



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, December 9, 2013, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:08 p.m.

The following were present:

- Mayor Xavier M. Garcia
- Vice Mayor Billy Bain
- Councilman Michael Windrem
- 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
- Acting City Clerk Suzanne S. Hitaffer
- Assistant City Clerk Elora R. Sakal

2. Invocation: Offered by Councilman Lob

Salute to the Flag: Students from Miami Springs Middle School lead the audience in the Pledge of Allegiance and Salute to the Flag

The Mayor presented baseball caps to the students who participated in the salute to the flag.

3. Awards & Presentations:

3A) Certificate of Recognition to the Anchor Club for their Assistance with the Butterfly Garden

Mayor Garcia presented certificates to students from Miami Springs Senior High Anchor Club for their assistance with the plantings at the Butterfly Garden.

Anchor Club member Krista Schubert commented that Anchor is a co-ed club that does wonderful things for the community.

4. Open Forum:

Anchor Club Project

Anchor Club President Rebecca Shultz from Miami Springs Senior High School commented that every year the President has a project. Her project is to host a spaghetti dinner on January 11, 2014 at the Lions Club from 4:30 to 7:30 p.m. for all of the servicemen and servicewomen who are currently enrolled in the armed forces and veterans. She hopes that this announcement would help spread the word to those who are serving or who have served to come to the event.

Education Advisory Board Recommendations

Kim Werner, Education Advisory Board Liaison introduced herself as the Liaison member to the Education Advisory Board. She offered to address the Board's recommendations on the agenda and respond to any questions or comments.

449 Swallow Drive

Beatriz Obermann of 449 Swallow Drive asked if the permits for the building she lives in at 449 Swallow drive are moving forward and Mayor Garcia responded that Council cannot enter into a discussion in Open Forum. He encouraged Ms. Obermann to express her comments or concerns.

Ms. Obermann said that she attended a condominium association meeting on December 4th and they brought back information from three years ago.

City Manager Gorland explained that an extensive package was provided to Council documenting the many hours spent over the last few years regarding this issue; at this point he feels that the City has done everything possible. He offered to assist Ms. Obermann if something new is brought to his attention.

5. Approval of Council Minutes:

5A) 11-12-2013 – Regular Meeting

Minutes of the November 12, 2013 Regular meeting were approved as written.

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

6. Reports from Boards & Commissions:

6A) 11-19-2013 – Education Advisory Board – Minutes

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

6B) 12-02-2013 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the December 2, 2013 Zoning and Planning Board meeting was received for information without comment.

6C) 12-02-2013 – Board of Adjustment – Cancellation Notice

Cancellation Notice of the December 2, 2013 Board of Adjustment meeting was received for information without comment.

6D) 12-03-2013 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the December 3, 2013 Code Enforcement Board meeting was received for information without comment.

7. Public Hearings:

7A) Second Reading – Ordinance No. 1060-2013 – An Ordinance of the City Council of the City Of Miami Springs Repealing And Deleting Article XIV, Mixed Use District, And Code of Ordinance Sections 150-145 through 150-153 in their Entirety; Reserving Article XIV and Code Sections 150-145 through 150-153 for Future Use; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to the Codifiers; Providing an Effective Date

City Attorney Jan K. Seiden read the title of the Ordinance.

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

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

8. Consent Agenda: (Agenda Items 8A, 8B, 8D, 8E, 8F, 8G were approved with one motion. Agenda Item 8C was pulled for discussion by Vice Mayor Bain)

8A) Approval of the City Attorney's Invoice for November 2013 in the Amount of \$12,453.75

There was no discussion regarding this item.

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

8B) Recommendation that Council Approve a Change Order to Wrangler Construction Inc., Utilizing Village of Palmetto Bay Bid 2011-PW-102, in the Amount of \$2,267.50 for Additional Sidewalk Improvements @ Hammond Drive due to Unforeseen Work that Needed to be Done to Meet City Code, Pursuant to Section 31.11 (F)(11)(b) of the City Code

There was no discussion regarding this item.

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

8C) Recommendation that Council Approve a Change Order to South Florida Maintenance in the Amount of \$21,060.00, Amending the Current Contract Previously Approved by Council, Effective October 1, 2013, for Maintenance of the Common areas Surrounding the Recreation Parks, Pursuant to Section 31.11 (F)(11)(c) of the City Code

To answer Vice Mayor Bain's question, City Manager Gorland stated that this item is budgeted in this fiscal year's budget.

