



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, February 13, 2012, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7: 04 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 Ronald K. Gorland
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Finance Director William Alonso
- Comptroller Alicia E. González
- Human Resources Director Loretta M. Boucher
- Golf Director Michael W. Aldridge
- Golf Superintendent Sandy Pell
- City Clerk Magalí Valls

2. Invocation: Councilman Lob offered the invocation.

Salute to the Flag: Students from Blessed Trinity Catholic School led the audience in the Pledge of Allegiance to the Flag.

Mayor Garcia presented baseball caps to the students who participated in the pledge of allegiance.

3. Awards & Presentations:

3A) Presentation from the Student Working Against Tobacco (SWAT) Organization

Joseph Nabaka from the Student Working Against Tobacco organization was not present.

Agenda Item 3B was discussed after Agenda Item 10J.

3B) Proclamation – Optimist Club Month

Mayor Garcia stated that being involved with the community he sees a lot of events and youth activities in the City, and the Optimist Club has been involved for fifty-three years. He felt that it was important to issue a Proclamation to the Club for their efforts and hard work they have put into the community and “Bringing out the Best in Kids”.

Mayor Garcia explained that the Optimist Club encourages volunteerism and anyone who is interested should reach out to the Club for membership.

Mayor Garcia proclaimed February 2012 to be Optimist Club Month in Miami Springs and congratulated the members of the Miami Springs/Virginia Gardens Optimist Club for their outstanding dedicated service to the community.

Optimist Club President Bill Tallman stated that it is humbling to receive the award on behalf of the Board and members of the Miami Springs/Virginia Gardens Optimist Club. He stated that they do not volunteer for recognition; the recognition can be seen in the community and watching children grow into community leaders.

3. Open Forum:

Statements made by Mayor at the Senior Center

Daniel Tapp of 931 Falcon Avenue asked Mayor Garcia if he had said that he was going to save the City \$1MM when he was at the Senior Center.

Mayor Garcia advised Mr. Tapp that Council cannot engage in conversation under Open Forum or answer any questions and the forum is solely for the residents to voice their concerns or issues with the City. He stated that he did not say that he was going to save the City \$1MM.

Outsourcing of Public Works

Mr. Tapp explained that he moved to Miami Springs in 1964 because he wanted to find a safe neighborhood for his family to live in. He was upset because Public Works Director Robert Williams was demoted and one of his neighbors told him that there was a position open to oversee the Public Works Department. He feels that the Public Works Department and the Police Department are doing a fantastic job and he could not be happier with the services in Miami Springs. He noted that if something is not broken then do not fix it.

Mayor Garcia explained to Mr. Tapp and to other residents concerned about outsourcing of Public Works that there will be a time when this item will be addressed. He will say that the City is conducting fact finding missions and is not in the process of voting on Public Works. There are particular departments within the City that have been outsourced by their department heads and Council is simply looking at the numbers.

Mayor Garcia stated that that the City has a strong City Manager from of government and Council does not have any say when it comes to the firing or hiring of department heads. He emphasized that when discussing the issue of outsourcing, he does not want to outsource Public Works. He promises to do his research before saying “no” and making sure that the answer is “no.”

The Mayor explained that Mr. Tapp’s opinion is duly noted and Council has listened to all the comments that were made and he can promise that no decision will be made without holding a public meeting on this topic. Council is simply getting all the numbers and the facts before considering the matter.

Mr. Tapp asked how many registered voters are in Miami Springs and the City Clerk replied that there are between 7,000 and 8,000 registered voters. He had requested the information after he heard about the proposal to outsource Public Works because he wanted to know the requirements for a recall and how many signatures were needed.

Mayor Garcia reiterated that there is no outsourcing of the Public Works Department although some of the tasks in the division are outsourced based on the decision of the Director and he respects their opinion and if they feel that something should not be outsourced it will be taken into consideration.

Outsourcing of Public Works

Eleanor Peterson of 120 Flagler Drive explained that the service she gets with the garbage could not get any better. Many Miami-Dade, Virginia Gardens, State Highway Patrol and Dade County police officers live in Miami Springs because of the services and police and fire protection. She wanted to know why residents could not have a vote on the outsourcing topic because they are the ones paying the taxes.

Outsourcing of Public Works

Buzz and Kathleen Fleischman of 810 Pinecrest Drive voiced their support of keeping Public Works within the City. Ms. Fleischman agreed with the other speakers and said that if it is not broken then do not fix it and Public Works is more than not broken; it is the best service that Miami Springs has and that is why people come to live here.

Ms. Fleischman mentioned that the numbers may look good but they are just one part of a page. She worried what would happen after year one if the outsourcing company can no longer provide the services. As the previous speaker mentioned, it is the residents' money and they want to have a say in what goes on in the City. If the City is looking for ways to save money, the surveys should stop. She expressed her concern over seeing \$100,000 checks being made to people who are telling the City the same thing that the residents have been telling them.

Buzz Fleischman explained that he and his wife both feel very strongly about outsourcing any City services. He believes that Miami Springs has some of the most excellent services in South Florida. A number of people who work in Public Works live in Miami Springs and if outsourcing is passed, it would put those residents out of work. He is aware that the City is looking for another Public Works Director and he did not see anything wrong with how the previous Director was conducting his services and they have always been the best.

Mr. Fleischman said that he and his wife do not want to outsource any services. He also expressed his concerns regarding the possibility of the outsourcing company not being able to comply with the contract after the end of the first year. He questioned what would happen to all of the equipment that the City has purchased and if it would be leased or given to someone else.

Mr. Fleischman reiterated his wife's comments regarding the surveys, noting that the surveys are wasteful because the citizens will tell Council exactly what needs to happen in the City.

Outsourcing of Public Works

Karl Bithorn of 1070 Wren Avenue was of the opinion that the City services are a quality of life issue and it is not always about money. Many Public Works employees live in Miami Springs or other parts of the City and are aware of what is going on and understand if there is something that is out of place.

Mr. Bithorn stated that it is nice to have City employees keeping an eye on the City because private contractors would not care. The public events will not be a treasure if private companies are brought in and it will not save money. He would like for the City Manager and Council to take everything into consideration.

Outsourcing of Public Works

Eric Morgan of 941 Falcon Avenue stated that he bought his home in 1983 and is extremely happy with the services that he receives from Public Works. He said that there is an old saying “do not try to fix what is not broken”.

Farmers’ Market

Sarah Vargas of 33 Whitethorn Drive asked Council to think about a Farmers’ Market in Miami Springs. She is not aware if it has been brought up in the past but believes that it might be time to look into it again. She believes the event would receive tremendous support from the public and it would help the local businesses.

Ms. Vargas asked if someone could contact her with information and advise her what the next step would be. She noted that some of these markets are operated by private companies and others are operated by the cities. She believes that it would bring a lot of clientele into the community and one of the most important things that can be done is to show people what a great place Miami Springs is to live in.

Councilman Lob advised Ms. Vargas to see the City Manager and get the phone number for the Chamber of Commerce because they are working on a Farmers’ Market but he is unaware of where they are in the process.

Ms. Vargas said that she is on the committee and has attempted to speak with them but has not received any responses from the Chamber of Commerce.

Councilwoman Ator advised Ms. Vargas that she is also on the committee and invited Ms. Vargas to go with her to the Chamber of Commerce meeting.

C.U.T.E Program

Carl Malek of 333 Corydon Drive, Apartment # 5 stated that he was going to discuss the C.U.T.E Program but saw that it is on the agenda so he is going to wait until the item is brought up for discussion.

