



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, October 24, 2011, at 6:30 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 6:35 p.m.

The following were present:

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

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Finance Director William Alonso
Human Resources Director Loretta M. Boucher
Recreation Director Omar L. Luna
Building & Zoning Office Supervisor Harold "Tex" Ziadie
City Clerk Magali Valls

2. Invocation: Councilwoman Ator offered the invocation.

Salute to the Flag: The audience participated. Miami Springs Adventist School Students led the audience in the pledge of allegiance.

Mayor Garcia presented baseball caps to the students that participated in the Pledge of Allegiance.

3. Awards & Presentations:

3A) Proclamation – Ray’s Tae Kwon Do Center

The presentation of the “Ray’s Tae Kwon Do Center Day” Proclamation was rescheduled for the November 14th Regular Meeting.

4. Open Forum:

No speakers.

5. Approval of Council Minutes:

5A) 10-10-2011 – Regular Meeting

Minutes of the October 10, 2011 Regular Meeting were approved as written.

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

Mayor Garcia announced that Council would recess to conduct an Executive Session.

City Attorney Jan K. Seiden stated that the City Council would participate, along with the City Manager and Assistant City Manager and the meeting would last for approximately 45 minutes.

Recess to conduct Executive Session with City Council at 6:40 p.m.

Council Meeting was reconvened at 7:36 p.m.

6. Reports from Boards & Commissions:

6A) 10-11-2011 – Recreation Commission – Minutes

Minutes of the October 11, 2011 Recreation Commission meeting were received for information.

Vice Mayor Espino commented that the Recreation Commission held a lengthy conversation about green space, expanded park space and the use of the current parks that was also a topic of discussion at the strategic planning meetings and the Community Summit.

6B) 10-12-2011 – Golf and Country Club Advisory Board - Minutes

Minutes of the October 12, 2011 Golf and Country Club Advisory Board were received for information without comment.

6C) 10-13-2011 – Board of Parks and Parkways – Cancellation Notice

Cancellation Notice of the October 13, 2011 Board of Parks and Parkways meeting was received for information without comment.

6D) 10-17-2011 – Revitalization and Redevelopment Ad-Hoc Committee – Cancellation Notice

Cancellation Notice of the October 17, 2011 Revitalization and Redevelopment Ad-Hoc Committee meeting was received for information without comment.

6E) 10-18-2011 – Education Advisory Board – Minutes

Minutes of the October 18, 2011 Education Advisory Board meeting were received for information.

Vice Mayor Espino mentioned that the Education Advisory Board discussed Art in Public Places and the minutes indicated that there was only one sponsor, but he has not received any information regarding sponsorship. The minutes also reflect that the Board is looking for direction on how to move forward with establishing the Youth Council.

Mayor Garcia asked the Board Liaison, Councilman Lob, to reach out to the Board secretary and report back on what direction the Board is looking for.

City Manager Borgmann suggested that the Administration could attend the next Education Advisory Board meeting.

Assistant City Manager Gorland explained that information was provided to the Board members for their last meeting. He spoke with Board member Libby Manning who is working on the project.

City Attorney Seiden noted that the Resolution establishing the Youth Council provides for a representative from each school to appoint one member.

Councilman Best stated that the Education Advisory Board asked who would be the responsible adult to oversee the Youth Council should they convene a meeting.

Councilwoman Ator recalled that the responsibility for overseeing the Youth Council would rotate to a different school each year.

Mayor Garcia asked the Administration to check the resolution to confirm how to proceed with the Youth Council and if there is any doubt to schedule an agenda item for Council to resolve the issue.

6F) 10-20-2011 – Historic Preservation Board – Cancellation Notice

Cancellation Notice of the October 20, 2011 Historic Preservation Board meeting was received for information without comment.

7. Public Hearings:

None.

8. Consent Agenda:

None.

9. Old Business:

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

None.

9B) Selection Process for New City Manager (Tabled: 10-10-2011)

Mayor Garcia stated that this item was tabled from the October 10th meeting. He noted that there were a number of resumes that were provided for Council's review. He asked Councilman Best if his recommendation to appoint Assistant City Manager Gorland to the position still stands.

Councilman Best confirmed that his recommendation to appoint Mr. Gorland still stands based on the information presented. He said that City Manager Borgmann will retire in January and the Assistant City Manager is qualified to take over the position.

