



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, April 8, 2013, at 7:00 p.m.

1. **Call to Order/Roll Call**

The meeting was called to order at 7:03 p.m.

The following were present:

- Mayor Zavier M. Garcia
- Vice Mayor Michael Windrem
- Councilman Billy Bain
- Councilman George V. Lob
- Councilman Jaime A. Petralanda

Also Present:

- City Manager Ronald K. Gorland
- Assistant City Manager/Finance Director William Alonso
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Golf and Recreation Director Omar L. Luna
- Interim Golf Course Director Sandy Pell
- Building & Code Compliance Director H. "Tex" Ziadie
- Elderly Services Director Karen Rosson
- I. T. Director Jorge Fonseca
- City Clerk Magali Valls
- Deputy City Clerk Suzanne S. Hitaffer

2. **Invocation: Mayor Garcia**

Salute to the Flag: Students from All Angels' Academy led the audience in the Pledge of Allegiance and Salute to the Flag.

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

3. **Awards & Presentations:**

3A) **Certificate of Recognition – Harvest Moon Bistro**

Terry Margolis from Harvest Moon Bistro was not present.

3B) Yard of the Month Award for April 2013 – 1291 Redbird Avenue – Victor and Zoraida Gutierrez

Victor and Zoraida Gutierrez of 1291 Redbird Avenue were not present to receive the award.

3C) Presentation by Richard Singer of NGF Consulting, Inc. Regarding the Operation of the Golf and Country Club

City Manager Ronald K. Gorland congratulated the Mayor and Council on their recent election. He said that it is his pleasure to be working for them and he looks forward to the next two years.

City Manager Gorland stated that he has known Richard Singer of NGF Consulting, Inc. for quite a few years. Mr. Singer is with National Golf Foundation, which is a consulting group and he has been very kind to respond to many questions over the years. There are two major issues to consider for the Golf Course and the first is whether or not the Golf Course can break even because more than \$12MM has been spent on the property since it was acquired, including the acquisition price. The first two management companies did not work out and the third was a local manager that also did not work out. The management was brought in-house and the losses were reduced to \$125,000 a year compared to more than \$500,000.

The second question to consider is under what conditions and what type of manager or golf director is needed to make the Golf Course break even, according to Mr. Gorland. Mr. Singer took on the assignment and Council was provided with a copy of his PowerPoint presentation, together with a detailed summary.

Richard Singer of NGF Consulting, Inc. stated that it is great to be in Miami Springs and to see what has been going on with the Golf and Country Club, which is a very impressive property with a lot of history and tradition that is important to golf. There are factors and issues that can be controlled and others that cannot be controlled, when owning and operating a property like the Golf Course. He will help the City to understand what can be done to operate the Golf Course more efficiently with the things that can be controlled or improved upon and also to understand what cannot be controlled and how they are affecting the business.

Mr. Singer explained that NGF is a 77-year old golf industry research and consulting firm that has done municipal golf consulting in the last few years; he has been managing the consulting practice for 24 years. The company is not an advocate for any position other than the success of the Miami Springs Golf and Country Club; they have no other interests and cannot benefit financially from any decision that the City makes. The company was hired as an information resource to provide facts and opinions in order for the City to make the best decisions.

Mr. Singer stated that their purpose is to help improve the economic performance of the Golf Course by providing tips and ideas for what is necessary to bring the facility to a level that will break even or cover the direct expenses to operate the facility on a day-to-day basis. There would be additional expenses for any large-scale capital upgrades, improvements or debt service.

Mr. Singer said that he suggested attributes for a person in charge to fill the Director of Golf position that can provide the best chance for success with the property. He continued to explain the methodology and activities that were conducted to perform the review.

A very thorough review was conducted on-site to identify key issues related to the continued operation, including a complete inspection of the property for its physical condition and identifying areas that may need improvement, according to Mr. Singer. The focus was on providing ideas and recommendations that could improve revenue or reduce operational expenses. Benchmarks were also identified that he felt were important to show how the golf facility operation compares to industry norms and other municipal golf courses in terms of revenues, expenses, maintenance, marketing, etc.

Mr. Singer stated that on the surface, the facility has the basic design features and location to be a successful public golf course with great history and tradition, but there are several factors that are preventing it from achieving its maximum economic potential. It is an 80-year old+ golf course with aging infrastructure, turf, greens and features that affect its conditions and there are drainage issues that affect the play of golf. There are issues with the cart paths and on-course restrooms that could help if they are improved.

Mr. Singer concluded that the golf course property needs investment over the next couple of years in order to improve the economic performance and to generate revenue. He said that the golf course may never experience a break-even level in its present condition.

The rounds activity is lower than the average for comparable type facilities, according to Mr. Singer. The totals have declined in the last couple of years, more so than the market, with a significant drop-off in golf activity in 2009, 2010 and 2011. The industry in Florida and nationwide experienced somewhat of a recovery in 2012, which did not happen at the Miami Springs Golf and Country Club. Top revenues were about \$1.1MM from all sources, which is a decline from levels earned five years ago. Although there is an operational loss, there is more than \$1MM in revenue being generated from the facility, which is generally a strong performance.