5. Approval of Council Minutes:

5A) 01-18-2012 – Workshop Meeting

Minutes of the January 18, 2012 Workshop Meeting were approved as written.

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

5B) 01-23-2012 – Regular Meeting

Minutes of the January 23, 2012 Regular Meeting were approved as written.

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

6. Reports from Boards & Commissions:

6A) 01-12-2012 – Board of Parks and Parkways – Minutes

Minutes of the January 12, 2012 Board of Parks and Parkways meeting were received for information without comment.

6B) 01-17-2012 – Education Advisory Board – Minutes

Minutes of the January 17, 2012 Education Advisory Board meeting were received for information without comment.

6C) 01-19-2012 – Historic Preservation Board – Minutes

Minutes of the January 19, 2012 Historic Preservation Board meeting were received for information without comment.

6D) 01-24-2012 – Ecology Board – Minutes

Minutes of the January 24, 2012 Ecology Board meeting were received for information without comment.

6E) 01-26-2012 – Code Review Board – Cancellation Notice

Cancellation Notice of the January 26, 2012 Code Review Board meeting was received for information without comment.

6F) 02-01-2012 – Architectural Review Board – Cancellation Notice

Cancellation Notice of the February 1, 2012 Architectural Review Board meeting was received for information without comment.

6G) 02-06-2012 – Zoning and Planning Board – Minutes

Minutes of the February 6, 2012 Zoning and Planning Board meeting were received for information without comment.

6H) 02-06-2012 – Board of Adjustment – Approval of Actions Taken at their Meeting of February 6, 2012, Subject to the 10-day Appeal Period

Vice Mayor Espino asked City Attorney Seiden if Council has to consider the Board of Adjustment recommendation as a whole or can they parcel it out and City Attorney Seiden responded that Council may parcel it out.

Vice Mayor Espino stated that at the last Board of Adjustment meeting it was mentioned that the number of variances for the Pilot House was because the new Code did not address changes and modifications to existing buildings.

City Attorney Seiden explained that there was a monthly meeting between Staff and Calvin, Giordano & Associates and they have agreed on how to handle these types of instances. Unless Council has a specific question on a specific variance item, the concept is going to come back to Council because they are proposing some amendments to the ordinance in order to make it more workable.

Vice Mayor Espino said that in order to get the project to this point there were an inordinate number of variances that might create a precedent and if Council were to create a policy adjustment that would avoid that issue.

Vice Mayor Espino noted that the code was established to provide an incentive for new development, and it was the Council's decision that it was going to be higher density. In going forward, Council should be cognizant of the fact that in order to finish a particular project it should not undermine the overall strategy. He explained that if Council makes it too easy it will undermine the goal to increase the value of the property and drive additional businesses and jobs. He said that there is more value in a five-story mixed use building than in a single story restaurant.

Councilman Lob agreed with Vice Mayor Espino about granting the variances. He stated that this is the second time variances were granted for 36th Street and he would like to create a policy that works so that Council would not have to go through this process again.

City Attorney Seiden explained that the only question that Board of Adjustment member Fernandez brought up was the stand alone restaurant. It was discussed at the Staff meeting with Calvin, Giordano & Associates and they agree. They also want to propose other uses to Council.

City Attorney Seiden explained that he does not disagree with Vice Mayor Espino and the realistic way of looking at it is that someone has come in to redevelop an eyesore and if Council says no to them they will not go forward with the project. The owners are not interested in building a five-story building and if Council is going to wait until they get that five story building, then Council may have a Mixed Use Business (MUB) District on their hands again.

Councilman Lob asked if it would set a precedent that would be harmful in the future if Council approves the variances.

City Attorney Seiden replied that the Board of Adjustment is going to recommend that Council change the policy about some of the stand alone codes. He added that the applicant has spent a lot of time with the Downtown consultants regarding the design phase and their architect met with them to make sure that the design aspects were in keeping with the code.

Mayor Garcia asked City Attorney Seiden how long it would be before the recommendation would come before Council for altering the code and City Attorney Seiden replied that he would bring some proposals to Council within a few weeks.

Mayor Garcia stated that the only reason he considered this is because Council has discussed the possibility of altering the code. He hopes the changes will be expedited and he does not believe that there would be any resistance from Council.

City Attorney Seiden advised Council that the Board of Adjustment would be recommending that stand alone restaurants be a permissible use instead of having to be part of a secondary use in another building. That is the only issue that came up before the board.

Vice Mayor Espino commented that he is not looking for a stand alone restaurant or a five-story building. However, there is something to be said about the fact that it is an existing building as opposed to saying that Council is going to allow free standing restaurants. He said that the reality is that Council has to look at 36th Street and find out what is the best way to economically develop that corridor.

Vice Mayor Espino noted that if Council wanted to approve whatever project comes along and they are happy with that then that is fine, but this certainly has not been his position. His position is that Council has to target development and actively recruit companies like Doral does and not wait for the Beacon Council to do it.

Vice Mayor Espino stated that as much as he wants to see improvements of existing buildings, if it is a blanket allowance for free standing buildings of a certain size like this one he will vote “no” because 36th Street is a corridor; Council should be looking at mixed use office plazas and hotels in order to increase the commercial value, the marketability of the area and the number of jobs.

Vice Mayor Espino would have liked to see these issues before they were sent to the Board of Adjustment. He knows that most of the members have been serving for a long time and they do not like to legislate from their positions on the Board. He respects them for the professionals that they are and more so because they have self restraint.

Vice Mayor Espino wanted to know if Council could put conditions on their approval so as to limit the precedent and City Attorney Seiden replied that he does not believe more could be done than what was stated in the minutes.

City Attorney Seiden stated that both the board and the Revitalization Specialist feel that this project is a good stepping stone. Everybody is anxious to get an eyesore removed from 36th Street and it would meet all of the design qualifications that have been proposed. He noted that the only factor was that the code says that stand alone restaurants are not permitted and Calvin Giordano is going to recommend to Staff that the code should be amended to include it in the permissible use category.

Councilman Lob does not disagree that it is a good project and a great start. Council is finding things that need to be changed in the code, but he will echo Vice Mayor Espino’s statement that it could be harmful in the future because of the variances they are approving as opposed to making the policy changes. He mentioned that Council has gone through two other issues like this where they actually said no to the variances and changed the policies.

Vice Mayor Espino stated that he wanted to make a distinction for permitted and non-permitted uses for existing buildings.

City Attorney Seiden agreed with Vice Mayor Espino and advised him that when that issue comes up, that distinction could be made. He said that during the Board of Adjustment meeting, several questions were raised and it is now clear that as an existing facility it would be handled the same way as the Pilot House, but if it were a ground up situation or a vacant lot situation then it would be handled differently.

Councilman Best commented that he agrees with the sum of what he has heard relative to the requirement for policy change. He believes that Council would be foolish not to accept the improvements that the applicants want to make compared to the existing conditions. He explained that if a larger company wants the property, it would be a benefit.

Mayor Garcia said that in looking at what Council is trying to do with 36th Street, he believes that they have a unique opportunity with this building to finally have someone who has agreed to almost everything that Council is asking for 36th Street. He understands the board's concerns with setting a precedent but he also understands that Council does not want to stop this project. He is comfortable with what has been recommended.

Councilwoman Ator explained that the first time this case was presented to the Board of Adjustment she had some of the same concerns and when it came back it did not look much different. She would like to consider the code before making a change that could possibly be detrimental in the future.

Councilwoman Ator noted that if Council grants the variances then they would be setting themselves up for a potential exposure and she does not believe that Council should do that.