Mayor Garcia recommended reducing the list of twenty-four candidates to three or five of the most qualified candidates so that the process can move forward. He asked if there were any other options.

Vice Mayor Espino stated that Council received the resumes of the twenty-four most qualified applicants and there were forty-six in total. He separated the resumes into three categories and reached a total of eleven people in terms of the most qualified. The resumes are only a fraction of what the individuals are and he is not sure if he can reduce the number to three or five. He recommended selecting ten or twelve to give presentations so that Council can get to know them personally.

Councilwoman Ator was concerned how Council would reduce the number of candidates from twenty-four to the final three or five if there is not a lot of information about the individuals. She said that the top ten to twelve could make presentations if that is what is required. She agrees with reducing the number to three or five but is not sure how to do that.

Councilman Lob said that he is waiting for some answers to questions that he had asked and he would like a few more days before making a decision. He noted that one candidate withdrew his application who commented that when a City Manager selects an Assistant City Manager it is based on his ability to take over his job. He would like to fully evaluate the candidates and is not ready to offer any names at this time.

Mayor Garcia commented that he was prepared to make a decision to select three to five. He asked the City Attorney if Council members could interview the candidates individually over the telephone.

City Attorney Seiden responded that it would not be illegal, but it would be more appropriate to bring in the individuals to answer questions at one time. He would not recommend individual calls because what one candidate says to one Councilmember he might not say to all of them and it should be on the public record.

Mayor Garcia said that based on his research he received a lot of information and that is how he was able to narrow down the list to five or six. He hoped that Council would have been able to agree on the final candidates.

Councilwoman Ator explained that she separated the resumes as suggested by the Mayor, but she is not prepared at this time to reduce the list to three to five.

City Manager Borgmann suggested that the top ten candidates could be ranked in order to be able to reduce the number to the top five. The top five should be on everyone's list.

City Attorney Seiden advised Council that they should narrow down the list to five or ten and reach an agreement at the next meeting on which candidates they want to interview.

Councilman Best felt that Human Resources should narrow down the list in order to avoid the political ramifications. He said that the Assistant City Manager's position was eliminated in the budget and it does not seem fair the way that Council is treating him.

City Attorney Seiden responded that the selection process had passed the Human Resources level and it is now at the political level.

Council agreed that each one of them will come back at the next meeting with a list of the top five candidates.

9C) Recommendation that Council Waive the Competitive Bid Process and Approve an Extension Agreement for an Additional 12 Month Period, to the Pelican Playhouse, Inc. (Ralph Wakefield), for an Annual Stipend of \$20,000.00, for Theatrical Services, Pursuant to Section 31.11 (E) (6) (g) of the City Code

City Manager James R. Borgmann stated that the agreement provides for \$15,000 automatically in quarterly payments and if there are funds remaining in the repairs and maintenance budget of \$5,000 the balance goes to the Pelicans.

Mayor Garcia commented that Mr. Wakefield does a very good job of taking care of the equipment.

Councilwoman Ator explained that she pulled the item from the consent agenda at the last meeting and now there is an amended Extension Agreement. Her concern is related to the "G" rating.

City Attorney Seiden stated that the "G" rating standard is included on the application form and if the production is outside of the "G" rating it must be approved by the City Council as provided on page two of the agreement.

Councilwoman Ator mentioned that the "G" rating was based on the rating of the Motion Picture Association of America system. Councilman Best had said that this rating system is different than the rating for stage productions. She would like to outline exactly what a "G" rating means even though there is an appeal process.

City Attorney Seiden referred to previous minutes when Council discussed the "G" rating when a motion was made to accept the recommendation of Pelican Playhouse to institute the "G" rating, conditional upon the County's requirements, with the exception for Council review on a case-by-case basis.

Discussion ensued regarding the "G" rating standard and the difference between stage and film performances.

Vice Mayor Espino would want the rating to apply across the board to the various forms of performances that can occur at the Playhouse.

City Attorney Seiden reiterated that the application includes language noting that the Rebeca Sosa Theatre is a family oriented venue and performances are to be for General Audiences and shall contain no strong language, sex, nudity or drug usage (“G” rating). Miami Springs Council approval is required for any performances that do not comply with this rating.