Mr. Singer added that the golf course facility has not been able to break even since it was purchased in 1997, and there is no expectation under the current conditions that this would continue into the future. There are some operational agreements in place and the food and beverage agreement is relieving the City of an economic burden, although there is some concern about the attention being given to the day-to-day golfer, as opposed to the banquet business.

Mr. Singer expressed his concern about the maintenance agreement currently in place, which was implemented to reduce the labor expense, but it is not a full-service maintenance contract; it is for labor only and does not include material, equipment and supplies. A maintenance agreement that covers all aspects of the golf course maintenance would be more efficient and is more common with successful municipal golf facilities.

There is also a general lack of entrepreneurial focus in the operation and management of the Miami Springs Golf and Country Club, according to Mr. Singer. This is something he finds a lot with municipal golf courses. The City is in the golf business, which is a difficult business to be in and it takes business initiative to make it work.

Mr. Singer said that the overall external market is not favorable for strong economic performance and the immediate local market does not show characteristics that he typically associates with high participation in golf, including the household and income characteristics, etc. Because of this, and other factors, the overall performance is expected to be lower than other similar size municipalities that might operate golf courses. It means that attraction of a non-local market is important in the long-term. He reiterated that given the physical condition of the golf course, it might not be reasonable to experience break-even or handle the necessary improvements.

Mr. Singer explained that independent recommendations for the facility include modification of the operating structure and investments in the property. He noted that reducing expenses might be an illusion and there should be care not to budget to revenues, which causes the conditions to get worse and play is reduced causing the revenues to get lower. He sees these elements at the Miami Springs Golf and Country Club and there should be an investment in the property so that it is not lost entirely. After improvements are made, there must be a commitment to marketing and promoting the golf course to a wider segment of prospective golfers in order to bring in outside play.

Mr. Singer mentioned that there are two basic options and one is to modify the self-operation, continue with the privatized food and beverage operation, add a new "hands on" Golf Director, outsource the maintenance with a full-service type contract, not just labor. The second option is contract management, but this has been done before without success, and this would only make sense if a private operator would invest in the property in exchange for some type of long-term agreement. He understands that this is not allowed in Miami Springs. This only leaves the option for a modified self-operation.

From his experience, regardless of the structure, ultimately the operation ties back to an individual that runs the golf course, according to Mr. Singer. The individual's strengths and weaknesses ultimately determine how successful the property will be and the key is to find the right individual. He recommends that the City continue to operate the golf course under a modified structure with direction from a business oriented manager.

Mr. Singer said that golf course marketing has changed over the years and now it is entirely about the internet and on-line marketing, but there is no substitute for face-to-face marketing and working to attract events, tournaments, golf outings, corporate retreats, etc. to the property and someone is needed to do this. As a result, additional help might be needed to provide counter coverage. He reiterated that the maintenance contract should be restructured so that it is full-service. Investments are needed to improve turf conditions; on-course services are important and they can lead to increased revenues; improvements to drainage and cart paths will help to increase play after rainy days.

Mr. Singer said that the improvements would need an investment of close to \$1MM and over time they should improve the operational efficiencies; it is a reasonable goal to try to break-even operationally and the new revenues could cover the day-to-day operating expenses, but not the capital expenses needed to make the improvements.

Further recommendations are included in his report, but in general the identified categories are improved marketing, enhancing electronic capabilities through the website and on-line tee times, accepting on-line credit card purchases, promoting bilingualism, branding improvement and promoting the history and tradition of the golf course, according to Mr. Singer. He explained that tournaments, outings and leagues are the key to public golf courses.

Mr. Singer added that there should be improvements to the signage around the surrounding peripheral of the City in order to let the public know about the golf course. Player development programs are important for the next generation that will help sustain the property for many years. He firmly believes that the female golf segment is not adequately represented and there is a lot more that can be done to reach out to this segment.

In summary, Mr. Singer said that the golf course had not reached the point of no return, but action must be taken to improve the property; it has potential and is in a great location next to the airport and it would be a shame to lose it.

Councilman Bain commented that a new irrigation was installed approximately three years ago and he does not understand what happened to the condition of the grass around the greens, which is important for chipping and putting. This is the biggest complaint that he has heard about in the last couple of years.

Mr. Singer felt that there are many factors working together that seem to cause the condition, but it is an aging facility with aging turf.

Councilman Bain said that the turf around the tee boxes is the same age as the turf around the greens and Mr. Singer responded that the turf around the greens gets the most traffic and activity.

Councilman Bain emphasized that the grass is not just worn; it is dead and Mr. Singer attributed it to issues related to applications and the budget for the applications; he felt that some of the turf will need to be replaced.

Mr. Singer added that a full-service maintenance agreement might help to improve the turf; he does not feel that it is not being properly maintained, but there are many factors working against it. He agreed that it needs to be looked at and perhaps more resources are needed to improve the grass.

Mayor Garcia asked Mr. Singer to clarify his comment about the grass just outside of the tee box and if it is maintained differently than the grass around the greens.

