



CITY OF MIAMI SPRINGS, FLORIDA

Mayor Billy Bain

Vice Mayor Mara Zapata, Ph.D.
Councilwoman Maria Puente Mitchell

Councilman Bob Best
Councilman Jaime Petralanda

Decorum: "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium."

CITY COUNCIL REGULAR MEETING AGENDA **Monday, April 9, 2018 – 7:00 p.m.** **City Hall, Council Chambers, 201 Westward Drive**

- 1. Call to Order/Roll Call**
- 2. Invocation:** Vice Mayor Zapata

Salute to the Flag: Audience will lead the Pledge of Allegiance and Salute to the Flag
- 3. Agenda / Order of Business**
- 4. Awards & Presentations:**
 - A) Recognizing Mr. William Talbert III President & CEO and members of the Greater Miami Convention & Visitors Bureau (GMCVB) for their partnership with Miami Springs
 - B) Presentation by Nancy Voye of the Rotary Club on the doggy waste station program
- 5. Open Forum:** Persons wishing to speak on items of general city business, please sign the register located on the speaker's stand before the meeting begins. This portion of the meeting also includes any pre-screened video submittals. *The purpose of Open Forum is to encourage residents and members of the public to address their concerns and make comments on any item. The City Council will not enter into a dialogue at this time. City staff will gladly address any question, issue, and/or comment after the meeting. The Mayor is the presiding officer of all Council meetings and shall conduct the meetings accordingly.*
- 6. Approval of Council Minutes:**
 - A) March 26, 2018 – Regular Meeting
- 7. Reports from Boards & Commissions:** None.
- 8. Public Hearings:** None.

9. Consent Agenda: (Funded and/or Budgeted)

10. Old Business:

- A) Traffic study for the South Royal Poinciana lane and speed limit change

11. New Business:

A) Ordinance – First Reading – An Ordinance Of The City Of Miami Springs, Florida, Amending Chapter 54, “Tree Protection Program,” Of The City’s Code Of Ordinances To Regulate The Planting And Maintenance Of Trees In Close Proximity To Overhead Utility Lines; Providing For Conflicts; Providing For Severability; Providing For Inclusion In The Code; And Providing For An Effective Date

B) Resolution – A Resolution Of The Mayor And The City Council Of The City Of Miami Springs, Florida, Urging State Legislators To Amend The State’s Every Student Succeeds Act (Essa) Plan; Providing For Transmittal; And Providing For An Effective Date

C) Resolution – A Resolution Of The Mayor And The City Council Of The City Of Miami Springs, Florida, Establishing An Auditor Selection Committee Pursuant To Section 218.391, Florida Statutes; Providing For Committee Membership; Providing For Committee Duties; Providing For Authorization; And Providing For An Effective Date

- D) Approval of Free Movie Night and miscellaneous costs

12. Other Business:

- A) Presentation by B&A and Lifespan on new Senior Center

B) Discussion item requested by Councilman Jaime Petralanda on renaming a street after Mary Ann Goodlet Taylor

13. Reports & Recommendations:

- A) City Attorney
- B) City Manager
- C) City Council

14. Adjourn

Please visit www.miamisprings-fl.gov for current meeting schedule or follow us on  Twitter @MIAMISPRINGSFL

Live streaming video of this meeting is available at <http://www.miamisprings-fl.gov/webcast>.

Anyone wishing to obtain a copy of an agenda item may contact the City Clerk at (305) 805-5006, download the complete agenda packet from www.miamisprings-fl.gov or view the materials at City Hall during regular business hours.

Pursuant to Florida Statute 286.0114, the City Council provides the public with a reasonable opportunity to be heard on all matters.

If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such

purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. 286.0105), all of which the City does not provide.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 201 Westward Drive, Miami Springs, Florida 33166. Telephone: (305) 805-5006, no later than seven (7) days prior to the proceeding.

Pursuant to Sec. 2-11.1 (S) of the Miami-Dade County Code and Miami Springs Code of Ordinances Chapter 33 - §33-20, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk.



City of Miami Springs, Florida

City Council Meeting

Regular Meeting Minutes

Monday, March 26, 2018 7:00 p.m.

Council Chambers at City Hall

201 Westward Drive, Miami Springs, Florida

- 1. Call to Order/Roll Call:** The meeting was called to order by the Mayor at 7:05 p.m.

Present were the following:

Mayor Billy Bain

Vice Mayor Maria Puente Mitchell

Councilman Bob Best

Councilman Jaime A. Petralanda

Councilwoman Mara Zapata (Absent)

City Manager/Finance Director William Alonso

City Clerk Erika Gonzalez-Santamaria

City Attorney Dan Espino

City Attorney Haydee Sera

Assistant City Manager Tammy Romero

Police Chief Armando Guzman

City Planner Chris Heid

Public Works Director Tom Nash

- 2. Invocation:** Offered by Councilman Best

Salute to the Flag: The audience led the Pledge of Allegiance and Salute to the Flag

- 3. Agenda / Order of Business**

No changes were made at this time.

- 4. Awards & Presentations:**

A) Presentation from Stephanie Delvalle, President of the Miami Springs Anchor Club and Kathleen Doyle, President of the Miami Springs Pilot Club

Kathleen Doyle provided information on the recent accomplishments of the Anchor Club, such as first place in areas of community service, environmental projects and overall service to name a few. She then introduced Claudia Corjuo, member of the Anchor Club, who provided an oral presentation on the updates that the Club did at the Curtiss Mansion garden.

- B) Yard of the Month Award for April 2017 – Maritza Prats – 193 South Drive

Mayor Bain presented Ms. Prats with the Yard of the Month award. Ms. Prats was present to accept the award. She thanked the Mayor and Council for the recognition.

5. Open Forum: The following members of the public addressed the City Council: Diane Burkhardt, 480 S. Royal Poinciana Boulevard and Carlos Lumpuy 181 Hammond Drive.

6. Approval of Council Minutes:

- A) March 12, 2018 – Regular Meeting

City Clerk Erika Gonzalez corrected the minutes by stating that Ms. Nery Owens needed to be added to Item 8A as a speaker on the item.