Councilwoman Ator would like to add a sentence noting that all residents are encouraged to use the theatre; she does not want to discourage use of the theatre.

Councilman Best commented that the agreement with the Pelican Playhouse includes a provision that the performances under their directorship will meet the “G” rating. If another entity comes in from the outside their performance would deserve scrutiny.

Councilman Lob asked if everyone who performs in the Theatre would have to abide by the contract. He suggested that each performance could have a rating, except for “X” rating.

City Attorney Seiden clarified that there is an extensive provision in the standard agreement on what is considered offensive conduct. In addition, there is a similar provision that provides for an appeal process through the City Council. Councilwoman Ator is requesting another sentence of encouragement to say that if someone feels that their production has been denied because it is not rated “G” they have the opportunity to appear before Council to request approval.

Councilwoman Ator reiterated that the City should encourage productions and she had received feedback that the “G” rating would be similar to censorship. She would like to keep people from having that perception.

City Attorney Seiden agreed that the language could be added to the application, as suggested by Councilwoman Ator.

Vice Mayor Espino moved to approve the Extension Agreement for Theatrical Services, as amended. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

9D) Background Check Policies and Standards Progress Report

City Manager James R. Borgmann stated that the Administration is going through the process to assure the residents that whenever their kids are involved in any program or activity that the individuals who will be working with them are of good character and have a favorable background.

City Manager Borgmann explained that Parks and Recreation Director Luna came from the City of Homestead where they had a Code of Ethics and work was undertaken to revise the document in order to fit Miami Springs. He asked Mr. Luna to present his report for Council’s consideration.

Recreation Director Omar Luna advised Council that at the present time the City does not have standards in place for the youth leagues to follow in regard to background check policies and fingerprinting and it is important to adopt standards for the City's protection. Currently the youth leagues are conducting their own background checks, but not fingerprinting and their standards vary. Some leagues follow standards set by certain agencies and what they are doing is fine, but there are loopholes because every league is different. If an incident were to occur on one of the City's fields, the City would be responsible.

Mr. Luna emphasized the importance of setting standards for the youth leagues that are run by volunteers. If someone does not pass the background check, it will not be public record; the individual will be advised. He noted that in the City of Homestead it took four to six months to finalize the project that was set forth by resolution, and it worked.

Mayor Garcia hoped that it would not take Miami Springs four to six months to finalize the policy.

Mr. Luna said that the policy could be implemented for the youth leagues and the organizations can use their own resources to conduct the background checks. They must submit a letter from an accredited organization and they will be provided with the City's standards to follow.

Councilwoman Ator commented that the standards set forth by Mr. Luna seem stricter than the current standards. In essence, the youth sports organization would be required to conduct the background checks according to the City's standards. She knows of people who coach both Little League and soccer.

Mr. Luna said that when the policy is set, consideration must be given to whether or not it applies to more than one sports organization. If someone passes the background check for Little League, the City could keep a record of it and if someone coaches another sport in the same year, they would not have to go through another background check.

Councilwoman Ator noted that a background check is only required every two years.

Mr. Luna responded that the standards are up for consideration; he prefers the one-year process.

Councilwoman Ator felt that it would not be fair to make each sports organization pay for their background checks. She asked if there could be an agreement for dividing the cost between the organizations and the City and it would make the process more efficient.

Mayor Garcia mentioned that the Little League has different standards than the soccer league because the accredited agency conducts their own background checks. He thought that it could be an issue if someone says that they already passed the check for one organization and does not want to comply with another organization's policy.

Councilwoman Ator reiterated that it seems the City's policy would be stricter than the other organizations.

Mr. Luna commented that the City would be using the same standards as the Florida Department of Children and Families. He is not trying to add anything that is more stringent. For example, the Florida Youth Soccer Association (FYSA) has their own background check policy and they will be told to use the City's standard policy and document it with a certified letter.

City Manager Borgmann referred to Mr. Luna's recommendation that the City should provide the youth sports programs with the same policy that is followed for the basketball league and other City youth programs. This would make a more uniformed policy and provide stability to the process for background checks and fingerprinting. The City currently follows the State Statute and it is recommended to establish the same policy in order to protect the children.