Mr. Alonso explained that this item was originally budgeted because Greens Grade Services was providing the service and now it is going to South Florida Maintenance.

To answer Vice Mayor Bain's question, City Manager Gorland said that this item is normally considered a consent agenda item because funds are budgeted.

City Attorney Seiden stated that the standard of what falls within the consent is a matter of Administrative prerogative.

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

8D) Recommendation that Council Award City RFP #01-13/14 and Approve the Execution of a Contract to Greens Grade Services, Inc., the Only Responsible Bidder, in the Amount of \$425,636.64, on an "As Needed Basis" for Golf Course Labor Services for Fiscal Year 2013-2014, Pursuant to Section 31.11(E)(1) of the City Code

There was no discussion regarding this item.

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

8E) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$15,111.00, on an "As Needed Basis" to Southern Waste Systems for Garbage and Recycling Collection Including All City Buildings with Various Pickups a Week for Fiscal Year 2013-2014, Pursuant to Section 31.11(E)(6)(g) of the City Code and Pursuant to the Contract Renewal Option Provided by the City's Existing Contract/Contract Vendor for an Additional One (1) Year Period

There was no discussion regarding this item.

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

8F) Recommendation that Council Approve an Expenditure to US Lubricants LLC, the Lowest Responsible Quote, in the Amount of \$25,000.00, on an "As Needed Basis" for Fuel for the Maintenance Equipment for the Golf Course for Fiscal Year 2013-2014, Pursuant to Section 31.11(C)(2) of the City Code

There was no discussion regarding this item.

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

8G) Purchase of Network Design Services/Configuration and Hardware to Upgrade the Existing Voice Over IP Technology (VoIP) to Enhance Security Measures for the Police Phone System:

8G 1. Recommendation that Council Approve \$1,500.00, to ITC Group, Inc., for Network Design/Configuration to Enhance Security Measures for the Police Phone System, for Fiscal Year 2013-2014, as a Sole Source Provider, Pursuant to Section 31.11(E)(6)(c) of the City Code, Utilizing Law Enforcement Trust Funds

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

To answer Councilman Petralanda's question, Chief of Police Peter G. Baan said that there will be no downtime to the phone system. There may be some downtime to the police network but it will be minimal.

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

8G 2. Recommendation that Council Approve an Expenditure to CDW-G, the Lowest Responsible Quote, in the Amount of \$1,591.88, for Hardware Required to Enhance Security Measures for the Police Phone System, for Fiscal Year 2013-2014, Pursuant to Section 31.11(C)(2) of the City Code, Utilizing Law Enforcement Trust Funds

There was no discussion regarding this item.

Councilman Lob moved the item. Vice Mayor Bain 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

City Attorney Seiden advised Council that the Disability Advisory Board has a quorum but there are still two vacant seats that need to be filled. The Board needs to meet to discuss how to use some dollars that the City is entitled to from parking fines collected.

9B) Okeechobee Boat Ramp Discussion

City Manager Gorland commented that he distributed a cover memo to the City Attorney from the Florida League of Cities that was not included in the packet. He read the memo as follows:

"Good afternoon Jan,

At the City's request, a risk assessment was conducted on Dec 02, 2013 at a boat ramp located at North Royal Poinciana Blvd and Quail Ave along the Miami River C-6 Canal. The City is proposing to open the ramp to the public. The ramp is currently used by SFWMD and the Miami Springs PD when needed. Please find a report attached with photos and comments. The following observations are a direct result of this assessment.

Reasons for not opening to the public:

- 1. Limited space to safely launch and trailer watercraft*
- 2. Directly intersects bike path*
- 3. No parking available at site*
- 4. Maintenance costs*
- 5. The ramp was previously closed due to excessive noise and excessive speeds from wave runners/jet skis*
- 6. A State approved manatee program will be required along with a kiosk or permanent display board providing manatee info*
- 7. The C-6 Canal is considered an impaired water body (poor water quality)*

Recommendations to reduce liability if opened to the public:

- 1. Reduced horse power on watercraft*
- 2. No wave runners/jet skis"*

City Manager Gorland commented that there is nothing in the memo that says the boat ramp cannot be opened. There are other locations along Royal Poinciana for ramps to be installed.