Mr. Singer clarified that the grass around the greens is under more stress than the grass around the tee boxes; it has a lot of traffic that adds up over time. It is a living asset that cannot take the stress, especially 80-year old turf. The areas around the tee boxes or fairways are not under the same stress.

To answer Councilman Bain's question, Mr. Singer replied that the turf issue is a major factor, but the number one step is to get the structure in order, with an on-site manager that is dedicated to marketing. The second step is to invest in the property as much as possible, focusing on the on-course conditions such as the turf around the greens, cart paths, drainage, on-course services, etc.

Councilman Petralanda agreed with Mr. Singer that the future of the game depends on the kids and that he had not thought about attracting the ladies, which is a good point. He asked about the \$1MM estimated cost and Mr. Singer's comment about it not covering the capital expense for the improvements.

Mr. Singer responded that if the golf course remains the same without making an investment it will be headed for disaster in terms of revenues. Spending \$1MM to upgrade the property will improve the revenue picture and will generate enough to cover day-to-day operation of the facility, but not enough to cover the \$1MM investment to improve the property. This can be paid for in a number of ways and the most common is some type of debt issue or capital reduction program. There will probably not be enough funds left over to contribute to the capital reduction.

Councilman Petralanda commented that even spending \$1MM for improvements will not bring the golf course to a break-even point.

Mr. Singer said that if the definition of "break-even" is covering all expenses and capital costs then Councilman Petralanda is correct that \$1MM will not bring the golf course to a break-even point.

Mayor Garcia thanked Mr. Singer for his presentation and City Manager Gorland commented that the presentation is posted on the City's website.

Mayor Garcia announced that everyone in Miami Springs is proud of Mike Gavila who won a trophy for "Best in Taste", first place prize in the Springs River Festival Bake-off. He wanted everyone to know about Mike's accomplishments.

4. Open Forum:

Bully-Free-O-Five

Kim Werner of 1016 Meadowlark Avenue stated that she wanted to introduce Council to two of the organizers of the competition that Miami Springs Senior High School won. The project was called Bully-Free-O-Five. The school won \$5,000 to use towards anything she wants.

Wendy Billman, Director of Economic Development at the Beacon Council and Corina La Rosa, Advisory Board Coordinator for the City of Doral stated that they represent Leadership Miami, The Greater Miami Chamber of Commerce which is a program where they choose 100 young professionals out of Miami to come together in an eight month leader development program. In the program, they divided the students into groups of twenty and they were able to choose a community service project of their liking.

Ms. Billman commented that their project was centered around bullying in which they led a County-wide contest for video and art on the topic of bullying. They had a first, second, and third place prize where the first place prize went to two of Miami Springs Senior High School students. The school received \$5,000 and each student received \$1,000 in prizes. The video that the students entered into the contest will be shown at the next City Council meeting.

To answer Councilman Bain's question, Ms. Billman said that the two students from the school were Jennifer Porres and Daniela Zapata.

Ms. Werner recognized the teacher Rene Barge who was the students' sponsor.

Ecology Board

Carl Malek of 333 Corydon Drive, #5, stated that the Ecology Board had not been meeting due to lack of a quorum and hoped that the new Council would appoint members so that the Board can meet again.

Councilman Lob asked if Mr. Malek had any suggestions to please let him know or have that person approach him.

Street Lights

Ms. Beatrix Oberman of 449 Swallow Drive, #23 said that the lights in the City of Miami Springs are her issue. On her way to church, she got lost and could not see the street names. She noted that Ludlam Drive is lit very well, but Royal Poinciana and Shadow way are dark. There are lights on only one side of the street on Royal Poinciana by the Elementary School down to the Circle.

5. Approval of Council Minutes:

5A) 03-25-2013 – Regular Meeting

Minutes of the March 25, 2013 were administratively approved as written. Mayor Garcia and Councilman Lob were the only two members present at the meeting.

6. Reports from Boards & Commissions:

6A) 03-19-2013 – Education Advisory Board – Minutes

Minutes of the March 19, 2013 Education Advisory Board meeting were received for information without comment.

6B) 03-21-2013 – Historic Preservation Board – Minutes

Minutes of the March 21, 2013 Historic Preservation Board meeting were received for information without comment.

6C) 03-26-2013 – Ecology Board – Cancellation Notice

Cancellation Notice of the March 26, 2013 Ecology Board meeting was received for information without comment.

6D) 03-28-2013 – Code Review Board – Cancellation Notice

Cancellation Notice of the March 28, 2013 Code Review Board meeting was received for information without comment.

6E) 04-01-2013 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the April 1, 2013 Zoning and Planning Board meeting was received for information without comment.

6F) 04-01-2013 – Board of Adjustment – Cancellation Notice

Cancellation Notice of the April 1, 2013 Board of Adjustment meeting was received for information without comment.

6G) 04-01-2013 – Memorial Committee – Minutes

Minutes of the April 1, 2013 Memorial Committee meeting were received for information without comment.

6H) 04-02-2013 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the April 2, 2013 Code Enforcement Board meeting was received for information without comment.

7. Public Hearings:

None.