Councilwoman Ator asked why the City would make someone go through more than one background check if the City's policy is more stringent.

Mayor Garcia responded that the Little League is sanctioned and each local organization is required to screen every coach and parent based on their standards for insurance purposes.

Councilman Best concurred with Mayor Garcia explaining that any Little League organization in the United States must follow a set policy.

Councilman Lob clarified that each sports organization requires a background check according to their regulations and it is paid for; it is not an option. He asked if the City sets a policy that is mandated if it would only apply to the home teams or any team that plays on the City's fields. Some organizations may not want the City to set more stringent standards for them.

City Manager Borgmann said that the City would only mandate the requirement for those teams who utilize the City's fields on a routine basis.

Councilman Best commented that traveling baseball teams are outside the mandate of Little League baseball.

Mr. Luna explained that most teams from other municipalities follow the same guidelines that are set by the youth soccer or football organizations.

Councilman Lob reiterated his concern about teams from other areas not agreeing to follow the City's guidelines if they are more stringent than the individual league guidelines.

Mr. Luna learned from a Risk Manager for Little League of America that they conduct background checks on the parents and coaches for anything they might have done to a minor under the age of eighteen. They do not check for what they might have done to someone over the age of eighteen because that is up to the local city to conduct the additional check.

To answer the Mayor's question, Mr. Luna clarified that the requirements for background checks and fingerprinting are different; fingerprinting is required every five years and background checks every one or two years. He emphasized that the City must have a written policy that he can provide to the youth organizations requiring them to submit a list of the approved individuals.

Councilwoman Ator asked if the City would make the list available to each organization.

Mr. Luna agreed that he could prepare a database list of the approved individuals that could be sent to all the representatives of the various youth leagues.

Mayor Garcia asked the City Manager to provide him with a copy of the correspondence that he sent to the various sports leagues asking for the list of approved individuals.

Councilman Lob asked the City Manager to provide copies for the entire Council.

Mayor Garcia commented that the football league is currently in the playoffs and the City still does not have a list and basketball has just started.

Council decided to require the background checks on an annual basis, as recommended by Mr. Luna, and to implement a volunteer course teaching the parents and coaches the guidelines every two years.

Councilman Best moved to approve the background check policies and standards for youth sports organizations. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

10. New Business:

10A) Recommendations from the Education Advisory Board Regarding Partnering with the School System to Establish a STEM Academy and to Recognize Former Chair Mindy McNichols for Ten Years of Service

City Manager James R. Borgmann stated that the Education Advisory Board has recommended partnering with the Miami-Dade County Public School System to establish a Science, Technology, Engineering and Mathematics (STEM) Academy and to recognize former Chair Mindy McNichols for ten years of service to the Board.

City Manager Borgmann said that he is aware of STEM programs through the City's association with Captain Barrington Irving and his academy. This recommendation is different because it would be sponsored through the school system.

Councilman Best moved to approve the recommendations on both items. Councilwoman Ator seconded the motion.

City Attorney Seiden questioned what support the Board is asking for because without specific details, it might come back to Council again.

City Manager Borgmann was of the opinion that the Education Advisory Board is asking the City to step-up and support a STEM academy in the community and partner with the County in order to provide funding.

Councilwoman Ator clarified that the Education Advisory Board minutes indicated that they are not asking the City for funding.

Councilman Lob explained that the Board is asking for the City's support of the program.

Vice Mayor Espino agreed that the Education Advisory Board minutes indicated that funding is limited to the School Board.

City Attorney Seiden clarified that the motion to approve would be the establishment of policy of the Council and not any activity or action necessary on their part.

Councilwoman Ator stated that the residents of the community would like Council to support a STEM Academy at the High School and that does not seem like a policy.

Mayor Garcia said that Council would be supporting the STEM Academy without any financial support and encouraging the School Board to continue their support and funding. He explained that he received a draft letter of support to send to the School Board.

City Attorney Seiden clarified that Council would be establishing a policy.

City Manager Borgmann referred to the Education Advisory Board minutes. He noted that Ms. Méndez-Cartaya with Miami-Dade County Public Schools explained that as communities are becoming more demanding in regard to programming for their schools, this is a time of limited resources for the school district and the two parties have been negotiating program enhancements that the municipalities would compensate for. The cities may have bonding capacities that the school district does not have. He explained that it is clear that there are funding expectations that the municipalities might help support in that realm.