To answer Councilman Petralanda's question, City Attorney Seiden stated that the gentleman that he spoke to suggested that the City would have to raise their premium from \$2MM to \$3MM.

Councilman Petralanda suggested moving the ramp to another location since there are issues with the current location of the ramp.

City Attorney Seiden reminded Council that the waterway is controlled by South Florida Water Management District (SFWMD) and anything that the City would like to do is subject to their approval and direction.

Discussion ensued regarding a new location next to the railroad track and whether or not it is privately owned.

Councilman Lob commented that he was asked to obtain information about a different lake that he mentioned at the last meeting. He plans to be in that area in a few weeks and he will speak with someone at that time.

Vice Mayor Bain noted that he is also going to look at the signage on I-75 where the airboat ramps are to see what language is posted on the signs.

City Attorney Seiden said that the more the City is involved with regulating the ramp, the more liability there will be.

Vice Mayor Bain stated that the reality is that there are people who are entering the waterway without having to go through the ramp.

City Attorney Seiden commented that from a City perspective, since the City does not regulate nor have jurisdiction over the waterway, it is not the City's issue. As of right now, if a resident were to put their own boat in the canal they will have to deal with SFWMD and not the City of Miami Springs.

Vice Mayor Bain commented that he does not believe that SFWMD is liable if a person were to enter the canal. People are entering the canal at their own risk.

City Attorney Seiden said that Vice Mayor Bain is correct and he is certain that the people who enter the canal have committed some kind of violation. SFWMD has complete jurisdiction over the C-6 canal. They have told the City that they have no issue with the City allowing people to use the canal.

Vice Mayor Bain asked what liability the SFWMD has on the west side of the lot and City Attorney Seiden replied that the lock is impenetrable. He is unsure because anything beyond the lock is within SFWM jurisdiction.

To answer Vice Mayor Bain's concerns, City Attorney Seiden replied that he would imagine that what the Florida League is talking about in terms of City liability is to the current corporate limits of the City which is the FEC railroad trestle.

Vice Mayor Bain asked City Attorney Seiden to find out from the Florida League about the waterway leading into the canal.

Mayor Garcia said that he would like to know all the answers and he would also like the public to know that Council is interested in doing something like this.

Vice Mayor Bain stated that before there is a commitment to any funding, he would like his question answered regarding the waterway coming into the canal and City Attorney Seiden replied that he will ask the SFWMD.

Vice Mayor Bain expressed his concern for why the City would be liable for anything that happens in the canal. He feels that it is the person's responsibility that uses the canal to be aware of what they are doing.

City Attorney Seiden explained that there is a difference between an open waterway and a closed waterway.

Discussion ensued regarding whether or not the City canal is navigable water.

City Attorney Seiden said that it all comes down to the amount of regulations that are put on the canal usage. From a liability standpoint, the City would be better off putting a sign that says that Miami Springs will exercise no jurisdiction over the use of the waterway. As the Chief of Police has said, he does not have adequate funding to actually enforce whatever regulations the City wants to implement.

City Attorney Seiden commented that if the City is going to consider having regulations for the use of the waterway then they have to consider funding positions for the Police Department in order to be able to enforce the regulations.

Councilman Lob clarified that the City can post a sign advising people that the City is not responsible and they can enter the canal at their own risk and City Attorney Seiden advised Council that it does not mean that the City will not be sued or that they should not have insurance.

Council requested additional information from the South Florida Water Management District (SFWMD) regarding the jurisdiction and associated liability in the waterways connecting to the C-6 Canal.

9C) Consideration of Request by Springs on the Green LLC, Principals Mr. /Ms. Manuel Perez-Vichot, to Purchase a Sliver of City Property Adjacent to 627 Eldron Drive in the Amount of One Hundred Fifteen Thousand Dollars (\$115,000)

City Manager Gorland read the memo included in the agenda packet in its entirety.

City Attorney Seiden stated that since Council has received the appraisal there are five steps. The first step is to determine a price. The next step is for the purchaser to submit a contract for the City to review and agree upon. The City has asked that Mr. Perez-Vichot think of some dates for having an election. He hopes to have a contract and a resolution for Council to approve at their next meeting in January. Due to the special provisions in the charter, it says that the City cannot sell, lease or rezone the property without the approval of the voters.