8. Consent Agenda:

8A) Approval of the City Attorney's Invoice for March 2013 in the Amount of \$11,913.75

There was no discussion regarding this item.

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

9. Old Business:

(Agenda Item 9A was discussed after Agenda Item 9G)

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

City Attorney Seiden said that Council could consider the Liaison appointments to the advisory boards at the next Council meeting on April 22nd. He said that the Council members should look at the Board members who were appointed by their predecessors and speak with them to see if they share the same views.

Councilman Bain asked about the guidelines for the Council Liaisons who attend the board meetings as far as the situation that occurred with the Architectural Review Board meeting. If nothing wrong was done during that meeting then it should be clear. If something wrong was done during that meeting then there should be guidelines so that it is not misconstrued. When he previously sat on Council for eight years, he was told by the City Attorney that something like what occurred during that meeting could not be done.

City Attorney Jan K. Seiden said that there is nothing currently in the code that deals with Liaison positions. If Council would like him to draft something then it could definitely be done. The Liaison position involves a Council member attending a Board meeting and sitting in the audience and listening to the meeting and not participating. If there is something that the Board has discussed that they feel is important and it needs to be discussed beyond what is in the minutes, the Liaison can mention it during a Council meeting.

City Attorney Seiden commented that another function of a Liaison is to ask questions such as if the Board has a question regarding how the Council feels about an issue or where they are going in a certain topic that involves that particular Board. Anything beyond those functions is not appropriate. The Liaison should not participate in the meeting or run the meeting.

Councilman Bain stated that on the premise when he was previously on Council, it was not allowed. He had to get permission from Council under guidance from the City Attorney to speak at the Memorial Committee. If there was nothing wrong with it then he is fine with it. He just would like for it to be clear because that was not what was conveyed to a lot of people that sat on Council in previous years.

City Attorney Seiden said that if the Council would like him to make the guidelines more codified and formatted, he would be willing to do so.

Councilman Bain commented that he did not want an ordinance to be made. He just wanted it clarified in front of the audience and whoever may be watching online or on the television.

(Agenda Item 9B was discussed after Agenda Item 9F)

9B) Update for Energy Consulting Services

City Manager Gorland read the memo as follows:

"The State of Florida issued an Invitation to Negotiate, number 973-320-08-1 in which 10 Energy Performance Contractors were qualified by the State to submit proposals for furnishing Energy Performance Contracting Services.

On February 4, 2013, the City notified by email all 10 Energy Performance Contractors, who qualified under the State of Florida contract Award, of the opportunity to work with the City of Miami Springs. Contractors were asked to respond to the City's Statement of Interest no later than February 27th.

We received 3 responses of interest from ConEdison, ESG, and Trane. The evaluation committee consisting of Ron Gorland, Jan Seiden, Tammy Romero, and I all met with each company to discuss with them their overall programs.

At this point, we have directed all three vendors to provide their preliminary Audits on or before close of business May 8 2013. Once responses have been received we will begin our process of selecting an Energy Service Company. If necessary, the companies may be asked to participate in an Oral (Q&A) Presentation of which details will follow at a later date.

The next step thereafter would be for the committee to meet again and evaluate each companies overall response and rank them accordingly. A selection of an ESCO is expected by mid-May at which point a recommendation will be made to Council to award and enter into an Energy Savings Performance Contract with that company."

City Manager Gorland commented that there were questions regarding the status of this proposal. It is moving forward at a slow pace but there is not much influence he can have on it.

City Attorney Seiden explained that once a company has been chosen, a more complete audit will need to be done. Some of the companies have said that if they do the further study and the City decides at that point that they do not want to enter into the agreement, the City may be responsible for certain amount of dollars for them having performed the audit.

City Attorney Seiden stated that the quality of the reports that come back and the quality of the work the companies do will have to be evaluated. If the City were to agree to one of the three companies, they would then go ahead with the other audit.

Councilman Bain asked if any money has been spent on this proposal and City Attorney Seiden replied that only staff time has been spent on this proposal.

To answer Councilman Bain's question, City Attorney Seiden said that the committee will make a recommendation to Council as to which company to select based upon what is seen from their preliminary audit.

City Attorney Seiden clarified that funds will not be spent without Council's knowledge.

Councilman Petralanda said that he was disappointed that the proposal went to seven companies and there were only two responses.

City Attorney Seiden stated that the State of Florida had provided the names of ten companies that were qualified for the program and most of the work that they had done were for counties and not cities.

(Agenda Item 9C was discussed after Agenda Item 9A)

9C) Wall of Fame in the Community Center

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

"The "Wall of Fame" project has been in discussion since November 2010 as indicated in Attachment "A". The City Council on November 22, 2010 discussed the creation of a "Wall of Fame" at the Community Center and at that time requested that the Recreation Commission make a recommendation. The Recreation Department respectfully requests that it be allowed to pursue this project from this point on."

Councilman Bain stated that he would like to hand over this project to Recreation Director Omar Luna to come up with the different criteria such as qualifications for being on the wall. Once he has the information, he can bring it back to Council and it can be discussed and voted on.