Councilman Best moved to approve the minutes of March 12, 2018. Councilman Petralanda seconded the motion, which carried 4-0 on roll call vote. The vote was as follows: Vice Mayor Mitchell, Councilman Best, Councilman Petralanda and Mayor Bain voting Yes; Councilwoman Zapata was absent.

7. Reports from Boards & Commissions: None at this time.

8. Public Hearings:

A) **Ordinance – Second Reading** – An Ordinance Of The City Council Of The City Of Miami Springs, Florida, Approving A Small-Scale Amendment To The City’s Comprehensive Plan, Changing The Future Land Map Designation From “Religious Institution” To “Single Family [Residential]” Of A Certain ±0.24 Acre Parcel Of Land Located At 427 S Esplanade Drive In The City Of Miami Springs; Providing For Transmittal; And Providing For An Effective Date

City Attorney Dan Espino read the Ordinance by title and gave a brief introduction on the process. Planning Director Chris Heid provided a brief summary on the applicant’s request.

Mayor Bain opened the public hearing. The following members addressed the City Council: Debra Ferrero, 219 Miami Springs Avenue, Irela Castillo, 449 Esplanade Drive, Evelyn Palmeiro, 941 Raven Avenue, Patsy Lopez, 421 Forest Drive (spoke on a different matter). Mayor Bain closed the public hearing.

After some discussion, Councilman Best moved to approve the Ordinance on second reading. Councilman Petralanda seconded the motion, which carried 4-0 on roll call vote. The vote was as follows: Vice Mayor Mitchell, Councilman Best, Councilman Petralanda and Mayor Bain voting Yes; Councilwoman Zapata was absent.

B) **Ordinance – Second Reading** – An Ordinance Of The City Council Of The City Of Miami Springs, Florida, Approving A Rezoning From P-2 Church Use To R-1B Single Family Residential Of A Certain ±0.24 Acre Parcel Of Land Located At 427 S Esplanade Drive In The City Of Miami Springs; And Providing For An Effective Date

City Attorney Dan Espino read the Ordinance by title.

Mayor Bain opened the public hearing. There were no speakers at this time. The Mayor closed the public hearing.

Councilman Best moved to approve the Ordinance on second reading. Vice Mayor Mitchell seconded the motion, which carried 4-0 on roll call vote. The vote was as follows: Vice Mayor Mitchell, Councilman Best, Councilman Petralanda and Mayor Bain voting Yes; Councilwoman Zapata was absent.

9. Consent Agenda: (Funded and/or Budgeted)

A) **Resolution** – A Resolution Of The Mayor And The City Council Of The City Of Miami Springs, Florida, Approving A Contract For The City’s Fourth Of July Fireworks Display In An Amount Not To Exceed \$16,000.00 Between The City Of Miami Springs And Fireworks Displays Unlimited, LLC/Fireworks Displays Unlimited, Inc.; Waiving Competitive Bidding Procedures; Providing For Authorization; Providing For Implementation; And Providing For An Effective Date

Assistant City Manager Tammy Romero read the Resolution by title and the staff memo for the record.

Councilman Petralanda moved to approve the Resolution as read. Vice Mayor Mitchell seconded the motion, which carried 4-0 on roll call vote. The vote was as follows: Vice Mayor Mitchell, Councilman Best, Councilman Petralanda and Mayor Bain voting Yes; Councilwoman Zapata was absent.

10. Old Business:

A) **Resolution** – A Resolution Of The City Council Of The City Of Miami Springs Providing For The Third Budget Amendment To The Fiscal Year 2017-18 Budget By Increasing The General Fund Budget To Provide For Citywide Tree-Trimming Costs; Providing For Intent; Specifying Compliance With Budgetary Processes And Procedures; Providing For Implementation; And Providing For An Effective Date

City Manager William Alonso read the Resolution by title and the staff memo for the record. Public Works Director Tom Nash provided information and answered the Council’s questions.

Councilman Best moved to approve the Resolution as read. Vice Mayor Mitchell seconded the motion, which carried 4-0 on roll call vote. The vote was as follows: Vice Mayor Mitchell, Councilman Best, Councilman Petralanda and Mayor Bain

voting Yes; Councilwoman Zapata was absent.

11. New Business:

A) **Resolution** – A Resolution Of The Mayor And The City Council Of The City Of Miami Springs, Florida, Endorsing And Supporting The Miami-Dade Transportation Planning Organization's Strategic Miami Area Rapid Transit (“Smart”) Plan; Providing For Transmittal; Providing For Implementation; And Providing For An Effective Date

City Manager William Alonso read the Resolution by title and the staff memo for the record.

Vice Mayor Mitchell requested that additional language be added to the Resolution to allow the use of mass transit at the local level such as shuttle service to the metrorail system and to promote local public transit connectivity.

Councilman Best moved to approve the Resolution with Vice Mayor Mitchell’s amendment with additional language. Councilman Petralanda seconded the motion, which carried 4-0 on roll call vote. The vote was as follows: Vice Mayor Mitchell, Councilman Best, Councilman Petralanda and Mayor Bain voting Yes; Councilwoman Zapata was absent.

B) Discussion on Traffic Study for the South Royal Poinciana lane and speed limit changes

Vice Mayor Mitchell requested that this item be deferred to the next meeting, April 9th to allow for other members of the community whom are interested in discussing the matter return from spring break. The City Council gave general consensus to defer the item to the next meeting.

12. Other Business: None at this time.

13. Reports & Recommendations:

A) City Attorney

City Attorney had no report at this time.

B) City Manager

City Manager William Alonso updated the Council on the upcoming presentation by the engineering company hired to assist in the construction of the new senior center. He stated that they will have a presentation at the next Council meeting to go over the design of the proposed facility.

City Assistant Manager Tammy Romero provided reminders for upcoming events such as the Cafecito with a Cop and the Visitor Center Ribbon Cutting at City Hall on March 28th, and she stated that the Recreation Department is currently offering registration information for a variety of summer camps for kids of all ages.

C) City Council

Councilman Petralanda thanked Recreation Director Omar Luna and his staff for an outstanding Easter Egg Hunt event on Saturday.