To answer Vice Mayor Bain's question, City Attorney Seiden replied that if the property was leased or used in the same aspect of the Country Club it would still have to be voted on.

Discussion ensued regarding leasing the property.

Vice Mayor Bain asked Mr. Perez-Vichot if he was interested in leasing and his partner, Mr. Aguerrebere, replied that he would have to look into the possibility, but initially land leasing is harder to finance.

Mayor Garcia said that he would like some type of provision where if this project does not occur within a certain amount of time then the property can revert back to the City.

Mr. Aguerrebere stated that the type of provision that Mayor Garcia mentioned had been discussed with City Attorney Seiden and they came up with five years. He suggested flexibility in the case that something happens in the market.

Mayor Garcia said that five years is flexible and if something occurs they can come before Council to ask for an extension, if needed.

Mr. Perez-Vichot agreed that five years is acceptable.

Vice Mayor Bain asked if Council would create the zoning for the property once a vote has been passed and City Attorney Seiden replied affirmatively.

Mayor Garcia said that he will look at the zoning regulations and advise City Attorney Seiden if he is going to limit the acceptable uses within the contract.

Councilman Windrem commented that Mr. Perez-Vichot is setting the example for hopefully the next few decades of development.

City Attorney Seiden clarified that the City would not be considering the sale of the property to anybody. This property owner has been tied to this property since the Golf Course was owned by the City of Miami. The only reason they are here for consideration is because of the Charter amendment that requires the approval by the voters. Any use within the Airport Golf District will be a permissible use.

Mayor Garcia said that he does not want to slow the process down. He asked what the next step was and City Attorney Seiden replied that Council should vote on a price and give direction to Mr. Perez-Vichot to prepare a contract.

Mayor Garcia suggested that Council stay with the appraisal that was given to them by the City appraiser.

Councilman Lob moved to accept the second appraisal of \$115,000. Councilman Windrem seconded the motion.

To answer Vice Mayor Bain's question, City Attorney Seiden explained that Council is telling Mr. Perez-Vichot what the City accepts and he can submit any contract they would like.

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

Mayor Garcia stated that the City Council is in favor of this occurring. He would also like for the City to do some kind of factual marketing campaign to circulate to the residents at a minimal cost.

Mr. Aguerrebere said that they have plans on sending out factual information. He suggested sharing it with Council beforehand and the City can endorse it.

10. New Business:

10A) Education Advisory Board Recommendations

1. Recommendation that the City of Miami Springs work together with the District to achieve the Anti-Defamation League's No Place for Hate status at Miami Springs Elementary School.
2. Recommendation that the City Council work with the District in establishing a partnership with Miami International Airport that specifically leads to student internships and part-time jobs for OJT students from Miami Springs Senior High School and to consult Dr. Sean Gallagan at George T. Baker Aviation if need be.
3. Recommendation that the City Council work with the District in hosting an Art Show that showcases the work of senior citizens and students from the Miami Springs schools.
4. Recommendation that the City Council work with the District in establishing a partnership with the Miami Springs Historical Society so that students can benefit from innovative ways in sharing the history of the community.

City Manager Gorland read the memo in the agenda packet in its entirety.

Mayor Garcia said that if Council is in agreement with these items he would like for them to be added to the compact with Miami-Dade County Public Schools.

Councilman Windrem asked if there is a cost associated with item one and Education Advisory Board member Kim Werner replied that there is a cost of \$1,200 to train the school but it does not necessarily have to come from the City.

Mayor Garcia clarified that by Council supporting these items they are not agreeing to the funding which is not to say that the Board cannot come to Council to ask.

City Attorney Seiden suggested that Council get some more detail for each item from the Education Advisory Board.

Mayor Garcia asked that Ms. Werner speak with the Board in finding out what actions, if any, are required from the Council for these items.

Councilman Petralanda said that he was able to speak with Education Advisory Board Chair John Salomon and what the Board would like is for Council to make connections with the airport.

Councilman Lob said that he would like direction as to what the Education Advisory Board wants Council and Staff to do besides saying that they will back the recommendation.

Ms. Werner said that she would take the question back to the Board and ask specifically what the Education Advisory Board needs to present to Council next time.

City Attorney Seiden was of the opinion that the City could not address the recommendation regarding Baker T. Aviation School without first consulting with the School Board, or making it part of the education compact. All the recommendations seem to meet the criteria.