By consensus, Council agreed to reassign the "Wall of Fame" project to Mr. Luna.

City Attorney Seiden suggested that Mr. Luna look at some of the requirements that are in the Memorial Committee jurisdiction that would assist him.

Mayor Garcia recommended that companies that have been extremely supportive in youth sports and things of that nature may also be considered to be placed on the Wall of Fame.

(Agenda Item 9D was discussed after Agenda Item 9B)

9D) Strategic Plan Update

City Manager Gorland read the memo as follows:

"We are providing the newly elected Council with the attached Strategic Plan update that was reported to the previous Council back in November 2012. We are attaching reports for each major area covered by the plan along with status and FY2012-13 updates. This was the city's first strategic plan update, so we had this report reviewed by both the responsible Department Heads as well as Mr. Bill Busutil so that we could have some level of assurance that we were proceeding appropriately. We are also providing Council with a copy of the City's adopted Strategic plan; this plan is also online at the City's website.

We will be using these reports each budget year in order to ensure that future budgets address the plan's objectives. At the same time, these reports may be used by Council to track progress and to adjust the strategic plan as needed."

City Manager Gorland asked that Council look over this plan update and advise him if they would like to make changes. It needs to be done quickly because it most likely will affect the budget process.

(Agenda Item 9E was discussed after Agenda Item 9C)

9E) Pool Renovation/Repairs Update

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

"Since our last update on March 25, 2013, we have met with Skip Reed, Building Official, at length to discuss some alternatives for the pool project. At this point his involvement is crucial to the project. To date we have accomplished the following:

- 1. Spoke with several firms/individuals regarding interior pool repairs*
- 2. Determined that x-raying and Ground Penetrating Radar (GPR), thought to be non-invasive methods will not provide the information needed and at this time are not recommended.*
- 3. Obtained an expert opinion from YH Engineering, Inc. that the City should investigate the possibility of a new pool complex.*

4. *We learned that the deck is potentially a bigger problem than the pool itself.*
5. *Skip Reed, Building Official has scheduled for us to meet, beginning next Tuesday, with seven different firms to provide technical expertise regarding their professional recommendation of how to proceed (ex. drain pool, deck and pool assessment, sample testing, etc.)*
6. *A recommendation to City Administration and Council on how to proceed is expected for the May 13th Council meeting."*

Mayor Garcia stated that Council appreciates the update and to let them know if there is anything that they could do, but Council is just waiting for the final results.

City Manager Gorland said that based on this update, it looks like the pool will be drained. Once the pool is drained and start testing it, the pool may not re-open again. Information will be brought back to Council and hopefully the decision can be made at the next meeting as to whether the pool can be drained and tested.

(Agenda Item 9F was discussed after Agenda Item 10I)

9F) Code Compliance Presentation

City Manager Ronald K. Gorland stated that he asked Mr. Ziadie to make this presentation, which is a preliminary to discussions that Council will need to have in the future at a Workshop meeting or separately on an agenda by agenda basis.

Building and Code Compliance Director Harold "Tex" Ziadie provided Council with a presentation. He was asked by City Manager Gorland to give a brief update on what their current state is in terms of Code Compliance. Regarding the staff, there is one full-time Code Compliance Officer, one part-time Code Compliance Officer, and one open position for a part-time Code Compliance Office that is vacant to assist with the budget this year.

Mr. Ziadie commented that he also fills in as one of the Code Compliance Officers when needed. Over the last 18 months, they have had 100% turnover of all office personnel. Employees needed to be re-trained and they just now are getting their feet under them and the department is running very well despite all of that. They have maintained their Code Compliance presence on the street. From January 2012 to December 2012, there were 1,797 new Code Compliance cases.

Mr. Ziadie said that 562 of those cases were non-code related because cases are also for garage sales, survey inspections and re-occupancy inspections. He noted that 122 of those cases were certificates of re-occupancy. Of those, ten cases were commercial properties.

Councilman Bain asked what the cost is for processing the violations to the City and Mr. Ziadie replied that it is the cost of the employees and most of the work is done on the computer. The paperwork that is generated is pre-printed.

Mr. Ziadie continued stating that from January of this year to the present there have been 419 cases and 147 of those were non code violations, 30 were certificates of re-occupancy, and 4 were commercial properties. Their current focus is residential sweeps and complaint response. The reason that sweeps are conducted is to prevent the constant complaints of selective enforcement. Over the last year they have done sweeps for recreational vehicles, commercial vehicles, inoperable vehicles, houses without proper street numbers on them, etc.

Mr. Ziadie explained that he receives a lot of anonymous complaints and they are all investigated. When an officer is driving around and sees a violation, they will respond to it. Some of the success the department has had is the conversion of the City and the commercial sector to the color palette. There were many properties in the central business district, especially on Westward Drive, that were in need of maintenance. He showed images of properties on Westward Drive that were re-painted or fixed over the last two years.