Vice Mayor Mitchell thanked the City Manager, Assistant City Manager, Tammy Key and Ana Hume from Professional Services for assisting with the recent map and brochure on the City which was produced by the Greater Miami Convention and Visitors Bureau.

Councilman Best commented that recently the SPIN bikes mysteriously disappeared for a day and that he received numerous calls as to what happened with the program. He informed residents that all the bikes were picked up for routine maintenance by the SPIN organization and were promptly returned the following day. He stated that in the future the bikes will be maintained in a different schedule so that there are bikes available for use.

Mayor Bain thanked Recreation Director Omar Luna and staff for a wonderful Easter Egg Hunt event. He stated that he announced during the event that he stuffed several eggs with a \$20.00 bill and when everyone heard that they stopped what they were doing and started opening their eggs. He commented it was an enjoyable moment.

14. Adjourn

There being no further business to be discussed the meeting was adjourned at 8:55 p.m.

Respectfully submitted:

*Erika Gonzalez-Santamaria, MMC
City Clerk*

*Adopted by the City Council on
This 9th day of April, 2018.*

Billy Bain, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



AGENDA MEMORANDUM

Meeting Date: ~~03/26/2018~~ 4/9/18 10B

To: The Honorable Mayor and Members of the City Council

From: William Alonso, City Manager *WAL*

Subject: Traffic Study for the South Royal Poinciana lane and speed limit changes

During the March 12, 2018 Council meeting discussion regarding the South Royal Poinciana project to address speeding in the area, Council directed Staff to provide a detail of the CITT sources and uses of funds.

Attached is a worksheet Staff prepared showing that of the \$590,000 received annually from CITT and Virginia Gardens, approx. \$451,163 is committed to annual operating expenses as shown in the report. This leaves approx. \$138,837 for other uses and projects. The report also shows approx. \$1,360,000 in projects that Tom Nash has planned over the next few years.

Also attached is the agenda memo and backup used at the March 12 meeting detailing the proposed project.

At this time we need council guidance on spending approx. \$20,000 for the initial traffic study that is required. We will request that the study evaluate the area and provide recommendations on addressing the issues of speeding and traffic flow in that area as well as considering the safety of students and school bus traffic.

CITT FUNDING AND EXPENDITURES ANALYSIS

Revenues from CITT	\$570,000
VG reimbursement	<u>\$20,000</u>
Total revenues	\$590,000

Annual costs which are committed to the following operations:

Shuttle	-\$130,000
Westward Debt Service	-\$72,772
Salary/Benefits -Administration	-\$83,191
Alley and rock grading	-\$15,000
Streetlight repairs	-\$30,000
Sidewalk repairs	-\$100,000
Street sweeping	<u>-\$20,200</u>
Total costs	<u>-\$451,163</u>

Balance for other projects **\$138,837** Available for other projects

The following are some projects that Tom Nash has which need to be funded with CITT over next few years:

<u>Project</u>	<u>Estimated Cost</u>
1) City-wide restriping	\$150,000
2) Repaving projects:	
Westward Dr from Park St to Ludlam Both sides	\$600,000
South Drive from Pinecrest to NW 36th St	\$300,000
Oakwood Dr from South Dr to SRP	\$250,000
200 blk of North Esplanade Dr	<u>\$60,000</u>
Total cost of projects	\$1,360,000



AGENDA MEMORANDUM

Meeting Date: 03/12/2018

To: The Honorable Mayor and Members of the City Council

From: William Alonso, City Manager *WA*

Subject: Proposed project to convert South Royal Poinciana to two lanes in each direction

ICE

In response to Council's request that Staff research the possibility of converting South Royal Poinciana from East Drive to Lejeune into one lane in either direction, Staff contacted the Miami Dade County Traffic Division as well Craven Thompson & Associates, the city's engineers. This project would also reduce the speed limit in that area from 35 MPH to 25-30MPH.

The County has advised us that they have no problems with this project and also approved using painted medians in order to keep costs down. We would need to provide them with the final design plans for their review and approval.

Staff contacted Craven Thompson & Associates, the city's engineers, and requested that they provide an estimated cost of this project. Attached is their estimate along with an exhibit.

1. Step one would be the performance of a traffic study costing approx. \$20,000.
2. Step two is a survey with an approx. cost of \$17,000
3. Step three is design and permitting, approx. cost \$30,000
4. Final step is construction (striping only) approx. cost \$180,000

The total project cost would be approx. \$247,000 for painted medians. They also provided an option for adding 8-100' curbed and landscaped medians along the area, this would cost approx. \$480,000 for a total project cost of \$727,000.

The preliminary analysis done by Craven on the effects on traffic flow of doing this change was that we would probably experience backups during the afternoon rush hours on the westbound lane where the drivers are trying to access the East Drive bridge to Okeechobee. Of course this was a preliminary analysis and the actual effect will not be known until a traffic study is done.

Staff requests direction from Council on whether it wants Staff to pursue this project and if so authorizing the \$20,000 initial cost of the study. The initial cost for this study can be funded with CITT funds.

Per your request, the following is a rough estimate of costs for single-laning Poinciana Blvd. from East Drive to Le Jeune . Although you suggested using striping only, I believe you'll need occasional traffic separators and median islands to truly make it effective. The estimate is based on approximately 3,400 LF of roadway. The attached exhibit is an example of how medians would be intermixed with concrete separators and striping.