By consensus, Council granted conceptual approval to the Education Advisory Board for all four recommendations.

10B) Interlocal Agreement Between the City of Miami Springs and the Village of Virginia Gardens Relating to Transportation Services

City Manager Gorland stated that this is a request to approve an Interlocal Agreement between the City of Miami Springs and the Village of Virginia Gardens relating to transportation services for a three-year renewal of a contract that termed out a short time ago.

The City Manager said that he spoke with Virginia Gardens' Mayor Deno and he supports the agreement.

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

Councilman Petralanda asked if the City is adding more stops to the circulator route and the City Manager responded that the Shuttle stops along the route when people flag it down and the formal stops are only for time consideration.

To answer Councilman Petralanda's question, City Manager Gorland explained that the agreement will continue based on what was agreed upon in the past; the route is changed as needed.

City Attorney Seiden explained that the purpose of the agreement is because the Village of Virginia Gardens contributes funds to the City of Miami Springs and there must be a document that evidences the transaction.

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

10C) Intergovernmental Agency Agreement Between the City of Miami Springs and Miami-Dade County to Perform Traffic Engineering Functions for the Installation and Maintenance of Designated Types of Traffic Control Devices on Local Municipal Streets Regarding Starbucks/Stadnik Pedestrian Crossing on Curtiss Parkway

City Manager Ronald K. Gorland read the title of the Intergovernmental Agency Agreement for the installation and maintenance of designated types of traffic control devices regarding the Starbucks/Stadnik pedestrian crossing. He said that this is a necessary step in order to install a more modern type of pedestrian warning for the crosswalk, which is a very dangerous spot.

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

Councilman Windrem feels this is very important. He recently spoke with a resident who complained about the crosswalks not having enough light at night. This is important since the City is a pedestrian friendly place and there needs to be as much modernization to help contribute to this reputation.

City Attorney Seiden commented that this item is similar to the boat ramp; the City is now assuming a responsibility for the installation and any liability that flows from it; this is the reason the County wants the City to sign the agreement that basically states the City is responsible.

To answer Vice Mayor Bain's question in regard to funding, City Manager Gorland responded that the project is still in the early stage and the cost is unknown. If possible, funding will come from the Citizen's Independent Transportation Trust (CITT) funds. The City's Police Department enforces the intersection by writing tickets and there is a program to create awareness for the people who travel the incoming bridge.

Councilman Lob asked if the City has had any recent discussions with the County in regard to modifying the traffic circle and the City Manager responded that there had not been any further discussions because the change involved a \$1MM+ plan that the City would have to fund.

Vice Mayor Bain suggested tabling the item pending a presentation of what the plans entail for the intersection.

City Manager Gorland explained that the only change is the installation of new lighting.

Vice Mayor Bain requested information on the cost of the new lighting and the source of funding.

The City Manager commented that the agreement does not commit the City to spending any funds.

City Attorney Seiden noted that the agreement gives authorization to the City to install the new lights and there is a sheet attached to the agreement with proposed figures.

City Manager Gorland felt that it is important to approve the agreement in order to move forward.

The City Attorney clarified that if Council approves the agreement nothing can move forward until Council approves the funding.

Vice Mayor Bain reiterated that he would like to see a detailed proposal and the expense should be covered by CITT funds.

Mayor Garcia assured Council that this is only a concept and no costs will be incurred unless they are approved by Council first.

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

10D) Resolution No. 2013-3607 – A Resolution of the City Council of the City of Miami Springs Requesting that Miami-Dade County Approve and Authorize the Co-designation of the 100 to 300 Block of Curtiss Parkway Fronting Grace Lutheran Church at 245 Curtiss Parkway as “Pastor Schmidt Way”; Requesting Authorization for the Placement of Proper Recognition Signage; Effective Date

City Attorney Seiden read the resolution by title.

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

10E) Discussion Regarding Application Fees for Variance Requests to the Board of Adjustment and Board of Appeals

City Manager Gorland read the agenda packet memo in its entirety.

Vice Mayor Bain expressed his concern that the fees are too high. He does not see why the fee cannot go back to \$100 like it was before. He was unaware that the fees increased this much and it was brought to his attention in regard to an issue with a variance.

Councilman Lob asked if the City can charge for a variance but not charge for an appeal and City Attorney Seiden replied that the City cannot do that.