Councilwoman Ator reiterated that the Education Advisory Board minutes indicated that they are not asking Council to make any financial commitment.

Vice Mayor Espino commented that he is on the Board of Directors for Monsignor Edward Pace Senior High School and they are starting a STEM program within the confines of the current curriculum because it is costly to expand it to a full academy.

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

10B) Resolution No. 2011-3528 – A Resolution of the City Council of the City of Miami Springs Providing for the Fifth Amendment to the FY2010-2011 General Fund and Special Revenue and Capital Projects Fund Budgets; by Increasing General Fund Revenues from Undesignated Reserves to Cover Authorized and Approved General Fund Expenditures; By Increasing the Road and Transportation Fund of the Special Revenue and Capital Projects Budget to Account for Additional C.I.T.T. Funded Sidewalk and Road Repairs; Providing Intent; Specifying Compliance with Accepted Budgetary Processes and Procedures; Effective Date

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

Attorney Seiden stated that the total amount is \$220,159.00 and it will be the last budget amendment for Fiscal Year 2010-2011.

Councilman Best moved to adopt the resolution. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

10C) Resolution No. 2011-3529 – A Resolution of the City Council of the City of Miami Springs Providing for the First Amendment to the FY2011-2012 General Fund and Special Revenue and Capital Projects Fund Budgets; By Re-Appropriating Reserved Fund Balances to Fund Open Encumbrances Through September 30, 2011; Effective Date

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

Attorney Seiden stated that this is the first amendment to the budget that is done every year.

Councilman Lob moved to adopt the resolution. Vice Mayor Espino seconded the motion which was carried 5-0 on roll call vote.

10D) Notification and Discussion Regarding City Use of Social Networking (Facebook and Twitter)

City Manager James R. Borgmann stated that after extensive discussion the City is now using Twitter, but not Facebook since there are still some concerns about the two-way communication. There is a sentence included in every Tweet that states that feedback is not encouraged or published. The City is sending out messages to let everyone know about various events and activities, including Halloween, Veterans Day, Council meetings, etc.

To address Councilman Best's concern, City Manager Borgmann explained that the issue is related to two-way discussions and the ability to capture responses because that involves the public records law. The Twitter account only allows one-way communication through the "tweets".

Mayor Garcia commented that the information on Twitter is provided to those people who choose to follow Miami Springs.

Assistant City Manager Gorland clarified that the information on Twitter can be accessed without setting up an account.

City Attorney Seiden clarified that Facebook is constantly changing and the City cannot use it for a number of reasons because there is no way to control the information stream. The controls on Twitter are possible because the City can provide a list of all the followers and there are no responses.

Mayor Garcia explained that opening a Twitter account allows the option for sending messages to your cell phone instantly as soon as the information is posted.

10E) Recommended Code Revisions:

10E1) Street Number Display Requirements

City Manager James R. Borgmann stated that there are many issues of concern that are addressed on a daily basis that might not be clear in the Code of Ordinances.

Building and Code Compliance Supervisor Harold “Tex” Ziadie explained that street number display is a common code violation and the recommendation is to amend the code to provide for a minimum street number size of at least 3-inches and that the numbers be in a contrasting color from the mounting surface. He showed examples of street number displays that are hard to read and could become a life safety issue. The Code should also include language prohibiting bushes or hedges that obscure the numbers from the street.

Councilman Best noted that several years ago, a recommendation was made for the numbers to be displayed in the rear of the home so that emergency crews could access the homes through the alley. He commented that his home has numbers in the rear, but he does not know how many people have done the same thing.

Mr. Ziadie recalled that there was discussion about rear house numbers many years ago and it was never put into the Code. There are very few houses that have numbers in the rear, although many have the numbers on their automated garbage container.

Council directed the City Attorney to draft an ordinance requiring house numbers to be a minimum of 3-inches in size and of a contrasting color to the mounting surface, not blocked by vegetation.

Mr. Ziadie asked for direction on how to handle existing house numbers that are clearly visible, but may not be 3-inches in size.

Mayor Garcia suggested that there should be an informational process for the residents about the new regulation.