Traffic Analysis: \$20,000*
Survey: \$17,000
Design & Permitting: \$30,000
Construction (Striping only) \$180,000

Total (w/o medians) = \$247,000

Add for ± 800 LF of Medians = \$480,000** (9-10' medians)

Total w/ medians = \$727,000

*-based upon previous proposal dated 6-21-16 from Behar
**- assumes curbed and landscaped islands

Tim J. Hall, P.E.
Craven Thompson & Associates, Inc.
3563 N.W. 53rd Street, Ft. Lauderdale, FL 33309

off: (954) 739-6400
mb: (954) 328-7184



ORDINANCE NO. ____ - 2018

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING CHAPTER 54, "TREE PROTECTION PROGRAM," OF THE CITY'S CODE OF ORDINANCES TO REGULATE THE PLANTING AND MAINTENANCE OF TREES IN CLOSE PROXIMITY TO OVERHEAD UTILITY LINES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Miami Springs (the "City") wishes to amend Chapter 54, "Tree Protection Program," of the City's Code of Ordinances (the "Code"); and

WHEREAS, following Hurricane Irma, the City suffered widespread power outages, including those caused by trees and plant growth interfering with and damaging overhead utility lines; and

WHEREAS, the City seeks to regulate the planting and maintenance of trees in close proximity to overhead utility lines; and

WHEREAS, the City wishes to amend Section 54-04, "Tree Planting Standards," to also apply to trees planted on residential and non-residential properties; and

WHEREAS, the City wishes to amend Section 54-06(E) to exempt from permitting fees and excess bulk trash fees any applications for removal of a tree located under or within twenty (20) feet of an overhead utility line; and

WHEREAS, the City Council hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, THAT: ¹

Section 1. **Recitals Adopted.** That the above-stated recitals are hereby adopted and confirmed.

Section 2. **Amending Chapter 54 of the City Code.** That the Code of Miami Springs, Florida is hereby amended by amending Chapter 54, "Tree Protection Program," which Chapter shall read as follows:

Chapter 54 - TREE PROTECTION PROGRAM

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with ~~double strikethrough~~ and double underline.

Sec. 54-01. - Intent.

It is the intent of the regulations contained herein to provide guidelines, controls, and standards for the planting, maintenance, removal and protection of trees within the city. The goal of these regulations is to enhance and insure the continuance of the existing tree canopy within the city so as to provide the community with the health, safety, conservation of energy, general psychological, aesthetic and economic benefits that can be derived therefrom.

Sec. 54-02. - Authority to supervise, enforce, modify and supplement regulations.

- (A) *Staff forester/public works department.* It shall be the duty of the staff forester or a designated representative of the public works department to supervise compliance with the regulations contained herein and to cooperate with, and assist, the code enforcement department in the prosecution of any regulation violation cases.
- (B) *Code enforcement department.* It shall be the duty of the code enforcement department to prosecute violations of the regulations contained herein before the Code Enforcement Board. The code enforcement department may prosecute violations in conjunction and cooperation with the staff forester, public works department, or on its own initiative.
- (C) *Board of Parks and Parkways.* In accordance with the authority granted to this board by §§ 32-30—32-35 of this Code of ordinances, the board shall have the responsibility to study, investigate, develop and recommend to the City Council, at least annually, any modified or supplementary regulations regarding the care, preservation, pruning, planting, replanting, removal, or disposition of trees in the City. In addition, the board shall consider, investigate, make findings of fact, report, and make recommendations regarding any special matter or question referred to it by the City Council.
- (D) *City Council.* The City Council will receive and review all recommendations referred to it by the Board of Parks and Parkways for modification of existing regulations or the addition of supplementary regulations. Any decision to enact regulation modifications or supplementary regulations shall remain within the sole and exclusive legislative jurisdiction of the City Council.

Sec. 54-03. - Definitions.

The following words and phrases shall have the meanings ascribed to them in this section:

Public way. Includes all public streets, roads, boulevards, alleys and sidewalks.

Public area. Includes all public ways, parks and other lands owned or leased by the City.

Tree. Any self-supporting woody plant, usually having a single woody trunk; a potential caliper of two inches or more, and a more or less distinct and elevated head with many branches.

Protected tree. A tree with a minimum caliper of four inches in diameter, one foot above the ground of the species Live Oak, Laurel Oak, Gumbo Limbo, Royal Poinciana, and Mahogany.

Maintenance and protection. Includes all operations of: pruning, spraying, injecting, fertilizing, treating, bracing, doing surgery work, cutting above or below the ground.

Staff forester. The individual appointed to assist the City staff and departments assigned to administer this program by the City Council.

Pruning. The removal of plant parts, dead or alive, in a careful and systematic manner so as not to damage other parts of the plant.

Specimen tree. A tree with any individual trunk which has a caliper larger than 12 inches. All nuisance trees listed in section 54-06(B)(5) are specifically determined to not to be specimen trees.

Tree service/arborist. Any person, company, corporation or service which, for compensation or a fee, performs tree maintenance and protection.

Developed property. Property containing a structure which has a valid certificate of occupancy.

Equivalent replacement. A tree or trees, which due to condition, size and value, is determined by the public works department to be equivalent to the tree to be removed.

Equivalent value. An amount of money which reflects the replacement cost of a tree, (including transportation, planting and initial maintenance to insure survival) based on its size, condition and location, following the international society of arborists tree evaluation formula and the market value.

Topping. A process to flat-cut the top of a tree or to remove more than one-third of the tree crown; hatracking.

Public nuisance. Any tree or shrub or part thereof growing upon private or public property which is determined by the staff forester or public works department representative to endanger the health, safety and general welfare of the City.

Large tree. A tree with a mature height of 40 feet or more in height, a mature canopy wider than 22 feet, and a mature root system wider than 15 feet.

Medium tree. A tree with a mature height of between 26 feet and 39 feet, a mature canopy between 15 feet and 22 feet, and a mature root system between ten feet and 15 feet.

Small tree. A tree with a mature height of 25 feet or smaller, a mature canopy smaller than 15 feet, and a mature root system smaller than ten feet.

Drop-crotch pruning. A specific type of pruning designed to properly reduce the size of trees within the current national arborist association standards, or any subsequent amendments thereto.

Branch collar. Trunk tissue that forms around the base of a branch.

Shade tree. Any tree with a mature crown width that is at least two-thirds of the tree's mature height.

Crown. Main part of the branching of a tree.

Crown width. The width of the crown at its widest point measured on a plane parallel to the ground.

Caliper. A tree measurement that takes the diameter of the tree at 12 inches above the rootball.

Root ball. A group of roots extending from the base of a tree trunk that must be intact when relocating a tree in order to promote survival of the tree.

Nonviable. Not capable of existing and continuing to provide the biological or aesthetic qualities associated with a healthy functioning tree resource.