City Attorney Seiden stated that Council can reduce the fees to something commensurate with the time that is put into the variances or appeals. The City is way below all standards and the process loses money.

City Attorney Seiden explained that Mr. Holland did a fabulous job and he was able to reduce the number of variance cases. He believes that \$350 for a variance case is well within respectful limits based upon the work that is involved in the process.

Mayor Garcia said that he is in favor of the current fees. He asked that Council be provided with a list that breaks down the costs associated with a variance request.

Councilman Petralanda stated that the City should lower the price if possible.

City Attorney Seiden said that he was not involved in the fee change but in his opinion, he would reverse the fees to \$500 for a variance and \$350 for an appeal because that is more reflective of the time that is required to get the work done.

Discussion ensued regarding hardships in variances.

Vice Mayor Bain moved to reduce the variance fee to \$100 and the appeals fee to \$100 for residents and \$350 for variances and \$600 for appeals for commercial. Councilman Lob seconded the motion.

City Manager Gorland explained that the commercial projects have required a great deal of work on inspections which can be charged for but just tracking them has become very labor intensive. In general, the City is staying within the State limits.

To answer Mayor Garcia's question, City Manager Gorland stated that if the City underestimates additional costs and the City does not have the ability to recover the fees then the funds come from the general fund.

Discussion ensued regarding the budgetary process and using general fund monies.

Vice Mayor Bain asked where the cost of variances is shown in the budget and Mr. Alonso replied that he would need to complete a separate analysis of the time involved in the process and compare that to the revenues in order to show whether the fee covers the cost or not.

Vice Mayor Bain said that he would like to see how Council made the decision to increase the fees.

City Attorney Seiden stated that he was not present when the decision was made but he assumes that there was testimony from the Building Department that estimated the time. The memo specifically tells Council how much time is devoted from staff time and other outside time.

Discussion ensued regarding the staff time being spent on variances.

Vice Mayor Bain would like to know what the extra funds are to justify the increase in variance and appeals fees.

City Attorney Seiden explained that if there is no charge for in-house labor and there are a few variance cases, then the \$350 will be spent on his time.

Mr. Alonso explained the budget process for FY12-13 and the fact that there was a deficit and changing the fees would bring in an additional \$97,000 in revenues for that year. One of the main reasons for the increase in fees was to help balance the budget.

Vice Mayor Bain withdrew his motion and Councilman Lob withdrew his second to the motion.

Mayor Garcia asked that the Administration provide Council with a brief list of fees that have been increased over the last five years.

Vice Mayor Bain would like to see the revenues that the Building Department has brought in over the last two years.

Councilman Lob stated that he would like to see the costs that the Building Department has incurred over the last two years.

Council directed the Administration to prepare a cost analysis of the Staff time spent processing variances and appeals and bring back the information to Council at the next meeting.

10F) Circle Closure Discussion

City Manager Ronald K. Gorland read the memo provided in the agenda packet in its entirety. He recommended that the number of Circle events be limited to no more than five that require full closure of the Circle; partial/full closings will be done for major events expecting attendance of 1,000 or more; no closings will last for more than five hours, except for the River Festival and certain events will be encouraged to move to Curtiss Parkway.

Mayor Garcia commented that this item came about because of complaints from businesses in the area stating that their sales dropped when small events were held on the Circle. He suggested pointing people in the direction of Curtiss Parkway when there is someone interested in having an event. The City Manager will still have discretion over the size of events occurring in the City.

Councilman Lob moved to approve the guidelines for Circle closing. Councilman Windrem seconded the motion which was carried 5-0 on roll call vote.

11. Other Business:

11A) Scheduling of a Workshop Meeting in January 2014, to Discuss Code Revisions

Council scheduled a Workshop meeting to discuss Code revisions on Wednesday, January 15, 2014 at 7:00 p.m.

12. Reports & Recommendations:

12A) City Attorney

City Trademarks

City Attorney Seiden referred to previous discussions regarding the registration of City trademarks and the change in the law that will not allow registration of government trademarks. The attorney suggested that if the City wanted some protection it could adopt ordinances in order to protect against the use of City trademarks.

To answer Mayor Garcia's question, City Attorney Seiden said that the ordinance would probably have to be some type of injunctive relief because what the City is looking for is to prevent someone from using the City trademarks.

By consensus, Council agreed that City Attorney Seiden should draft the appropriate ordinances.