City Attorney Seiden reiterated that Vice Mayor Espino brought up a good issue and when the variance comes back, Council can condition any amendment to the ordinance to say that stand alone buildings will be approved only for existing buildings and not for buildings that are being rebuilt from the ground up.

Vice Mayor Espino stated that he likes the dynamic in so far as the administration and Calvin Giordano working with the applicant through the process. He agrees with Councilwoman Ator's statement and he regrets not being able to go to the Board of Adjustment meeting. Having been on the board, he does not know how far reaching the effect of this variance could go.

City Attorney Seiden commented that it is quite clear in the minutes that it was mentioned a number of times that any approval is based upon the fact that it is an already existing building on the property and these variances would not have been considered if it were not already an existing building on the property. He said that the difference with the Pilot House and the McDonalds building is that the Pilot House complies from a design standpoint.

Vice Mayor Espino asked if Council wants the Board of Adjustment to be the body that somehow maneuvers developments in a particular way without getting express direction from this body. He noted that Council has not seen development on 36th Street except for the Euro Hotel building and Airbus prior to the new code. He feels that what Council is going to see is the redevelopment of existing buildings and a continuation of variances to existing buildings.

City Attorney Seiden explained that this was another topic that was discussed on Friday and the solution was sort of a middle ground. He suggested amending the code to provide different sections; one for existing properties for revitalization and redevelopment projects and one for ground up projects.

City Attorney Seiden stated that Calvin, Giordano suggested that it would be a determination made by administrative staff and revitalization specialists to the exception of the Board of Adjustment. Under the circumstances of this development, the decisions were appropriate based upon the property and conditions and they would deal with those issues rather than take it to the board.

Councilman Lob moved to approve the actions of the Board of Adjustment, subject to the ten-day appeal period. Councilman Best seconded the motion which was carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.

7. Public Hearings:

None.

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for January 2012 in the Amount of \$12,372.75

There was no discussion regarding this item.

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

9. Old Business:

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

None.

9B) Discussion Regarding Changes to the Charter Regarding Election Procedures

City Manager Ronald K. Gorland stated that this is a continuation of the Workshop item that was previously discussed. He read Charter Section 3.06 – Election of Mayor and Councilmembers: general and special elections.

- (1) General municipal elections shall be held on the first Tuesday of April on each odd numbered calendar year. The Council may call special elections on other dates to fill vacancies on the Council or for other purposes permitted by law.
- (2) All candidates for the office of Councilmember shall qualify and stand for election in separate groups (groups I, II, III and IV) as to each Council office. The candidates for Mayor shall qualify and stand for election separate and apart from any Council group.

- (3) All incumbent officeholders shall hold office until a successor is elected or appointed and duly installed as provided herein.
- (4) Terms of office.
 - (a) The terms of office for all Councilmembers and Mayor shall be 2 years.
 - (b) The Mayor and Councilmembers in groups III and IV shall be elected at the next general municipal election to be held on the first Tuesday of April, 1975, and at each subsequent general municipal election thereafter. The Councilmembers in groups I and II shall be elected at the general municipal election to be held on the first Tuesday of April, 1977, and at each subsequent general municipal election.
- (5) The candidate for Mayor and the candidate for each Councilmember group receiving the highest number of votes in the General Municipal Election shall be declared to be elected to office upon the canvassing of the certified election results.
- (6) The newly elected officials shall be installed in office on the day following their election.
- (7) No person shall hold elective office or offices longer than a total of 8 consecutive years. The holding of an elective office for a portion of any term shall be deemed as serving the full number of years of the term of the said elective office.
- (8) No candidate shall qualify or run for the office of Mayor and Councilmember in the same election.

Regarding Section 3.06 (1), Mayor Garcia commented that Council had discussed proposed election dates during the Workshop. He asked if there was a consensus to change the date to coincide with the November General Election.

Vice Mayor Espino mentioned that changing the date to November would have a bearing on terms.

Mayor Garcia clarified that the City would still hold an election every two years if there are staggered terms.

Councilman Lob asked what the approximate savings would be if the City's election date is changed to coincide with the November General Elections.

Mayor Garcia asked if the cost comparison is shown on Exhibit C of the backup information and the City Clerk answered affirmatively.

Councilman Lob noted that the cost of a stand alone election is approximately \$26,000 compared to \$8,000 if the City piggybacks with a Countywide election.

Councilman Best stated that his position has been to have staggered terms to allow continuity of projects and developments and to reduce the cost of the election by tying with a County or November election.

Mayor Garcia asked Council to consider which change would be a priority and to determine if there is a consensus for a change. He thought that staggering terms might be an important issue.

City Attorney Seiden explained that in order to have staggered terms, Council must increase the length of the terms.

Councilman Lob said that it is not possible to have staggered terms without increasing the terms and in his opinion these two changes are very important and should be the top considerations.

Councilwoman Ator commented that she has always been in favor of staggered or four-year terms and since it was last discussed she has received feedback from people in the community who do not support this change, while others were in favor of the change before the discussions began.

Councilwoman Ator was of the opinion that it will be hard for the extended terms and staggered terms to pass if the community does not have some kind of comfort in the ability to make a real change. She continued to argue that the Mayor should run every two years, while Council members should run every four years. In speaking with residents, this is what she has heard and she feels that this should be a consideration.

Councilwoman Ator clarified that the Mayor's term would be up every two years, while the term for Council members would be four-year staggered terms. She recommended no change in the eight-year term limit for Mayor or Council.

Vice Mayor Espino said that he had been thinking about the proposal since the Workshop meeting and trying to justify it with what other municipalities do and the reason why. He has come to like the proposal the more he thinks about it because it empowers the community to make a change in a particular direction. While Miami Springs has a weak Mayor, the person is still the figurehead of the community and theoretically takes the blame for various issues of contention. If the Mayor has a two-year term, people could make a change every two years, instead of four years, which is a proposition he would support.

Vice Mayor Espino added that in educating the community it must be stressed that not having staggered terms is the cause for many conditions that have existed in the City. He said that theoretically every two years the entire elected body could be swept out of office and everything that they have done could be stopped. He reiterated that he would support a two-year term for the Mayor and a four-year term for Council members.

Councilman Best expressed his opposition to Vice Mayor Espino's opinion because it puts an undue burden on the Office of the Mayor who has the same vote as Council on all issues. He felt that it is not fair for the Mayor to have to run for office every two years, while Council would run every four years.

To answer Councilman Lob's question, Vice Mayor Espino clarified that the City of Coral Gables' election process is similar to what is being proposed. Their Commission members are elected to four-year staggered terms, while their Mayor serves for two years. They are governed by a Commission/Manager form of government and the term limit is eight years for Mayor and twelve years for Commission members.

Mayor Garcia understands that the Mayor's position is ceremonial in nature and it involves certain duties. He noted that it is important to make sure that any person who sits in an elected seat is not campaigning after one year of taking office. He added that anyone can be recalled at any point in time if the people do not like the decisions of the elected officials.

Councilman Best emphasized that any proposal will involve a Charter amendment that will go to a vote of the people. Council should propose a change that makes sense and will move forward.

City Attorney Seiden stated that in changing the terms to four years, two of the seats in the first election would be for two years in order to create staggered terms. The difference would be that in every subsequent election only two Council seats would be up for a vote.

Councilwoman Ator said that the Mayor is the obvious choice for running every two years and four-year terms are important for continuity of the work that Council does. She would like to consider what the best way is to proceed in order to achieve the end goal. She said that given the feedback she had received from the residents, there is a push back for going to four-year staggered terms, and this could be alleviated by having the ability every two years to make an impact on Council.