City Attorney Seiden suggested including a provision stating that the ordinance is not applicable to numbers that currently exist that are clearly visible from the street.

Assistant City Manager Gorland commented that if a certain size is required, there should be a provision to say that the numbers must be replaced within two years if they are not the required size; otherwise, the code cannot be enforced.

Councilman Lob suggested sending a letter to all households informing them of the minimum size requirements for house numbers.

Vice Mayor Espino was of the opinion that it is acceptable if numbers are clearly visible and no less than 2-inches. The issue is not about size; it is about visibility.

Chief of Police Peter G. Baan recommended that the numbers should be a minimum of 3-inches, based on his experience.

Mayor Garcia would like notification to the residents to mention that the minimum size for the house numbers is a recommendation from the City's Police Department in the interest of public safety. He added that some house numbers, regardless of size, cannot be seen at night without proper lighting.

10E2) Westward Drive Median Parking Regulation

Mr. Ziadie stated that currently the Code states that parking is allowed on Curtiss Parkway and Morningside Drive and that it is prohibited on other streets in the City, but does not specifically state Westward Drive. There is an ongoing problem with residents who live on Westward Drive and park their vehicles in the median. Code Compliance does not have the ability to ticket those vehicles, since they might not belong to the homeowner.

Mr. Ziadie explained that the Police Department cannot adequately enforce parking in the median unless "No Parking" signs are posted. He added that the intent of the City is not to install more signs, but to properly enforce the Code.

Mayor Garcia said that he does not understand the problem with parking on Westward Drive.

Vice Mayor Espino commented that people who live on Westward Drive may use the median for overflow parking when there is a party or if there is an event at Prince Field. There are only a few houses that egregiously use the median for their own parking on a regular basis and the question is how those cases should be addressed.

Councilwoman Ator suggested that the license plate numbers could be checked and warnings sent to those violators.

Mr. Ziadie responded that only the Police Department has the ability to check the license plates.

Councilwoman Ator explained that Code Compliance could make note of the license plate numbers and keep track of the violators.

Mr. Ziadie advised Council that the normal procedure for notifying residents who have vehicles parked on the Westward Drive median is that they are given a verbal notice of the violation, a case is created and the information is entered into the computer. He said that there are only two houses that Code Compliance has had to notify on a consistent basis.

City Attorney Seiden commented that this particular section of the Code is poorly written. It states that *“any other use of any part of such parkways or the use of parkways in any other manner, and any such use as is hereby allowed on Curtiss Parkway and Morningside Drive on the parkways of any other street in the City is prohibited.”*

Chief of Police Baan recalled that years ago there were complaints from apartment buildings about patrons to the local bars parking in the apartment complexes. The apartments applied stickers to the windows of the cars notifying the owners that their cars would be towed if they parked there again and it worked very well.

Councilwoman Ator stated that the stickers are hard to remove and it would only make people angry.

Mr. Ziadie advised Council that the Code Compliance Officers are lenient with people who are having a party, a garage sale or if there is a function at the Recreation Center.

The City Attorney said that Council must decide first if they want to enforce no parking in the median on Westward Drive or not. If they do, the discussion already indicates that there will be a number of exceptions for special events. He offered to change the ordinance to specifically prohibit parking on Westward Drive, and include a provision for special events, with a temporary card to be placed on the cars of the egregious violators.

Mayor Garcia reiterated that there are only two houses on Westward Drive that park cars in the median all the time and those residents who only park there for a limited amount of time would not be allowed if the Code is changed.

The City Attorney suggested placing “No Parking” signs in the specific areas of concern.

Mayor Garcia referred to the problem with people parking in the swales where signs were placed in specific areas.

City Attorney Seiden said that he would draft a better ordinance that gives the City the right to allow parking with special permits; if cars are parked inappropriately Code Compliance will provide a notice and the City reserves the right to install signs in specific areas of increased enforcement.

Mr. Ziadie noted that warnings are not given to the mail carrier and lawn companies that park on Westward Drive.

Chief Baan mentioned that in order to enforce signs under the County's prohibited parking ordinance the signs must be placed by the County. If the City installs the signs they can only be enforced by the municipal ordinance and prosecution would be costly.

City Attorney Seiden will draft an ordinance with exceptions during the day for mail carriers, lawn services, etc.