Effectively destroyed. The cutting, trimming, or damaging of a tree's trunk, branch or root system to the extent that the tree is no longer viable.

Tree removal. Directly or indirectly cutting down, destroying, removing or relocating or effectively destroying (through damaging, trimming, authorizing or allowing the cutting down, destroying, removing, moving or damaging of) any tree.

Sec. 54-04. - Tree planting standards.

The following standards shall be applicable to the planting of all trees within the City, including but not limited to on any City owned or controlled property or right-of-way, and residential or non-residential properties.

- (A) All trees to be planted shall have symmetric crown form, a single trunk or leader, good crown color, no insect damage, well spaced branches, healthy new leaves, healthy well attached bark, strong crotches, adequate root space, and be of at least Florida No. 1 quality.
- (B) All large trees and palm trees to be planted in the swale will be not less than a three inch caliper and 12 feet tall with one main trunk free of branches between five and six feet above ground. All small trees to be planted will be not less than two inches in diameter measured six inches above the ground, and six feet tall.
- (C) All trees shall be planted in line or in an aesthetically ordered manner, except as may be delineated on a landscape plan authorized and approved by the City Council. Large trees shall be planted at a spacing of between 25 and 35 feet from each other; small trees and palm trees shall be planted at a spacing of between ten and 20 feet from each other.
- (D) No tree shall be planted under pre-existing utility lines that will grow to a mature height of more than 24 feet or within 20 feet of such line.

Sec. 54-05. - Tree pruning standards.

The following standards shall be applicable to the pruning of all trees within the City.

- (A) The pruning practices established by the current national arborist association standards, or any subsequent amendments thereto, which are specifically incorporated herein. Copies of these pruning standards shall be maintained by

the public works department and made available for inspection, review and copying.

- (B) All branches too large to be supported by one hand shall be precut to avoid splitting or tearing of the bark. Where necessary, proper equipment should be used to lower large branches or stubs to the ground.
- (C) All cuts shall be made as close as possible to the trunk or parent limb without cutting into the branch collar or leaving a protruding stub. Drop-crotch pruning for overhead utility lines shall be followed.
- (D) All cut limbs shall be removed from the crown upon completion of the pruning.
- (E) Not more than one-quarter of the total crown area should be removed at a single operation. A cutting exceeding this standard will be considered to have rendered the tree nonviable, and shall be presumed, subject to rebuttable evidence to the contrary, to be effective destruction of the tree.
- (F) All trees located on property which are adjacent to any City roadway, alley or other vehicular right-of-way shall have their branches pruned to a clearance height of between 12 and 16 feet, so that no branches shall interfere with the vehicular use of said areas.

Sec. 54-06. - Tree removal standards.

The following standards shall be applicable to the removal of trees within the City.

- (A) It shall be unlawful for any person, directly or by direction, to cut down, destroy, remove or move, or to effectively remove or destroy, through the infliction of damage, any tree within the City without first obtaining a permit from the Building and Zoning Department.
- (B) The following tree removal activities are specifically exempted from the permit, relocation, replacement and mitigation requirements of this chapter:
 - (1) Removal of trees within the property boundaries of developed property which are not specimen or protected trees.
 - (2) Removal of trees for the construction of a new principal single-family residence for an owner-builder so long as the trees are not specimen or protected.
 - (3) Removal of any dead tree.
 - (4) Removal of trees in emergency situations. (See § 54-09 of this chapter for applicable guidelines and provisions).
 - (5) Removal of any of the following nuisance tree species:

	SPECIES	COMMON NAME
(a)	Acacia auriculiformis	Earleaf Acacia

(b)	Albizzia lebbeck	Woman's Tongue
(c)	Araucaria heterophylla	Norfolk Island Pine
(d)	Bambusa vulgaris	Tree Bamboo
(e)	Bischofia javanica	Bischofia
(f)	Brassaia actinophylla	Schefflera
(g)	Casuarina spp	Australian Pine
(h)	Cupaniopsis anacardiodes	Carrotwood
(i)	Enterolobium cyclocarpum	Ear Tree
(j)	Eucalyptus spp	Eucalyptus
(k)	Ficus spp	Ficus
(l)	Grevillea robusta	Silk Oak
(m)	Hibiscus tiliaceus	Mahoe
(n)	Melaleuca quinquenervia	Melaleuca
(o)	Metopium toxiferum	Poison Wood
(p)	Psidium quajava/littorale	Guava
(q)	Ricinus communis	Castorbean
(r)	Sapium sebiferum	Chinese Tallow Tree
(s)	Schinus terebinthifolius	Brazilian Pepper
(t)	Syzygium cumini	Java Plum
(u)	Thespesia populnea	Mahoe

- (6) Removal of any tree which has been destroyed or effectively destroyed by an act of God, or by acts outside the control of the legal, beneficial or equitable owner of the real property in which the tree is located, and which acts could not have been prevented by the exercise of reasonable care.
 - (7) Removal of any tree by the City in accordance with the authority and administrative discretion provided in § 54-08 of this chapter.
 - (8) Removal of specimen or non-specimen mango and avocado trees.
- (C) All of the aforesaid trees listed in division (B) of this section which are dead or effectively destroyed, shall be removed by the property owner, without any permit, relocation, replacement or mitigation requirement, so as to protect adjacent properties from damage that may be caused by the dead or effectively destroyed trees.
- (D) *Application for removal permits.* Tree removal permits are required for the removal of any specimen tree not specifically exempted under division (B) of this section. The City shall provide permit application forms which shall be used by permit applicants. An owner, agent of the owner, or lessee of a property may apply for a tree removal permit. If the permit applicant is a lessee, or agent of the owner, a statement from the owner of the property, indicating that the owner has no objection to the proposed tree removal, shall be submitted with the application. The permit applicant shall submit to the City a completed application form which shall include the reasons for the requested removal, the tree size and tree caliper, and the common name of the tree to be removed. Permit application forms shall be accompanied by two diagrams showing the location of the tree to be removed which are subject to review and approval by the Building and Zoning Department. The diagrams shall include the locations of all existing tree resources and all proposed structures or utilities which may require removal or relocation of trees. If the submitted diagrams do not provide sufficient information to determine which trees will be affected by proposed development, the department may require that a tree survey of the site be prepared and submitted to the department for review.
- (E) *Permit fees.* The City shall, by resolution, establish a fee schedule for all matters relating to tree removal, relocation, replacement, monetary contribution, and all administrative reviews necessitated thereby. Applications for removal of any tree located under or within twenty (20) feet of an overhead utility line will be exempt from permitting and any excess bulk trash fees.
- (F) *Review and evaluations of removal permit applications.* A review of each completed tree removal permit application shall be conducted by the Public Works Department. This review and all actions taken by the department shall be conducted under a standard of reasonableness using the best available practices from biology, botany, forestry, landscape architecture and other relevant fields.