Mayor Garcia cautioned Council about making a proposal based on what they feel will pass; he would like to make a proposal based on common sense and what is best for the City of Miami Springs. He recalled the Charter amendment that was passed that allowed an extra term in office for former Mayor Wheeler who was then voted out in the following election cycle and the Charter was amended again.

Councilwoman Ator explained that the initial reaction to the idea of longer terms is that it is a power grab. She reiterated that if the Mayor runs every two years it would give the residents some comfort that a change could be made if necessary.

Vice Mayor Espino commented that currently the elected officials run every two years, and the Mayor is the fifth Council member that chairs the meeting. With the proposed change, Council members will be in office before or after the Mayor's term ends and they must work together to get the job done. The balance overall will be more acceptable to the community and people have told him that it does not make sense having to run every two years.

Mayor Garcia stated that before an upcoming election the decisions that Council makes are more politically correct versus what is actually correct. He explained that this does not affect him and he continues to serve the public; he is considering future elected officials.

Councilman Lob referred to the comments that were made during Open Forum regarding the percentage of signatures needed for a recall. He said that the County Mayor was recalled in a recent election and this does not happen often, but the ability for a recall is always there. People might make a statement during election time, but the same statement can be made at any time by recalling the elected officials.

Councilman Lob said that whatever Council decides, the citizens must be educated and informed about the election process and what it means having to run for office every two years. He has a different view of the City Council after being elected and the citizens must understand the importance of continuity and how it affects the operation of the City. He added that just because the process has been the same for many years it does not mean that it is right.

Councilman Lob commented that the current election process is a burden on the elected officials and unnecessary funds are spent for holding an election every two years. Regardless of whether the Mayor runs every two or four years the proposal must be sold to the residents. He feels that the Mayor is the same as the other Council members and he deserves the right to run every four years the same as Council.

Vice Mayor Espino felt that the residents would say “no” to four year staggered terms for Council and four years for the Mayor in alternating years. He reiterated that residents would not vote for the amendment and some Council members will not be elected in the next election cycle. He explained that this is the attitude of some people and how they will perceive the proposal.

Mayor Garcia urged Council not to make their decision based on what they feel the residents will approve.

Vice Mayor Espino stated that there would be a perception based on asking for longer terms even though there is a recall option. He asked to consider what level of mistrust or disgust in the community is needed in order to recall an elected official. He feels that the Mayor is the figurehead of the community and the residents look up to him. If the residents feel that the Mayor had done nothing that he promised they might not get 850 signatures to recall him or her, but if they had the opportunity to remove him in two years they might do so.

Vice Mayor Espino did not agree that it is seen as a power grab; it is giving the community the opportunity to say a change can be made every two years for two of the Council members and the Mayor. He added that no other municipality has a Charter that is so mistrusting of government as the Miami Springs’ Charter. This is part of the community culture and if a change is made the point must be made to the community. He agrees with Councilwoman Ator because the change is not a complete deviation and it is a reasonable accommodation in order to be able to move forward as a community.

Councilman Best said that the process of recall is the trump card for the residents by garnering 10% of the electorate to go after elected officials who do not properly represent the people. He explained that Council had discussed the election process and it is their charge to put something forward that makes sense and helps to move issues forward. If this calls for the Mayor having to run every two years he would support that in order to get it done.

Councilman Best reiterated that Council should agree and put forward a proposal that is going to make the residents feel proper about moving issues forward and getting things done. It would also help to tag onto an election that will save the City \$20,000 by holding the election in November, and this would be a selling point.

Mayor Garcia said that it is difficult to give his opinion as an elected official and not make it sound like a power grab. He understands the reasoning for making the change more palatable for the residents to allow the ability to remove the Mayor every two years, but it is not in the best interest of continuity for this to happen.

Mayor Garcia commented that everyone seems to agree that there should be staggered terms and extended term limits in order to conduct the business of the City in a better fashion. He feels that whether the Mayor's term is two or four years, the residents are going to see it as a power grab for each individual seat and the proposal will have to be sold to the residents to let them know it is a good idea. He feels that everyone deserves to have a four-year term and the terms should be staggered.

Councilwoman Ator moved to place a question on the ballot for a future election to be determined, a change to the Miami Springs Charter Section 3.06 (4) (a) – the terms of office for all Councilmembers shall be four years and Mayor shall be two years. Vice Mayor Espino seconded the motion which was carried 5-0 on roll call vote.

Mayor Garcia explained that there would be staggered terms for Council members, excluding the Mayor's seat.

Councilwoman Ator moved to amend Charter Section 3.06 (4) (b) to be staggered terms to be determined. Vice Mayor Espino seconded the motion, which carried 5-0 on roll call vote.

City Attorney Seiden asked Council to discuss term limits.

Mayor Garcia responded that he approves of two four-year terms or eight years. He added that someone could sit out for two years and run again.

Councilman Best explained that Section 3.06 (7) should cover the term limit.

Vice Mayor Espino said that currently the term limit is eight years regardless of what seat someone sits in and if the office of Mayor is separate someone could serve six years and then run for Mayor for two years. He agrees with eight years of service in a Council seat.

City Attorney Seiden read the following: *“No person shall hold elective office or offices longer than a total of eight consecutive years.”* He explained that this provision would have to be changed if the Mayor is allowed more years of service.

Mayor Garcia explained that residents might agree to a limit of eight years for Council and an extra term of four years for Mayor, but they might be inclined to disagree with sixteen years. If a Council person serves for eight years and wants to run for Mayor, the current Charter does not allow it.

Vice Mayor Espino suggested that no person shall hold elective office for longer than eight consecutive years as a Councilmember.

Councilwoman Ator received feedback indicating that eight years is enough and she would support leaving this section as is.

Councilman Lob stated that as a citizen and voter he would have supported another term for Mayor Bain. If the Mayor has to run every two years, the electorate has the opportunity to make a change.

Mayor Garcia felt that the term limits should be based on the position and the job that the person does will dictate whether or not they are elected for another term. He said that the term of office for the Mayor shall not exceed eight years, unless the person serves for Councilmember first and subsequently runs for Mayor.

Vice Mayor Espino suggested eight years for Council, eight years for Mayor and if it happens to be a person who changes from Council to Mayor, they are capped at sixteen years.

Mayor Garcia said that a twelve year term limit could be the incentive for the Mayor having to run every two years.

Councilman Best felt that the issues are being clouded and the idea is to convert the proposal into a Charter amendment question for people to vote on without confusing the issues.

Vice Mayor Espino agreed to support a term limit of eight years for Mayor, or four two-year consecutive terms. In light of the Mayor having to run every two years, he suggested that a Councilmember who serves eight years should be able to run for Mayor and serve for another eight years or a total of sixteen years.

Councilman Best opposed Vice Mayor Espino’s proposal because he feels that the residents would not support it.

Vice Mayor Espino continued to explain his support for his proposal to allow longer term limits for the office of Council and Mayor combined.

Councilwoman Ator agreed with Councilman Best that Vice Mayor Espino’s proposal would not be passed by the voters.

Mayor Garcia also felt the potential for holding office for sixteen years is a bad idea to sell to the residents. The main goal is to effect positive progress and keep the change simple, with staggered terms and increasing the term limit to two four-year terms.

Councilman Lob said that if someone serves two terms on Council and wants to run for Mayor, it is hard to sit out for two years and run for office again.

Vice Mayor Espino reiterated that with the Mayor having to run every two years it is easier for the residents to remove him by having four chances to do so.

Mayor Garcia said that the residents want the language to be simple and if it is too convoluted or busy they will vote no.