Council **directed** the City Attorney to draft an ordinance that reserves the City the right to allow parking on Westward Drive with special permits and exceptions for service vehicles; if cars are parked inappropriately Code Compliance will provide a notice and the City reserves the right to install signs in specific areas of increased enforcement.

11. Other Business:

11A) Scheduling of Board of Appeals Meeting to Hear Appeal of Board of Adjustment Case No. 19-V-11

Council **scheduled** the Board of Appeals meeting for Monday, November 14, 2011 at 7 p.m.

11B) Consideration of Scheduling a Workshop Meeting to Discuss Additional Code Revisions (Commercial Vehicles, Canopies and Sheds, Reverse Frontage, etc.)

City Attorney Seiden referred to a list of code items that will require major discussion that should be addressed during a Workshop meeting.

Discussion ensued regarding available dates for scheduling a Workshop meeting.

Council agreed to set a date at the next Council meeting.

11C) Vote of Confidence for the City Manager as Required by Section 4.02 (2) of the City Charter

Mayor Garcia stated that a vote of confidence for the City Manager is required by Section 4.02 (2) of the City Charter.

Mayor Garcia wondered if a vote is necessary since Mr. Borgmann only has a couple of more meetings before he retires.

Councilman Best moved to give a vote of confidence to the City Manager. Councilman Lob seconded the motion which was carried 4-1 on roll call vote with Vice Mayor Espino casting the dissenting vote.

Councilwoman Ator believed that Council is required to take this action at the first meeting in October, and this is the second meeting. In the future, she would like to follow the Code provision.

Mayor Garcia would like Council to have an evaluation form to follow in the future.

12. Reports & Recommendations:

12A) City Attorney

Commission on Ethics

City Attorney Seiden reported that he and CMI President Jo Ellen Morgan Phillips will be attending a meeting tomorrow with the Commission on Ethics in regard to an opinion he requested.

12B) City Manager

FDOT Meeting

City Manager Borgmann informed Council that the Florida Department of Transportation (FDOT) is asking to schedule individual meetings with the Mayor and Council members in regard to the rebuilding of the N. W. 36th Street Bridge on Friday, October 28th. He recommended to the person that FDOT should attend an upcoming Council meeting to make a presentation and to receive Council's comments. The person responded that she would check with her superior and call him back.

City Manager Borgmann said that he would let the person know of Council's availability on Friday, if FDOT does not agree to attend a Council meeting.

Councilwoman Ator responded that she is not available on Friday.

Halloween

City Manager Borgmann announced that the Halloween celebration will be held on Saturday, October 29th from 6:00 to 10:00 p.m.

Veterans Day

City Manager Borgmann reminded everyone of the Veterans Day celebration at 10:45 a.m. on Friday, November 11th at the War Memorial on Curtiss Parkway.

Hurricane Rina

City Manager Borgmann is watching Hurricane Rina that could make an impact on South Florida as early as Saturday, October 29th.

November Meetings

City Manager Borgmann noted that the November meetings are scheduled for November 14th and November 28th which is the Monday after Thanksgiving. He asked Council if they had any special plans for the holiday because City Staff sometimes goes out of town that week and it makes it difficult to prepare for the second meeting. He asked Council if they wanted to re-schedule the second meeting.

Councilwoman Ator commented that other days are available the last week in November.

Mayor Garcia asked the City Manager to let Council know the dates that are available.

Special Events Schedule

City Manager Borgmann reported that Council receives the Special Events schedule every Friday to keep them up to date on what is happening. All groups are encouraged to call the City Manager or Public Information Specialist Carol Foster to report their events.

Elevator Repair

City Manager Borgmann confirmed that the elevator in City Hall will be going out of service on Wednesday, October 26th. The Human Resources Director will move to the Finance Department and there will be a table in the lobby for the Building Department to meet with people downstairs.

Vaccine Drive

City Manager Borgmann announced that Commissioner Sosa's annual vaccine drive will be held at the Community Center on November 10th from 9:00 a.m. to 11:00 a.m.

Strategic Planning

City Manager Borgmann reported that two additional strategic planning sessions will be held at 7:00 p.m. on Tuesday, November 15th for the residents and at 6:00 p.m. on Wednesday, November 16th for the businesses.