(1) *Specimen trees standards.*

- (a) Specimen trees application. Specimen trees shall be preserved whenever reasonably possible. Upon receipt of an application to remove a specimen tree, the department shall consider the following factors in evaluating said application.
 - 1. Size and configuration of the property.
 - 2. Size and configuration of any proposed development.
 - 3. Location of the tree relative to any proposed development.
 - 4. Whether or not the tree can be preserved under the proposed plan or any alternative plan.
 - 5. Health, condition and aesthetic qualities of the tree.
 - 6. Whether the tree poses a threat to persons or property.
- (b) Alternate plans. If, upon review of the aforesaid factors, the department determines that a specimen tree cannot reasonably be preserved under the proposed plan, then the applicant shall provide an alternate plan which shall include preservation of the specimen tree and design alterations consistent with the scope and intent of the initially proposed plan. Alterations consistent with the scope and intent of the initially proposed plan may include, but shall not be limited to:
 - 1. An adjustment of building orientation on a site.
 - 2. An adjustment of lot lines within a site proposal for more than one lot when said adjustment will not cause an unreasonable loss of usable space. An applicant shall have the burden of proof in the determination of what constitutes an unreasonable loss of usable space.
- (c) Specimen tree relocation. If preservation of the specimen tree and any alternate design consistent with the scope and intent of the initial plan are mutually exclusive, then the department may issue a permit to relocate the specimen tree. If the tree removal permit requires relocation, then the applicant shall be required to relocate the tree in a manner that will maintain the canopy within the general vicinity of the removal on the same property or to relocate the tree to a location within the City designated by the Public Works Department.
- (d) Removal of specimen trees. If relocation of the specimen tree is not feasible, due to the size, health, location, species or any other factor, then a permit may be issued for removal, and tree replacement shall be required. The Public Works Department shall designate an equivalent replacement tree or trees and a location within the city for its planting.
- (e) Replacement requirements for specimen trees. In the event that replacement is not feasible on-site, then alternative off-site replacement shall be required, or, as a last alternative, there shall be a contribution

made to the City tree trust fund for the full equivalent value of the replacement tree or trees. This trust fund shall be administered by the City Council so as to insure the prompt planting of replacement trees in an area as closely adjacent as is reasonably possible to the area from which a specimen tree was properly removed.

- (f) Black olive tree removal and replacement. The following policies, standards, and requirements shall be applicable to the removal and replacement of black olive trees in the City.
 - 1. *Private property removal.* If a property owner wishes to remove a black olive tree from a private property site, the existing tree removal procedures in this ordinance must be followed. Mitigation will be in accordance with existing rules and standards if the tree is not causing damage to the subject property. However, the amount of mitigation required may be reduced by one-half if, in the sole discretion of the Public Works Department, the subject tree is causing damage to the subject property. In all cases, the property owner shall bear the full cost of removal and disposal of the removed tree. As a condition of removal, the property owner and the City must reach an agreement for the replacement of the removed black olive tree with a City approved tree or for the payment of the required mitigation amount into the City Tree Fund prior to the removal of the specimen tree.
 - 2. *Public property removal.* If a property owner requests the removal of a black olive tree from the City swale or right-of-way property, the decision regarding the removal shall be at the sole and exclusive discretion of the Public Works Department. If removal is permitted, the City shall pay for the cost of removal and disposal of the removed tree, and the adjacent property owner shall be required to pay one-half of the required mitigation for the removed tree prior to the removal of the tree. In addition to the foregoing, the established policy of the City in regard to the removal of black olive trees from public property mandates that no more than 20 such trees shall be removed during any fiscal year of the City and that the City will replace all removed trees during its annual Black Olive Tree Replacement Program.
- (g) Exemption from relocation replacement and contribution requirements. An applicant may be exempt from the relocation, replacement and contributions previously set forth herein under the following conditions:
 - 1. Subject to the review and approval of the City Public Works Department, and upon the submittal of a statement from a landscape architect registered in the state, or from an accredited graduate forester, which indicates that a specimen tree, due to disease, condition, growth habit or any other reasonable botanical

factor, does not provide the aesthetic or environmental contribution associated with the specimen tree. Said statement shall include the specific reason(s) for the claimed exemption.

2. When preservation of the specimen tree would cause an unreasonable risk to existing property.
 3. When a site contains more than one specimen tree, and 50 percent or more of the existing specimen trees and at least 50 percent of the existing specimen tree canopy area is preserved.
 4. When a specimen tree is determined by the Public Works Department to be undesirably located or that it may pose a threat to other adjacent specimen trees.
- (2) *Compliance.* If the application for a tree removal permit is filed in conjunction with the construction and development of real property within the City, no Certificate of Occupancy shall be provided to the subject property until all applicable provisions of this chapter have been met.
- (G) *Tree protection requirements during construction.* During site development, protection requirements for trees designated for preservation shall include, but not be limited to, the following:
- (1) Protective barriers shall be placed around each tree, cluster of trees, or the edge of the preservation area no less than six feet (in radius) from the trunk of any protected tree cluster or preservation area unless a lesser distance is specified by the Public Works Department. Protective barriers shall be a minimum of four feet above ground level and shall be constructed of wood, plastic or metal, and shall remain in place until development is completed and the Public Works Department has authorized their removal. Protective barriers shall be in place prior to the start of any construction.
 - (2) Understory plants within protective barriers shall be protected.
 - (3) No oil, fill, equipment, building materials or building debris shall be placed within the areas surrounded by protective barriers, nor shall there be disposal of any waste materials such as paints, oils, solvents, asphalt, concrete, mortar or any other materials harmful to trees or understory plants within the areas surrounded by protective barriers.
 - (4) Trees shall be braced in such a fashion as to not scar, penetrate, perforate or otherwise inflict damage to the tree.
 - (5) Natural grade shall be maintained within protective barriers. In the event that the natural grade of the site is changed as a result of site development, such that the safety of the tree may be endangered, tree wells or retaining walls are required.
 - (6) Underground utility lines shall be placed outside the areas surrounded by protective barriers. If said placement is not possible, disturbance shall be minimized by using techniques such as tunnelling.