Mr. Ziadie commented that there are two types of violations. The first type of violation is called the civil infraction which is a violation that can be penalized by Code Enforcement writing a ticket for a specific amount. The first step taken on most civil infractions is to notify the person that has the violation to correct the infraction or after a certain amount of time if they do not correct it they will be subject to receiving the ticket. The second step is to issue the ticket and if they still do not comply then the last step would be to bring them in front of the Code Enforcement Board.

Mr. Ziadie said that some examples of civil infractions include illegal parking of recreational vehicles, inoperable vehicles, commercial vehicles, improper tree pruning, work without a permit, businesses operating without a license, and safety or sanitary violations. The second type of violation is a normal violation. Tickets cannot be written for this violation. The first step is to give the resident or property owner a courtesy notice advising them of the violation and allowing them a certain amount of time to comply. If they do not comply, they are given a notice of violation which is a formal letter that goes to their house, again giving them additional time to comply.

Mr. Ziadie continued stating that if the resident or business owner still does not comply, they are issued with a summons to appear before the Code Enforcement Board. They are empowered to levy fines against them, pull liens on the property and take other steps to try to bring them into compliance. Some examples of normal violations include maintenance of property such as painting and cleaning it, noise violations, improper trash disposal, and improper plantings.

Mayor Garcia asked for an example of a noise violation and Mr. Ziadie replied that if someone calls to complain that a neighbor is having a party and the noise is excessive and it is 11:00 p.m. then Code Enforcement would go to the home and give them a courtesy notice. Often times, this situation occurs after hours and the Police Department would deal with it.

Mayor Garcia asked if there was a set time when a noise violation could be issued and Mr. Ziadie said that technically there is not a set time. The noise code is in place 24 hours a day but there are certain types of noises that are restricted from the hours of 10:00 p.m. to 7:00 a.m. such as a bar, operating music on a loud basis, construction equipment and garbage trucks.

To answer Mayor Garcia's question, Mr. Ziadie stated that lawn equipment is not specified in the code but in his opinion it would fall under construction equipment.

Mr. Ziadie commented that the crime sweep began on April 1st. Code Enforcement looked for excess material on the properties. He showed examples of violations and said that the majority of violations take place in carports and open backyards.

Mayor Garcia clarified that these violations are because they are visible from the street.

Mr. Ziadie stated that there are a number of codes that were previously discussed with Council that need some updating which include commercial vehicles, signs, feeding of animals in public places, noise, dumpster enclosures, trash pickup regulations, and wall mural regulations.

Mayor Garcia is glad to hear that Code Enforcement is performing the crime sweep. He asked if Council could be provided with a checklist of the general procedures that are conducted for violations.

City Attorney Seiden explained that there are two types of cases. One case is if staff determines whether there is a health violation. The City Government must protect all citizens and in some cases that entails dealing with other citizens. If it is an emergency condition, other steps may be taken. If a situation was in very poor condition, then he can file an emergency lawsuit on the base of nuisance, but fortunately it has never reached that point.

City Attorney Seiden commented that the Department tries to get residents and business owners to comply by being reasonable, although it is not as simple because there are always those cases where there are extra jurisdictional remedies and staff can go that extra yard in emergency conditions.

Mr. Ziadie stated that there have been some cases where they have no alternative but to go to the extreme. Within the last four years, he has taken two properties in Miami Springs to the Unsafe Structures Board and had them demolished.

City Manager Gorland would like to know if Council is going to approach the list of changes with Workshop meetings or to attempt to do one code section at every meeting, which has been successful but somewhat time consuming.

Mayor Garcia suggested putting a couple of the proposed changes on the next agenda.

(Agenda Item 9G was discussed after Open Forum)

9G) Paperless Agenda Implementation

City Manager Ronald K. Gorland stated that this item is in regards to the paperless agenda implementation. During the budget process last year, part of the presentation was about going paperless which would create significant savings. The last part of the process is to select the hardware and software that is going to be used on the dais. I.T. Director Jorge Fonseca has been giving the Council members an iPad to practice with and it has been working very well. He read the memo as follows:

"Per attached minutes regarding the subject, everything that is needed to accomplish subject is now in place and well tested. However, the final piece that is required to complete implementation of our paperless agenda is to select the hardware and software that each of us sitting up here will be using. The hardware/software configuration is recommended by other cities that went paperless, and used by us to date for testing, which has worked extremely well, is an iPad with Adobe Reader (the cost of which was previously approved by Council). Our recommendation is to move forward with this configuration over the next two weeks with a target of outfitting and training each person up here so that our next meeting can be paperless (or at least a transitional paper to paperless meeting)."

City Manager Gorland commented that some Council members have already had the opportunity to test the iPad. It works very well, but it is not the only instrument that is available. In discussions with other cities that are relative to the size of Miami Springs, what was heard most often was the use of the iPad. Mr. Fonseca is present tonight should Council have any questions. He recommends that everyone use the same hardware/software to make things easier from a maintenance and communication standpoint.

Councilman Lob stated that he has been a proponent for the iPad since the first discussion of it. He has been waiting anxiously for the City to get to this point and he believes that the savings are going to help the City tremendously. There are also other areas to look at in the future with electronic storage.

To answer Councilman Bain's question, City Manager Gorland said that this implementation has been budgeted.

