including clean-up of the pool after use and that the area must be cleared when the lightning detector goes off.

Mayor Garcia approved of the agreement and likes the fact that a contract is in place.

Vice Mayor Best thanked Mr. Luna and expressed his satisfaction with the agreement.

Councilman Espino asked about the liability waiver or if the indemnification provision was sufficient.

City Attorney Seiden responded that they are required to carry a \$1MM insurance policy and he understands they have a \$10MM policy.

Councilwoman Ator stated that the agreement is similar to the facility agreement for Jazzercise. She looked up Miami-Dade Aquatic Club and could not find the entity.

Mr. Luna clarified that the name of the organization is on the insurance policy as Miami-Dade Aquatic Club.

Councilwoman Ator said that it seems that the agreement is between the City and Mr. Rodriguez individually.

City Attorney Seiden stated that the City would check out the entity's corporate documents. The agreement can be approved subject to the correction of the actual party.

Councilman Lob moved to approve, subject to the necessary changes regarding the entity. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

10H) Consideration of Memorial Committee Recommendations

City Attorney Seiden stated that he attended the Memorial Committee meeting and they recommended a memorial for Thelma Butler on the stone monument at the Circle. They also suggested the language, "Pioneer of Miami Springs".

In regard to Officer Haworth, the Committee had two suggestions. Since Stafford Park is already designated for a fallen officer they recommended this location as opposed to the memorial on Curtiss Parkway for fallen war veterans. They recommended establishing a memorial at Stafford Park similar to the one at the Circle that Mrs. Butler's name will be placed on or to name a softball field in her honor with a designation plaque.

Vice Mayor Best felt that Stafford Park is an appropriate location except for the fact that the property is owned by the School Board. He suggested a removable plaque or memorial.

City Attorney Seiden stated that it could be a plaque similar to the one at the Golf Course that could be placed on the field behind the backstop and it could be removed if the School Board were to take back the property.

Mayor Garcia commented that Officer Haworth's father coordinates the church softball league and it would be an honor to place a memorial plaque at Stafford Park.

Sergeant Lynn Brooks of the Miami-Dade County Police Department stated that the proposed memorial is a wonderful idea.

Vice Mayor Best moved to approve the memorial for Officer Amanda Haworth at Stafford Park. Councilman Lob seconded the motion.

Councilman Espino asked for clarification of the motion; option # 1 is a stand alone memorial and option # 2 is the memorialization of one of the fields. He asked Sergeant Brooks if there is a preference of the family. He knows that the family has ties to the use of the fields and the kids who play should be aware that the field bears her name and he would prefer to dedicate one of the fields.

City Attorney Seiden clarified that the motion on the floor is for a stand alone memorial. He asked Council to reconsider the motion.

Councilman Espino proposed an amendment to the motion on the floor so that it also includes the dedication of one of the fields for Officer Haworth.

Mayor Garcia asked to first consider the memorial for Thelma Butler.

Vice Mayor Best withdrew his motion and Councilman Lob withdrew the second.

Councilman Lob moved to approve the memorial for Thelma Butler with the verbiage as stated. Vice Mayor Best seconded the motion, which carried 5-0 on roll call vote.

Vice Mayor Best moved to designate a memorial and the field to Amanda Haworth at Stafford Park on East Drive. Councilman Lob seconded the motion.

City Attorney Seiden asked for clarification if there would be a free standing memorial and also a plaque on the field backstop.

Mayor Garcia suggested naming the field after Officer Haworth and placing a plaque.

Councilman Lob would like a separate memorial and hopefully no names will be added in the future since the fields are limited.

Vice Mayor Best explained that there are two fields at Stafford Park and it would be more appropriate to designate the softball field and that would be his motion.

Mayor Garcia said that he would approve a separate memorial, but the Park is already designated to Officer Stafford. The field would be named after Officer Haworth with a memorial with her name.

City Attorney Seiden referred to the memorial at the Golf Course for Dr. James that has a monument at the first tee. He asked if this would be acceptable for Officer Haworth as opposed to a big memorial on Curtiss Parkway. He understood that the motion on the floor is for a memorial marker in the ground at the softball field designating the field as Officer Amanda Haworth field at Stafford Park. There would not be a separate monument.

Councilman Espino said that the motion currently provides for a monument and a field name. The field name can be done with a plaque or banner.

Vice Mayor Best clarified that his motion is for a stand alone monument that would encompass the naming of the field after Officer Amanda Haworth. Councilman Lob seconded the motion as re-stated.

Councilwoman Ator stated that the current motion does not take into account the possibility for additional potential names in the future. She said that this is fine with her and she wanted to make sure that everyone understands it will be a plaque in the ground or on the backstop.

Councilman Lob was concerned where future memorials would be placed for fallen officers.

Vice Mayor Best mentioned that there are six other fields within the City, as well as other options.

Sergeant Brooks asked for clarification as to whether or not a sign will be placed on the fence with Officer Haworth's name. She did not know if this would be appropriate.

Vice Mayor Best said that he would expect a pedestal behind home plate designating the field in her memory.

Sergeant Brooks thanked Council on behalf of the family and law enforcement officers.

The motion was unanimously carried on roll call vote.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

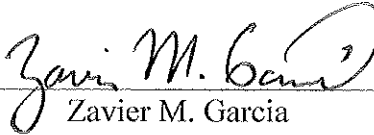
Councilwoman Ator requested that the Assistant City Manager send his comments to Council via e-mail.

12C) City Council

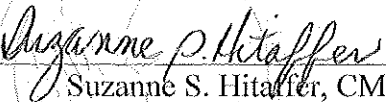
None.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 11:22 p.m.


Zavier M. Garcia
Mayor

ATTEST:


Suzanne S. Hitaffer, CMC
Deputy City Clerk



Approved as written during meeting of: 5/23/2011.

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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>A TOR Jennifer Jean</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>MIAMI Springs City Council</i>
MAILING ADDRESS <i>901 Falcon Avenue</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Miami Springs FL Miami-Dade</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jennifer Aitor, hereby disclose that on May 9, 2011:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item 7c proposed an amendment to the code of ordinances, Sec. 150-146, which would provide for operating a business in a residence under limited circumstances. My husband and I own a property that is subject to this ordinance.

5/9/11
Date Filed

Jennifer Aitor
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.