- (7) Fences and walls shall be constructed to avoid disturbance to any protected tree. Post holes and trenches located close to trees shall be dug by hand and adjusted as necessary, using techniques such as discontinuous footings, to avoid damage to major roots.
- (H) *Tree relocation standards.* The relocation of any tree shall be consistent with the following minimum standards:
 - (1) Trees other than palms:
 - (a) Tree roots shall be severed in such a manner as to provide a root ball which is sufficient to ensure survival of the tree when relocated. A sufficiently-sized planting hole shall be provided at the relocation site to ensure successful regrowth.
 - (b) After root severing, adequate time shall be allowed prior to replanting to ensure survival of the tree(s). After root severing and prior to relocation, tree(s), shall be watered a minimum of twice weekly. After relocation, tree(s) shall be watered a minimum of four times each week until the tree(s) are established.
 - (c) During removal and transportation of the tree, the root ball and vegetative portion of the tree shall be protected from damage from wind or injury. Any tree that dies or becomes nonviable within 12 months of relocation shall be replaced.
 - (2) Palm trees.
 - (a) A ball of earth at least one foot from the base of the tree shall be moved with the tree.
 - (b) All fronds on Sable Palms shall be trimmed around the bud prior to relocation.
 - (c) The bud shall be protected from damage or injury during relocation.
 - (d) Any palm that dies or becomes nonviable within 12 months of relocation shall be replaced.

Sec. 54-07. - Tree abuse prohibited.

It shall be unlawful to abuse any protected or specimen trees located within the City of Miami Springs or any other trees located on City owned or controlled property or right-of-way.

- (A) The following acts shall constitute tree abuse:
 - (1) Damage inflicted upon any part of a tree, including its root system, by machinery, mechanical devices, soil compaction, excavation, vehicle accidents, chemical applications, changes to the natural grade, fire, storage or disposal of toxic or hazardous substances, acts of animals.
 - (2) Damage inflicted to or cutting upon a tree which permits infection or pest infestation.

- (3) Cutting upon any tree which destroys its natural shape.
 - (4) Topping; hatracking.
 - (5) Bark removal of more than one-third of the tree caliper.
 - (6) Tearing and splitting of limb ends or peeling and stripping of bark.
 - (7) Use of climbing spikes.
 - (8) Fastening any sign, rope, wire or object by nail, staple, chemical substance, or other adhesive means to, through or around any tree.
 - (9) Any pruning in violation of the practices established by the national arborist association.
 - (10) Any act that would cause a tree to become nonviable.
- (B) Any act of tree abuse that renders a protected or specimen tree to be nonviable or effectively destroyed shall constitute "effective removal" and require full compliance with § 54-06 of this article.

Sec. 54-08. - Public property planting and maintenance standards.

Notwithstanding anything contained in this section to the contrary, the city shall have the sole and exclusive right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public areas, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of all public grounds. The city may remove or cause to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature constitutes a public nuisance or is injurious to sewers, electric lines, gas lines, water lines or other public improvements, or is afflicted with any injurious fungus, insect or pest. This section does not prohibit the planting of trees adjacent to any public ways by adjacent property owners provided that the trees are properly placed and maintained in accordance with the tree planting and maintenance standards contained herein.

Sec. 54-09. - Applicability to utility companies.

Except as may be provided in the "Booklet of Minutes and Agreements" established jointly by Florida power and light company and the ad hoc tree committee on September 23, 1991 (a copy of which is permanently maintained in the public works department and is available for review and inspection), the provisions of this chapter are applicable to all utility companies.

Sec. 54-10. - Emergency provisions.

In the event that it is believed that any tree in the City is in such a hazardous condition so as to endanger the public health, safety and general welfare unless it is immediately removed, the City Manager, or his designee, may verbally authorize the removal of such tree following a personal inspection of the subject tree without the securing of a removal permit as required by this chapter. In addition, the provisions and requirements of this chapter may be temporarily stayed by a majority vote of the City Council following the occurrence of a hurricane, tornado, flood, or other natural disaster.

Sec. 54-11. - Enforcement.

Any violations of the provisions and requirements of this chapter shall be prosecuted on behalf of the City by the Code Enforcement Department before the Code Enforcement Board in accordance with its rules, regulations, and procedures as mandated in §§ 32-65—32-71 of this Code of Ordinances or in accordance with the rules, regulations and procedures contained within the City's Supplemental Code Enforcement Citation System codified in Code of Ordinance § 101-01. Nothing contained herein shall in any way limit any other department of City government from participating and assisting in the prosecution of violations of this chapter.

Section 3. **Conflict.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Inclusion in Code.** That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 6. **Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED ON FIRST READING this 9th day of April, 2018, on a motion made by _____ and seconded by _____.

PASSED AND ADOPTED ON SECOND READING this ____ day of _____, 2018, on a motion made by _____ and seconded by _____.