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

Mayor Garcia stated that he would like for Council to be able to choose the cover of their liking for their iPads within a certain price range.

City Manager Gorland commented that meetings will be set up with the Council members to teach them the basics of the iPad.

(Agenda Item 9H was discussed after Agenda Item 9D)

9H) Capital Expenditures Over the Next 5-10 Years

City Manager Gorland read the memo as follows:

"In order to prepare for the upcoming budget season, we requested that our Department Heads review their operations and provide us with a listing of critical infrastructure needs as well as non-critical (wish list) items.

We are providing Council with a departmental report showing the critical capital requirements expected over the next 5-10 years, as reported to us by the individual Department Heads. We have also provided a non-critical "wish list" column showing items that are not critical needs but would enhance both the esthetics of our City as well as improving services to our residents.

We are also providing Council with an updated report showing the fund balance designations as approved by the previous Council (attachment A). These designations can be changed or adjusted by Council majority vote at any time during the fiscal year. Attachment C is the proposed schedule for this year's budget process, we will kick off on May 14th with the Departments; workshops are scheduled for August 5th and 19th.

We hope this information will be useful to Council as we move along with our budget workshops during August 2013."

City Manager Gorland commented that this item is incomplete. He noted that the City recently was informed about another \$1MM that they were urged to spend without any real definition.

To answer Councilman Bain's question, City Attorney Seiden stated that the storage tank is a long-standing DERM violation that was discovered when the ill-fated storm water project was done that did not go forward. A refund was given back to the City from Post Buckley, but as a result of that it stirred the pot and they remembered there was a violation; as part of the negotiating settlement, Post Buckley authorized the removal of the tanks and the installation of new high end fiber glass tanks for the equipment shed.

To answer Councilman Bain's question, City Manager Gorland stated that the \$25,760 was already spent as well as the \$60,120.

9I) Affordable Care Act and its Effects on the City's Budget

City Manager Gorland noted that this item is still in the development stage. He read the memo as follows:

"In order to prepare for the upcoming budget season, we requested that our Health Benefits Consultant, Mr. Bob Shafer, conduct a presentation on Thursday, April 4, 2013 to all Department Heads regarding the upcoming changes to health care taking effect on January 1, 2014.

We are attaching a fact sheet and key terms sheet that provide a wide overview of the new law. The following are the key areas that will likely affect our City for FY2013-14:

1. All part time employees will be limited to 29 hours weekly, if an employee works more than 29 hours the City will be required to offer them health insurance coverage."

To answer Councilman Bain's question, City Attorney Seiden replied that one extra hour during one week out of the month will not be an issue but if it is one extra hour per week it will be an issue.

"2. It is expected that the Aetna renewal rate for next fiscal year will be at a minimum a 15-20% increase.

3. Medicare payroll deductions which are now 1.45% will increase to 2.35% beginning January 1, 2014. This means employees will have lower take home pay and the City which matches the rate will also pay 2.35%.

There are other requirements to the new law, however those are not expected to affect us in any significant manner other than administrative work.

As we receive more information we will certainly share it with Council since we need to determine the additional costs for the upcoming budget process."

City Attorney Seiden stated that with Council's permission, he is going to create an ordinance that is going to be placed in the civil service code section which is going to state that no employee, other than full-time employees, can work more than 29 hours per week. He explained that there are a lot of questions to be answered and Mr. Shafer recommended that the City contact a Benefits Consultant.

Councilman Lob asked what would happen if there is a part-time employee that works only during the summer and goes over the 29 hours on a consistent basis and Mr. Gorland replied that they would not be able to receive health care benefits.

Assistant City Manager/Finance Director Alonso explained that there are seasonal employees and they may work 40-hours, but not all year round and this was one of the questions that needs a legal opinion.

City Attorney Seiden clarified that there would be penalties imposed by the federal government for non-compliance to help reimburse the program. There are many questions that do not have answers at this point. Part of the Act will go into effect on January 1, 2014 and the rest will be done in phases. The first year, the government may be more lenient with errors that are made.

Mr. Alonso said that in regard to the expected increase in the AETNA health insurance, it might not affect the City this year since the contract is renewed in October, but it will affect the City next year.

10. New Business: *(Agenda Item 10A was discussed after Agenda Item 9E)*

10A) Recommendation that Council Approves the Facility Agreement with Miami-Dade County Aquatic Club, Inc. (MDCAC) for a 1-year Period Beginning on May 1, 2013 and Ending on April 30, 2014

City Manager Ronald K. Gorland read the memo regarding the Miami Dade County Aquatic Club Agreement (MDCAC). MDCAC is a very popular program in Miami Springs that provides our community with an opportunity for our children to learn to swim at a very high competitive level. The proposed agreement is for one year. MDCAC agrees to pay the City a monthly use fee of \$1,000 which is due, in advance, on the first of each month commencing May 1, 2012 and ending with final payment on April 1, 2013. Payments received more than 10 days after the due date will be subject to a \$20 per day late payment fee.