Resolution - Street Safety

City Attorney Seiden reported that Council received a copy of a South Miami resolution asking the County for more authority regarding street safety and traffic calming installations within their municipality. He asked Council if they were willing to pass a resolution to the County on the same basis.

By consensus, Council agreed to discuss the resolution at their next meeting.

City Clerk Position

City Attorney Seiden said that Mayor Garcia requested information in the nature of a legal opinion from him during the last meeting regarding the process for the selection of a City Clerk and individual interviews. He spoke with a representative of the Attorney General's Office of the State of Florida, Joe Centorino from the Miami-Dade Commission on Ethics and the City Attorney for the City of Coral Gables.

City Attorney Seiden explained that Mr. Centorino and the representative from the Attorney General's Office both seem to discourage the process without providing any kind of support and that it in fact is illegal by nature. The City Attorney for Coral Gables was whole heartedly in favor because it was the process that was used to hire him.

Attorney Seiden said that some Council members may want to have individual interviews and others may not. He suggested that Council interview the applicants during the January 8, 2014 Special meeting and they can reduce the selection to a lesser number, and then have individual telephone interviews or conferences with the applicants if they choose to do so.

City Attorney Seiden said that after the individual interviews, Council would then hold a final interview and they would reduce the selection or choose one at that time.

To answer City Attorney Seiden's question, Mayor Garcia commented that he does not want to reduce the number of applicants until he has gotten a chance to speak with them.

12B) City Manager

City Events

City Manager Gorland reported on all the events going on this month that are available online and in the Gazette. He reminded parents to get wristbands for their children for the Christmas at the Gazebo.

Classic Car Show

City Manager Gorland noted that the car show had a good turnout.

Jim Holland

City Manager Gorland stated that Staff is distraught over the loss of Jim Holland. He encouraged men to not deny pain and go to the doctor if they have chest pain.

12C) City Council

Due Date

Councilman Windrem commented that his son's due date is seven weeks from tomorrow.

Driver's License Renewal

Councilman Windrem said that he had the pleasure of having his license renewed at the Senior Center and he was there for no more than five minutes.

Jim Holland

Councilman Windrem noted that he had lunch with Jim at the Rotary Club meeting. He was a great guy and he misses him.

Happy Holidays

Vice Mayor Bain wished everyone a Merry Christmas and a Happy New Year.

Thank You

Vice Mayor Bain thanked City Attorney Seiden for “putting up” with him. He said that Attorney Seiden is a professional who is only protecting the City and he always respects his decision.

Classic Car Show

Councilman Petralanda said that the Circle looked great for the Car Show. He gave kudos to Public Works, Police and the Recreation Department for their hard work.

Christmas Caroling

Councilman Petralanda reported that the Miami Springs Senior High School students sang holiday songs at the Senior Center. They may be going back to sing again soon.

Jubilee

Councilman Petralanda reported that the Royal Poinciana United Methodist Church will be having students from Hialeah Middle School, Historical Society member and afterschool members from the church performing a Jubilee on Friday, December 14th at 7:00 p.m.

Happy Holidays

Councilman Petralanda wished everyone Happy Holidays.

Jim Holland

Councilman Lob gave his condolences to the Holland family. He said that Jim was a tremendous asset to the City and he is sorry to lose him.

Graduation

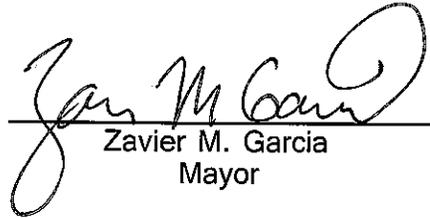
Councilman Lob stated that his daughter is graduating from the University of Florida this weekend.

Jim Holland

Mayor Garcia extended his condolences to the Holland family. Jim went with him to the Rotary Club Luncheon and he is glad that he invited him. He was an incredible man and those who had the opportunity to meet him knew that he really cared about his job. He had a reputation of doing what is right regardless of any political influence and he always stood his ground.

13. Adjournment

There being no further business to be discussed the meeting was adjourned at 9:32 p.m.


Zavier M. Garcia
Mayor

ATTEST:


Suzanne S. Hitaffer, CMC
Acting City Clerk



Approved as written during meeting of: 01-13-2014

Transcription assistance provided by Elora R. Sakal.

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