City Attorney Seiden said that the question that must be answered is if a Councilmember who has completed their term limit should be allowed the opportunity to run for two additional terms as Mayor. Council must also decide if under the scenario of the Mayor having to run every two years, if there should be a corresponding benefit by allowing that person an additional opportunity to run.

Vice Mayor Espino commented that if the Mayor runs every two years and is only allowed to serve two terms there will be more inexperienced people running for Mayor because they get more time. He would like to have a more experienced Mayor who already served on Council for eight years, as opposed to someone off the street who wants to hold the office. The way the Charter is now, any term in office as a Councilmember would preclude a person from having eight years as Mayor.

Mayor Garcia clarified that his position is to leave the term limits the same and the priority is to impose staggered terms and increasing the length of the terms.

City Attorney Seiden stated that changing the date of the election would involve an entire ballot. The problem is that some questions may pass and others may not and the questions must be grouped in such a way that would make sense.

Councilwoman Ator moved to leave Charter Section 3.06 (7) the same as it is. Councilman Best seconded the motion, which carried 4-1 on roll call vote with Vice Mayor Espino casting the dissenting vote.

To answer Councilwoman Ator's question in regard to Section 3.06 (6), City Attorney Seiden stated that there is an ordinance that deals with the swearing in of elected officials and he agreed to clarify the language in the related Charter section.

Mayor Garcia asked Council to consider changing the election date to November to coincide with the County election date.

Councilman Best felt that changing the election date would put everything in perspective and is the main reason for changing the Charter since it will save \$20,000.

Councilman Lob agreed to place the question on the ballot for the residents to decide whether or not they want to change the election date to November.

Vice Mayor Espino clarified his issues with changing the election date to November are due to the budget process and the holidays. He noted that an April election allows the opportunity for Council to go through the budget process and hit the ground running. An August election would coincide with the primary election and he likes it because it would allow the savings and more focus on the City's issues.

Councilman Best said that the April election does not allow time for the elected officials to learn the budget process.

Councilman Lob commented that a November election may force a new Council to work with the previous Council's budget, but it allows them more experience going into the next budget. He said that the voters will become familiar with the issues and they will have a choice to vote for or against the questions.

Councilman Best reiterated that it is important for the City to garner the savings by holding the election to coincide with a County election.

Mayor Garcia commented that in his campaigning experience he had come across the problem of the partisan elections and people asking him what his party affiliation was.

Councilwoman Ator has heard that the election should be changed to November and this is an issue on which she reserves the right to change her mind. She agreed that there is a problem with issues in a partisan election, and she does not feel that it will pass because people feel strongly about keeping the April election.

Councilman Best said that from his experience he can say that it does not matter whether a person runs for office in November or April because people will still ask about the party affiliation.

Vice Mayor Espino noted that the Town of Miami Lakes holds their election in October and they have become partisan related with candidates endorsing either the Democrats or Republicans. He likes the fact that in April there are no other issues to talk about and the candidates get the most attention. He does not see a compelling reason, even considering the savings, to support changing the election from April to November.

Mayor Garcia said that many people have told him that there is a significant amount of savings and to consider changing the election date. The most important thing is to allow continuity by having staggered terms and increasing the term limits.

Mayor Garcia asked each Councilmember to agree or disagree with placing a question on the ballot to change the election date and let the people decide.

Vice Mayor Espino and Mayor Garcia stated that they would vote “no” to changing the election date.

Councilwoman Ator said that she would vote “no” at the ballot box. She agrees that the questions should be simple and the election date could be addressed later after the initial changes. She added that some cities hold their elections in January.

Councilman Best said that the voters should be educated that the Mayor and Council are non-partisan elected officials. The savings with tying the City’s elections to a County election will save \$20,000 per election, which is different from outsourcing Public Works because there are jobs at stake.

Mayor Garcia passed the gavel to Vice Mayor Espino.

Mayor Garcia moved to leave the election date in April and not to put it up for a vote to change it to November. Vice Mayor Espino passed the gavel to Councilman Best and seconded the motion, which failed 2-3 with Councilman Best, Councilman Lob and Councilwoman Ator casting the dissenting votes.

Councilman Best moved to include in the referendum to the voters that the Miami Springs General Election be moved from the first week in April to the first Tuesday in November in odd years. Councilman Lob seconded the motion.

Councilwoman Ator clarified that the motion is to move the election date to the November General Election. She questioned if the ballot questions would go on the General Election Ballot.

Councilman Best said that his motion was that the Miami Springs General election, when held, shall be held the first Tuesday in November.

Vice Mayor Espino said that the language for the General Election date is “the first Tuesday, after the first Monday in November and by saying the first Tuesday, there might not be a first Monday and there would be an election before the General Election.

City Attorney Seiden assured Council that he would mirror the County language. Council is only approving it in concept.

The motion carried 3-2, with Vice Mayor Espino and Mayor Garcia casting the dissenting votes.

9C) Authorization of Officers and Directors for Miami Springs Properties, Inc.

City Attorney Seiden stated that in regard to the historic tax credit matter that is pending for the City, Miami Springs Properties, Inc. was formed in anticipation of the process going forward. He noted that he has been solicited by the tax attorney who formed the corporation for the City and the attorney needs officers to fill in the documentation.

City Attorney Seiden proposed that the Officers shall be Ronald K. Gorland, City Manager, President and William Alonso, Finance Director/Secretary Treasurer of the Corporation. He also proposed the same two gentlemen for the Directors of the Corporation. He said that in addition, the sole Shareholders shall be the City of Miami Springs, a Florida Municipal Corporation, as represented by its current and future Mayor and Council Members.

City Attorney Seiden wanted to also include an informational note within the minutes of the first organizational meeting or somewhere within the documentation, as appropriate, which reads:

“The Officers and Directors of this Corporation are specifically authorized to only perform the ministerial and day- to- day activities required for the operation and existence of the Corporation. All other actions and activities of the Corporation of a material or substantive nature must be specifically authorized by affirmative majority vote of the Mayor and City Council filing reasonable and appropriate notice of the action or activity sought for approval”.

Vice Mayor Espino commented that there was some trouble with that language before.

City Attorney Seiden clarified that he cleared the language with the Commission on Ethics Board who ruled against the City on a very limited basis. They even offered to sponsor legislation that would change the code and he explained that it would not help and the alternative that was proposed by the City Attorney was acceptable. The control of the organization still has to remain with the people who are elected to represent the people of the community.

Vice Mayor Espino moved to approve the Officers, Directors, Shareholders and informational language for Miami Springs Properties, Inc. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

Mayor Garcia called for a recess. The meeting reconvened at 10:02 p.m.

9D) Consideration of Recommendations from the Board of Parks and Parkways Regarding Ficus Trees

Council tabled this item until the next Council Meeting.

10. New Business:

10A) Recommendations from the Ecology Board:

10Ai) Recycling at all City Facilities

10Aii) Clean Up the Environment Project (C.U.T.E.)

These two items were discussed and considered at the same time.

City Manager Ronald K. Gorland stated that this is a board recommendation and Council asked to isolate board recommendations as they occur and bring them directly to the board. The recommendation was sent to him from the Ecology Board which stated the following:

“Based on actions taken at the meeting of January 24, 2012 the Ecology Board members would like to bring the following items to the attention of City Council.

- 1. Recommendation that the City become more active with recycling at all facilities. Installing recycling bins city wide and having extra containers at all city events.*
- 2. Recommendation that Council looks into Adopt a Street Program and possibly call it Clean Up the Environment (C.U.T.E). The proposed area breakdown is attached.”*

City Manager Gorland commented that the City would like to work with the Ecology Board on this and wanted to make sure that it is directed by Council as it should be.