City Manager Gorland commented that MDCAC acknowledges its review and understanding of certain City reports and other documents describing the current condition of the City pool and the potential actions that may be taken by the City. MDCAC further acknowledges and agrees that the term of this Agreement may be prematurely terminated, in the City's sole and exclusive discretion, to allow for whatever actions the City deems appropriate for the City pool.

Councilman Lob stated that he wants to ensure that MDCAC is aware of the issues that the City is facing.

Recreation Director Luna said that he has met with MDCAC on a couple of occasions and ever since he was aware of the issue with the pool, MDCAC has been advised on every step that has been taken. They are a very important key component to the pool and they should be informed of what is happening.

City Attorney Seiden clarified that there would be no liability if the pool had to be closed prematurely.

Councilman Petralanda asked if it made sense to drain the pool before the summer and City Manager Gorland replied that if and when this project begins, it will be done in the late fall.

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

10B) Recommendation from the Education Advisory Board Regarding Asking the City Council to Authorize Representation to the Board from Public Works, Police and the Chamber of Commerce in Order to Achieve the Collaboration Between the City and Miami-Dade County Public Schools

City Manager Ronald K. Gorland stated that this is an Education Advisory Board recommendation based on their actions taken at their meeting on March 19, 2013. A motion was passed to recommend that the City Council authorize representation to the Board from Public Works, Police and the Chamber of Commerce in order to achieve the collaboration between the City and Miami-Dade County Public Schools.

City Manager Gorland recommended that Council defer this request until the next meeting since he did not have time to examine it and the City has nothing to do with the Chamber of Commerce. Mr. Alonso is the Staff Administration's representative to the Education Advisory Board and he is very familiar with education and can handle this assignment.

By consensus, Council deferred the item to the April 22nd meeting.

11. Other Business:

11A) Scheduling of Executive Session for Thursday, April 25, 2013 at 6:00 p.m.

City Manager Ronald K. Gorland stated that there is limited availability for the meeting date, based on Jim Linn's schedule.

A notebook with information was distributed to Council regarding the upcoming P.B.A. negotiations that will be the basis of the Executive Session, according to Mr. Gorland.

At the Mayor's request, Mr. Gorland offered to provide the information digitally since it is open to the public.

Council scheduled an Executive Session for Thursday, April 25, 2013 at 6:00 p.m.

12. Reports & Recommendations:

12A) City Attorney

City E-mails

City Attorney Seiden advised Council members to use their City e-mails for any city related discussions; not their private e-mail. If someone were to submit a public records request for an e-mail and it is in their personal e-mail, the City will have to look through their private e-mail for the city related e-mail.

Councilman Lob said that if someone e-mails a Council member on their private e-mail, forward it to their city e-mail and respond from the city e-mail address and ask them to please send further e-mails to the city e-mail address.

Mayor Garcia also suggested carbon copying the City Clerk so there is record of the Council member asking the person to communicate through the city e-mail address.

Congratulations

City Attorney Seiden congratulated the new members of Council. He is certain that they will do a fine job. If they ever have any questions they may contact him at any time.

12B) City Manager

Congratulations

City Manager Gorland congratulated the new Council members and he is looking forward to working with them.

12C) City Council

Thank You

Vice Mayor Windrem thanked the current Council and staff that have been very helpful in getting the new Council members up to speed. He is very excited and eager to begin.

Springs River Festival

Councilman Bain commented that the Springs River Festival was a lot of fun.

Fishing Tournament

Councilman Bain recognized Bernie and Kathy Haro who organized the fishing tournament for the Optimist Club and do it because they love the sport. He also recognized Iggy's Bait Shop who donated fishing poles and equipment. He would like more fishermen to get involved in the event and suggested being more lenient during tournament time so that the children can fish in the Miami Springs' lakes. The contestants were very responsible with releasing the fish after they were caught.

Congratulations

Councilman Bain congratulated the new Council.

Congratulations

Councilman Lob congratulated Council and looks forward to working with everyone.

Constantino Hernandez

Councilman Petralanda commended Constantino Hernandez for the type of race he ran and for being present tonight.

Springs River Festival

Councilman Petralanda reported that he had a lot of fun at the Springs River Festival. This year was tremendous with a great turnout and it was well organized.

Thank You

Councilman Petralanda thanked City Manager Gorland for his help and the time he spent with him in preparation for the debate and for tonight's meeting.

Congratulations

Mayor Garcia congratulated Council for putting themselves out in the public light and for their public service.

Community Center

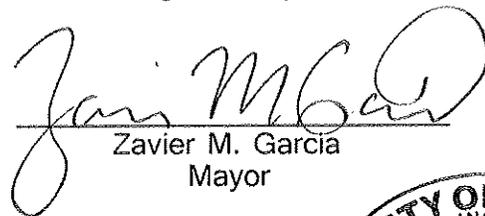
Councilman Bain reported that tonight is the third year anniversary of the opening of the Community Center.

City Council

Mayor Garcia stated that this will be probably the best City Council that has served the City of Miami Springs in a very long time. He sees Council moving forward and wanting nothing but the best for Miami Springs.

13. Adjournment

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


Zavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk



Approved as written during meeting of: 04-22-2013

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

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