12C) City Council

Strategic Planning

Councilman Lob stated that he had received numerous requests for holding a strategic planning session for businesses on a Sunday when businesses are not open.

City Manager Borgmann will contact Session Facilitator Bill Busutil in regard to Councilman Lob's request.

Assistant City Manager Gorland commented that the strategic planning meeting notices were published in the River Cities Gazette and there was a disappointing turnout by the business community.

City Manager Borgmann announced that the River Cities Gazette will publish a notice in the issue that goes out to all the residents this week. Perhaps the 6:00 p.m. meeting for the businesses could be changed to 7:00 p.m.

Councilman Lob suggested a third meeting on a Sunday for one hour to accommodate the business owners that expressed an interest.

Strategic Planning

Councilwoman Ator commented that every business owner received a flyer about the strategic planning meetings, but no one really understood what the process involved.

Community Calendar

Councilwoman Ator said that she receives the Community Calendar and is not sure where to find the events on the City website. She would like to create a calendar on the website where someone can click on an event and save it on an i-calendar.

Turkey Trot

Councilwoman Ator reminded everyone of the Annual Turkey Trot.

Halloween

Councilwoman Ator wished everyone a nice Halloween.

Community Summit

Vice Mayor Espino offered to provide the minutes from his Community Summit.

Bark for Life

Vice Mayor Espino reported that the first “Bark for Life” was held on Saturday, October 22nd and three pets were adopted. The event also raised funds for cancer and many people signed up for participation in the Relay for Life.

Junior Orange Bowl Pageant

Vice Mayor Espino announced that his wife was one of the judges for the Junior Orange Bowl Pageant and the City will be hosting the finals next year at the Community Center.

Senior Report

Vice Mayor Espino is looking forward to giving the Senior report on Wednesday, October 26th.

Blessed Trinity Festival

Vice Mayor Espino reported that the Blessed Trinity Festival will be held on Thursday, November 3rd through Sunday, November 6th.

Elected Official of the Year

Vice Mayor Espino announced that the South Florida Hispanic Chamber of Commerce selected him to be the recipient of the 2011 Elected Official of the Year award. He will be recognized on Thursday, November 3rd at the Biltmore Hotel.

Halloween

Vice Mayor Espino wished everyone a Happy Halloween.

Halloween

Councilman Best reminded everyone to drive safely on Halloween night because many kids will be out on the street.

Crime Watch Program

Mayor Garcia spoke with Chief Baan about invigorating the Neighborhood Crime Watch Program since many people have expressed an interest in becoming active in the program. He asked if information could be circulated through Twitter or some other means in order for the residents to receive updates and crime reports.

Filming

Mayor Garcia reported that a filming of a mini-series was done on Melrose Drive that will appear on the Starz Network and information is posted on www.vf.com

Halloween

Mayor Garcia urged everyone to be safe on Halloween.

Parking

Mayor Garcia asked the City Manager to follow up on the two-hour parking at the shopping center next to the Hurricane Bar & Grill.

Victory Garden

Mayor Garcia attended the ground breaking of the All Angels' Victory Garden that teaches kids about history.

Christmas Event

Mayor Garcia announced that the Recreation Department Staff is working diligently on bringing snow to the Circle for the Christmas Event. He thanked them for their help to make this possible and looks forward to a very successful event.

Veterans Day

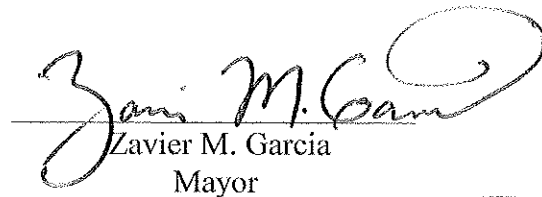
Councilwoman Ator said that her son Avery offered to sing the Marine Corp. hymn on Veterans Day.

Breast Cancer

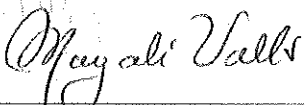
Mayor Garcia announced that this is Breast Cancer Awareness month and to keep all breast cancer survivors in our thoughts and prayers.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:48 p.m.


Zavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk



Approved as written during meeting of: 11-14-2011.

Transcription assistance provided by Suzanne S. Hitaffer.