Mayor Garcia said that he has no problem with the recommendations and he would like the City Manager to provide a cost analysis for recycling at all City facilities. He explained that recycling is very important but that there is an associated dollar amount.

City Manager Gorland explained that the biggest issue that they have had with this program in the past is keeping garbage out of the recycle bins. As soon as garbage gets put into the recycle bins, the recyclers will not pick it up anymore. It has been a serious issue over time but he would like to try it and noted that there are new types of containers that are available and other cities do it successfully.

Mayor Garcia said to weigh out all the pro’s and con’s and bring it back to Council and they will consider the recommendation.

10B) Recommendation that the City Renews its Management Contract with “Jazzercise” Inc. for the Use of the Multi Purpose Room at the Community Center for Exercise Sessions

City Manager Ronald K. Gorland commented that Jazzercise is a very popular program in Miami Springs that provides an opportunity for the residents to stay fit and healthy. The proposed agreement is for one year from April 1, 2012 through March 31, 2013, for the right to utilize the multi-purpose room on the first floor of the Community Center on Monday and Wednesday from 5:45 p.m. to 7:05 p.m., Tuesdays and Thursdays from 4:45 p.m. to 8:05 p.m. and Saturday mornings from 9:50 to 11:05 a.m.

City Manager Gorland stated that Jazzercise agrees to pay the monthly use fee of \$400.00 which is due in advance, on the first of each month commencing April 1, 2012, and ending with final payment on March 31, 2013. Brenda and Tatiana Knight do an excellent job of providing the community with a professional program and have a great working relationship with the Recreation Department.

City Manager Gorland explained that the recommendation is that the City continues to work together with Jazzercise, Inc. by approving the attached agreement that has been reviewed by Jazzercise, City Attorney Seiden, the Recreation Department and himself.

Mayor Garcia mentioned that this does not pertain to the contract but he would like to note that the stage that is used by Jazzercise is exposed and he would like to know if a skirt could be put around it.

Councilwoman Ator asked how long the contract has been at a cost of \$400.00 a month.

City Attorney Seiden replied that the fee has been that way since at least the last term and possibly the term before that. He added that the prior contract was a one year term also.

Councilman Best said that Council had gone through this process before and there was some confusion that City Manager Jim Borgmann finally straightened out. He noted that it had not been formalized.

City Manager Gorland explained that Jazzercise went through difficult times when they were in the old facility and the Recreation Center almost lost the program. It was a program that the City encouraged to come back. Two years ago the contract was different and the previous year and this year the monthly fee was raised to \$400.00.

Councilwoman Ator recognized the value of the program. She said that before the contract comes back again next year for approval, she would like to see some history and more information.

City Manager Gorland offered to provide the information requested by Councilwoman Ator.

Vice Mayor Espino moved to approve the contract with Jazzercise. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

10C) Recommendation that the City Renews the Management Contract with Match Point Enterprises, LLC, for the Use of the City's Tennis Courts

City Manager Gorland stated that Match Point Enterprises is a very popular program that provides the community with an opportunity for the children and adults to learn the fundamentals of Tennis and to also compete at a very high competitive level of Tennis. The proposed agreement is for three years from March 1, 2012 to February 28, 2015.

City Manager Gorland said that due to the fact that the facility is a municipal tennis center, the local demographics and the requirement to provide services and products to its taxpayers at "municipal facility" pricing, the City agrees to provide an annual subsidy to the Tennis Professional of \$20,000 in four quarterly payments of \$5,000 each to assist in the day-to-day operation of the facility.

City Manager Gorland explained that Manny Fabian and the coaches for Match Point Enterprises do an excellent job of providing a professional program. They also have a great working relationship with the Recreation Department and the Community. It is recommended that Council approve the agreement so that the residents can benefit from a great program.

Councilman Best moved the item. Councilwoman Ator seconded the motion

Councilman Best reiterated the City Manager's comments about the success of the program since Manny Fabian took it over.

Councilwoman Ator commented that this is a contract that some citizens are concerned about and she wants everyone to understand that the City was previously losing money on the tennis program and now the City provides a better program.

City Manager Gorland said that the City was losing approximately \$90,000 a year on the tennis operation under the Recreation Department. There was an immediate benefit of approximately \$50,000 to \$70,000 per year by outsourcing the program.

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

(Agenda Item 10F was considered at this time)

10D) City Administration Personnel and Departmental Reorganization Recommendation

City Manager Ronald K. Gorland read his recommendation into the record. He stated that in order to better accomplish the short-term and medium/long-term objectives of the City, the proposed organization chart changes includes personnel and position upgrades, downgrades, additions and deletions that are driven by the following:

- Stated requirement by Council for much more elevated and active interaction with the City Manager
- Availability within the organization of strong under-utilized personnel
- Elimination of the fulltime Assistant City Manager position
- Far too many direct reports to the City Manager (currently there are 13 and good management practices recommends 3-7 depending on the organization)
- No increase in total organization payroll (in fact the adoption of the recommended changes results in a net personnel cost reduction of \$117,000)
- Need to develop future City management because there are currently 13 employees in the D.R.O.P. with more expected to enter

Requested new positions:

- Assistant City Manager and Finance Director – the Finance Department with a very strong Controller provides the opportunity for the Finance Director to take on much needed day-to-day City Manager support including the new Professional Services function and Senior Services
- Building and Code Director – The elimination of the Assistant City Manager position requires a strong savvy Building and Code Director who is prepared to take these two functions to the next level.

City Manager Gorland added that the Code of Ordinances requires every City department to have a director.

- Golf and Recreation Director – Combining these two positions under one person is a natural evolution and provides that much more strength to solving our serious golf losses
- Assistant Director of Public Works – Required to support very active Public Works requirements
- Professional Services Supervisor – new section under the Assistant City Manager/Finance Director that will cover procurement, Public Information and Marketing. In addition to a permanent staff of three, this position will have the ability to reach across the organization to call on needed strength wherever it is based on their needs (management practice involving cross-departmental utilization of solution oriented personnel). Another example is the City's arborist is learning to back-up the Golf Course Superintendent who has no back-up at this time.

Positions recently eliminated or to be eliminated or not funded this fiscal year:

- Finance Director – replaced by Assistant City Manager and Finance Director
- Assistant to the Public Works Director – job to be done by the Assistant Director
- Building and Code Supervisor – replaced by the Building and Code Director
- City Hall Receptionist – the new phone system has no switchboard and lobby coverage is currently often performed by Finance window clerk
- Four Public Works Maintenance positions (not necessary since water and sewer transferred but kept on pending annexation which never occurred)
- I. T. Manager – promoted to I.T. Director

The net benefit of the requested changes is a net reduction of five full-time employees, a net personnel cost reduction of \$117,584, and reduction of the number of direct reports to the City Manager to eight (Assistant City Manager/Finance Director, Police Chief, Human Resources, I.T., Planning and Zoning, Building and Code, Golf and Recreation, and Public Works). All associated personnel have been notified of the proposed changes.

City Manager Gorland referred to the re-organization plan and analysis of budget effect that was included in the agenda back-up.

Councilman Best commented that the recommendation is to streamline organization to move from thirteen management level positions that report to the City Manager to eight.

To answer Councilman Best's question, City Manager Gorland clarified that the elimination of the Assistant City Manager position is not included in the savings. The ongoing savings would be \$130,000 annually and the remainder of this year the savings is \$117,000, which is one reason he is comfortable with his longevity recommendation.

City Attorney Seiden said that Agenda item 10E is a companion to this item and Exhibit "A" is a colored copy of the pay plan showing which positions are being eliminated and which are new positions.

City Manager Gorland clarified that the Elderly Services Director reports to the City Manager and he is recommending that she should report to the Finance Director because she is very competent. Since a great deal of the Elderly Services Director's responsibility is dealing with the grants, the Finance Director has been active in supporting her if there is a need.

Councilwoman Ator asked if someone is being trained to back up the Elderly Services Director.

City Manager Gorland responded that the Administration had been working on the concept of a back-up for the Elderly Services Director.

To answer Councilman Best's question, City Manager Borgmann explained that the Grant Writer/Public Information Specialist would report to the Professional Services Supervisor since that person is extremely capable in Public Works operations and administratively in the Finance Department. He added that there are not enough people for developing the future management of the organization.

Mayor Garcia commented that many employees have entered the D.R.O.P. and the City Manager confirmed that thirteen are currently in the plan and more are planning to enter the plan.

Vice Mayor Espino said that he had many conversations with the City Manager and he applauds him for looking to modify the organization and it seems that he wants to look forward and up, instead of down.

Vice Mayor Espino stated that some of the proposed changes are great and some he will hold judgment on until he sees how they will unfold. He has said before that major changes are needed in the Building Department and how this works remains to be determined.

Vice Mayor Espino said that he had advocated for the Golf Department to fall under Recreation because it is no longer an enterprise fund and most municipal courses have gone that route. He has a slight issue with the Golf Director becoming the Golf Pro and the salary will still be \$90,801.00.

City Manager Gorland commented that the Golf Pro's salary will remain the same for the remainder of the fiscal year and he has been told that it is going to change.

Vice Mayor Espino added that Carlos Santana is in charge of the banquet facilities; the maintenance operations are being run by the Golf Superintendent who will now receive assistance and the administrative functions will fall under the Recreation Director. He felt that \$90,000 is an excessive amount for being in charge of marketing and the Pro Shop, and many golf professionals are only paid for teaching golf. He would like to seriously consider what the Golf Professional's function and salary will be for what is a very limited role.

City Manager Gorland explained that he would agree with Vice Mayor Espino if the Recreation Director was an experienced Golf Course Manager, but he is not. He is fully capable of learning, but he has a lot of responsibility, and he would not want to break something in the Recreation Department that is not broken.

Vice Mayor Espino agrees that Recreation does an amazing job and on the Golf Course side, they cannot make a profit and there have not been any significant gains. If the Golf Director's job is on the business administrative and marketing side, the City can certainly have someone do the job for less, and this should be a consideration at budget time.

Councilwoman Ator said that she agrees with the principle of Vice Mayor Espino's comments and that the marketing of the Golf Course must be looked at during the budget process.

Mayor Garcia commented that the City Manager was charged with the task to revise and improve the operation of the City and this is his recommendation. He agrees that come budget time everything should be reviewed and considered again.

City Manager Gorland added that a number of adjustments will be made during the budget process and first he wants to make sure that the re-organization works. There is more alignment needed and it might take a few years to get to that point. The City is a much smaller organization than it was eight years ago when the budget was approximately \$29MM; now the budget is approximately \$19MM, which is a significant reduction. The assistant department head positions were eliminated and now he is proposing to bring back two for various reasons.

Councilman Lob realizes there is an overall savings and he does not know how Council will vote on longevity when it comes back for consideration. He noted that there are lateral movements into new positions and employees will receive an increase in pay because of added responsibilities and authority. He has an issue with approving this before ensuring that longevity pay is being given back to the employees. In addition, there are morale issues in the City and employees should be given back what was taken away from them before giving raises.

Councilman Lob moved to table the item until the next Council meeting. Councilwoman Ator seconded the motion.

City Attorney Seiden commented that Council is really tabling the next agenda item because the positions must be funded first.

Vice Mayor Espino added that the City Manager could make the lateral changes without Council approval.

City Attorney Seiden clarified that the City Manager cannot create positions and salary ranges without Council approval of the pay plan. The City Manager is saying what he needs to put in place in order to get the job done and if Council does not go along with his intentions, they would not approve his proposals for the pay plan.

Councilwoman Ator feels that Councilman Lob's intent is to table the discussion.

City Attorney Seiden advised Council that there is nothing to vote on at this time. He is keeping Council informed as a courtesy and the only decision that must be made is on the next agenda item. The appropriate motion would be to defer Agenda Item 10E.

City Manager Gorland reiterated that the savings from the reorganization of \$117,584 allows him the comfort of recommending \$42,000 from the General Fund to cover longevity.

Councilwoman Ator reiterated that she is not comfortable funding additional compensation for directors when the longevity and 3% was taken away. She agrees that it should be discussed as a group and come back for reconsideration.

Mayor Garcia agreed with Councilwoman Ator to bring back the request.

City Manager Gorland stated that he would stop the transition because the affected employees cannot be told that they have the positions if the pay ranges are not approved. He could ask them to work in the positions without any increase in pay, but they should not be expected to do that.

Vice Mayor Espino said that within the positions that currently exist, the employees could be asked to take on the duties without the compensation portion.

Mayor Garcia suggested that the City Manager could wait for two weeks and not proceed with the transition.

City Manager Gorland agreed with the Mayor that a two-week delay is not unreasonable. He added that the proposed salaries were not going to be effective until March 1st.

Mayor Garcia said that he approves of deferring agenda item 10E.

To answer Councilman Best's question, Mayor Garcia explained that Council asked to see the numbers and reconsider the longevity pay and 3% salary reductions for the Department Heads. He added that Councilman Lob has made it clear that he could not support the increases or the new structure if Council does not reconsider longevity. Also, the City Attorney advised that Council cannot vote on longevity tonight because the new recommendation must be placed on the agenda.

City Attorney Seiden commented that the employees cannot be doing other jobs, because in some cases, the change would take them out of civil service and place them in exempt positions.

Mayor Garcia stated that another consideration is that some of the employees will lose their civil service status.

Roll call vote taken under 10E.

10E) Resolution No. 2012-3537 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting an Updated Amended and Supplemented City Employee “Pay Plan” for Fiscal Year 2011-2012; Reserving the Right and Authority to Amend or Supplement the Plan; Effective Date

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

(Agenda Item 10F was discussed after Agenda Item 10C)

10F) Longevity Pay

City Manager Ronald K. Gorland explained that Council requested to revisit the longevity pay after the first quarter financial report was presented, which was at the last Council meeting, and several financial surprises have occurred. While the funds are still available to cover the subject disbursements of \$42,250 from the General Fund and \$17,250 from the Stormwater/Sanitation Enterprise Fund, his suggestion is to wait until after the 2nd quarter financial report is presented.

City Manager Gorland stated that subsequently, Staff had the opportunity to review the numbers and find out where they were headed on a number of different proposals in order to be comfortable with the changes. He and the Finance Director agreed on a number of changes and were able to find the funds to support the longevity payments.

City Manager Gorland explained that although the agenda item is a request to delay consideration of the longevity payments, he is now advising Council that the City is in a good position to make the payments if they so choose.

To answer Councilman Best's question, City Manager Gorland stated that the City is fully capable of making the longevity payments now with comfort instead of waiting for the 2nd quarter financial report. The key is that only \$42,250.00 would come from the General Fund.

Vice Mayor Espino clarified that he agrees with the recommendation in the memorandum to wait until the 2nd quarter financials, and not the revised recommendation presented tonight.

City Attorney Seiden said that in light of the fact that the position is totally different than what was presented in the memorandum, he has no problem with asking the City Manager to provide Council with documentation that will be included on the next agenda. He advised that Council cannot approve the payments at this time because it was not properly published.

Mayor Garcia commented that in light of the financial report from the Finance Director, he asked to check the numbers to see if it would be possible to reconsider the longevity payments. He appreciates the Administration's work that determined that there is a possibility of making the longevity payments.

City Attorney Seiden advised Council that they could approve or disapprove and ask the Administration to bring back the recommendation at the next meeting with the appropriate numbers.

Council **agreed** to schedule an agenda item for the next meeting to consider longevity payments.

Councilwoman Ator requested to see the numbers for the 3% salary reduction for the Department Heads.

Agenda Item 10D was discussed after Agenda Item 10F

10G) Springs River Festival Request to Sell Alcohol Beverages During the Upcoming Festival on April 13, 14 and 15, 2012

City Manager Gorland clarified that this is the same request that is made every year by the Springs River Festival Committee.

Vice Mayor Espino moved to approve the Springs River Festival request to sell alcohol during the upcoming festival. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

10H) Recreation Department User Fees Discussion

This item was deferred until the next Council Meeting.

10I) Stafford Park Fence Line Tree Beautification Proposal

This item was deferred until the next Council Meeting.

Agenda Item 10J was discussed after Agenda Item 6H

10J) Pilot House Renovation Project

10J1) Recommendation that the City Council Waive the Requirement for Review Contained in Code §150-164 (I) (2) (c) for the Pilot House Renovation Project to Appear Before the Architectural Review Board due to Lack of a Quorum

City Attorney Jan K. Seiden stated that the ordinance requires a review by the Architectural Review Board as a third step after the mandatory meeting with the Staff and the Revitalization Specialist. In this particular case, the Architectural Review Board has experienced some difficulty in holding membership and instead of delaying the project he is recommending that Council waive the process for this application until some further discussions are held about removing the review from the process or filling the vacancies on the Architectural Review Board.

City Attorney Seiden explained that it seems unfair to the applicant, who has spent a significant amount of money, to delay the process just because the Architectural Review Board does not have enough members at this time.

Vice Mayor Espino moved to waive the requirement of review contained in Code Section 151-164 (I) (2) (c) with regard to the Pilot House application due to the Board circumstances. Councilman Best seconded the motion which was carried 4-1 on roll call vote with Councilwoman Ator being the dissenting vote.

10J2) Site Plan Approval

City Attorney Jan K. Seiden stated that City Planner James H. Holland submitted a site plan analysis for the project that was approved by the Zoning and Planning Board. There are ministerial acts that are required as part of the permitting process, including approvals from the Department of Environmental Resources Management (D.E.R.M.) and the Fire Department. The City Planner has stated that the plans are consistent with the Code.

City Attorney Seiden advised Council that the next process after this approval, is for the City Planner to prepare a Development Order that will be presented to Council for approval at the next meeting.

Vice Mayor Espino moved to approve the site plan, pursuant to Code Section 150-164 (I) (2) (e). Councilman Lob seconded the motion.

Vice Mayor Espino clarified that approval is subject to conditions that were part of the variance.

City Attorney Seiden agreed with Vice Mayor Espino that everything is subject to the variance and he still has to review the shared parking agreement due to the use of off-site parking.

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

10K) Discussion Regarding the Marketing of the Golf Course

This item was deferred until the next Council Meeting.

11. Other Business:

None.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

Daddy-Daughter Dance

City Manager Gorland stated that he had a great time at the Daddy-Daughter Dance. It was a fantastic event that he has enjoyed for the last eight years.

Taste of the Springs

City Manager Gorland heard that the Taste of the Springs went very well.

Ribbon Cutting for Stafford Park Tot Lot

City Manager Gorland encouraged everyone to come out on Saturday, February 18th for the ribbon cutting ceremony of the Stafford Park Tot Lot.

Upcoming Events

City Manager Gorland advised everyone to log onto www.miamisprings-fl.gov for upcoming event dates in Miami Springs.

Valentine's Day

City Manager Gorland wished everyone a Happy Valentine's Day.

12C) City Council

Councilman Best's Mother

Councilwoman Ator extended her condolences to Councilman Best for the passing of his mother.

Taste of the Springs

Councilwoman Ator took her son to the event and had a great time. The event was very well attended.

All Angels Silver Ball

Councilwoman Ator reported that the All Angels Casino Night was a very successful event and wished everyone could have attended.

Movie Night on the Circle

Councilwoman Ator reminded everyone about Movie Night this week on February 17th.

Bill Tallman

Councilwoman Ator reminded everyone that Bill's birthday is on Saturday and to call and wish him a Happy 40th Birthday.

Wade Smith

Councilman Best wanted to convey his condolences to the Smith family over the loss of Wade. He also wanted to offer his condolences to the Earley Family.

Condolences

Vice Mayor Espino extended his condolences to Councilman Best and the Smith family for their losses. A wonderful ceremony was held for Wade Smith who was his backyard neighbor.

Relay for Life

Vice Mayor Espino reported that the date for the Relay for Life has been moved from March 3rd to May 5th.

Rotary Club

Vice Mayor Espino explained that the Rotary Club is having a wine testing event on Friday, February 17th at 94th Aero Squadron at 7:30 p.m. across from the Airport.

Lion's Club

Vice Mayor Espino reported that the Lion's Club will be hosting two events on Saturday; Golfing under the Stars and the Pasta Fundraiser.

Miami Springs Middle School

Vice Mayor Espino mentioned that Miami Springs Middle School Environmental Club is having a family night fundraiser at Chevy's this Thursday from 6:00-10:00 p.m.

Dade Days

Vice Mayor Espino noted that Dade Days was extremely productive event and it looks like the legislature is looking to fund education to the tune of over \$1 billion as well as increase Capital Improvement Funds.

State of the Ports

Vice Mayor Espino will be attending the State of the Ports event which will be the congregation of both the directorships of the Ports as well as a lot of other people that are players there.

Condolences

Councilman Lob gave his condolences to all the families who have suffered a loss recently. He knows it has been a rough time for many people.

Councilwoman Ator

Mayor Garcia was happy that Councilwoman Ator was feeling better.

Condolences

Mayor Garcia gave his condolences to Councilwoman Ator for the passing of her grandfather. It has been a rough time and pillars of the community have been passing or unfortunately have been discovering that they are ill.

Prudential Spirit of Community Awards

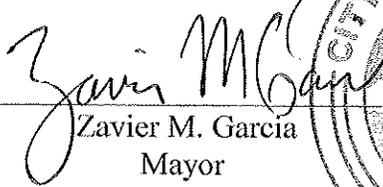
Mayor Garcia reported that Prudential Spirit of Community Awards has honored Melanie Wolff who is Marlene Wolff's daughter. She was named as one of the top youth volunteers in Florida for 2012 in the 17th Annual Prudential Spirit of Community Awards. More than 26,000 young people across the country participated in the program and she will be receiving an engraved bronze medallion at a local ceremony and will keep everyone informed as to when it will take place.

James R. Borgmann

Mayor Garcia stated that Commissioner Rebeca Sosa wanted to honor James R. Borgmann for his many years of service.

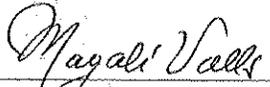
13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 10:54 p.m.


Zavier M. Garcia
Mayor



ATTEST:


Magali Valls, CMC
City Clerk

Approved as written during meeting of: 2-27-2012.

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