Vice Mayor Mara Zapata	_____
Councilman Bob Best	_____
Councilwoman Maria Puente Mitchell	_____
Councilman Jaime Petralanda	_____
Mayor Billy Bain	_____

BILLY BAIN, MAYOR

ATTEST:

ERIKA GONZALEZ-SANTAMARIA, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY

RESOLUTION NO. 18-_____

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, URGING STATE LEGISLATORS TO AMEND THE STATE'S EVERY STUDENT SUCCEEDS ACT (ESSA) PLAN; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Every Student Succeeds Act (ESSA) is the latest reauthorization of the Elementary and Secondary Education Act of 1965, whose purpose is to strengthen and improve educational quality and educational opportunities in the nation's elementary and secondary schools; and

WHEREAS, the law has been reauthorized approximately every five years since 1965 yet the central focus on student academic achievement and vulnerable children has remained the same; and

WHEREAS, states' plans for implementation of ESSA are developed by each state's department of education, reviewed, approved, or rejected by each state's governor, and submitted to the Secretary of Education in Washington, D.C. for review to ensure compliance with the law; and

WHEREAS, ESSA requires meaningful stakeholder engagement, however, the United States Department of Education does not compel states to include a description of how they are engaging stakeholders while developing their plans; and

WHEREAS, the Florida plan, submitted on September 20, 2017, denies students access to native language assessments on state content area tests, thereby failing to provide valid means to permit English language learners to demonstrate what they know in a language they understand; and

WHEREAS, the Florida plan excludes subgroups defined by race/ethnicity, language, disability and family income from the accountability system, thereby failing to provide assurance that all schools with consistently low performing subgroups will be identified for targeted support; and

WHEREAS, the Florida plan excludes the state's measure of English language proficiency from the accountability system, thereby eliminating any accountability measure for the schools' important role in teaching the English language to English Language Learners; and

WHEREAS, national civil rights organizations such as the Leadership Conference for Civil and Human Rights, LULAC National, and UnidosUS published

statements decrying Florida's major deviations from the ESSA law enacted by Congress; and

WHEREAS, organizations composed of experts in English language teaching and in policy development for education languages such as Teachers of English to Speakers of Other Language (TESOL) and the Joint National Council on Languages (JNCL) shared their concerns about these flaws in the Florida ESSA plan from the perspective of the academic community; and

WHEREAS, education reform organizations such as the Education Trust and Bellwether Education Partners joined the chorus of critics of the Florida ESSA plan; and

WHEREAS, diverse national organizations such as the NAACP, the National School Boards Association, the PTA, the Urban League, and the Leadership Conference on Civil and Human Rights prioritize the importance of parent and community engagement in the development and implementation of ESSA plans; and

WHEREAS, 90 Florida organizations and advocates, including the Florida PTA, the NAACP Florida State Conference, the Florida League of Women Voters, Fanm Ayisyen nan Miyami/ Haitian Women of Miami, Americans for Immigration Justice, LULAC Florida, Bay Area Regional ESOL, Catalyst Miami, Sant La Haitian Neighborhood Center, the Central and South Florida Councils for Latin American Advancement, the Institute of Mexicans in the Exterior Consultative Committee, Decoding Dyslexia Florida, the Area 4 Family Care Center, the Farmworker Association of Florida, UnidosUS, United Filippiino and American Association, United Teachers of Dade, UTD Retired Chapter, the Florida Association of Bilingual/ESOL Supervisors, the Florida Association of Special Education Attorneys, the Florida Foreign Language Association, the Florida Justice Institute, the Florida Chapter of the National Conference of Puerto Rican Women, Florida Legal Services, International Embassy of the League of United Latin American Citizens, the Hispanic Health Initiatives, Hispanic Services Council, Hispanic Unity of Florida, Latino Justice/PRLDEF, the Legal Aid Society of Palm Beach, Miami-Dade TESOL and Bilingual Education Association, Organize Florida, Pilot Club of Florida, Pinellas County Urban League; Florida Real Talk Coalition for Educational Equity, ReDefiners World Languages, Saint Leo University Bridge Program, Southern Conference on Language Teaching, Spanish American League Against Discrimination, and Sunshine State TESOL, sent a letter outlining their major issues with Florida's ESSA plan to state and national policy makers; and

WHEREAS, at the July 30, 2012 conference call meeting of the ELL Subcommittee of the State's Task Force on Inclusion and Accountability, nationally recognized Miami-Dade Superintendent and Task Force member Alberto Carvalho summarized the subcommittee's priorities for Florida Department of Education draft

legislation, including two recommendations now incorporated into ESSA: students' access to native language assessments on state content area tests and inclusion in the accountability system of the state's measure of English language proficiency (Available at Subcommittee on English Language Learners Conference Call - July 30, 2012, <http://data.fldoe.org/winmed/esea/ESE73012.wmv>); and,

WHEREAS, state accountability system law does not factor in student subgroups' test scores, English Language Proficiency exam scores, or native language assessments as ESSA now requires; therefore, Florida law is in conflict with federal law; and,

WHEREAS, the Florida plan and Florida statutes do not meet the letter and intent of the law to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and close educational achievement gaps;

WHEREAS, strengthening historically underserved communities and fostering economic development through quality education is consistent with the principles of the City of Miami Springs (the "City") Council and relevant to our major activities;

WHEREAS, the City Council finds that this Resolution is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Urging Revision to State ESSA Plan. The City Council hereby urges elected and appointed state policy makers to amend accountability system legislation to resolve conflicts between state and federal law, revise the state ESSA plan to bring about congruence with ESSA requirements, and adopt a statutory definition of meaningful stakeholder engagement so that all students receive the support and attention they deserve through the implementation of ESSA. The City Council further insists that the U.S. Office of Education reject any ESSA plan that fails to serve the interests of marginalized students in the state, fails to document meaningful stakeholder engagement, and fails to comply with requirements of ESSA described above.

Section 3. Transmittal. The City Council hereby directs the City Clerk to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the State Board of Education, the Commissioner of the Florida Department of Education, and the members of our state and congressional delegations.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Vice Mayor Mara Zapata	_____
Councilman Bob Best	_____
Councilwoman Maria Puente Mitchell	_____
Councilman Jaime Petralanda	_____
Mayor Billy Bain	_____

PASSED AND ADOPTED this 9th day of April, 2018.

BILLY BAIN, MAYOR

ATTEST:

ERIKA GONZALEZ-SANTAMARIA, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY



AGENDA MEMORANDUM

Meeting Date: 04/09/2018
To: The Honorable Mayor and Members of the City Council
From: William Alonso, City Manager 
Subject: Audit Firm Selection Committee

The City's contract with our external Auditors Caballero Fierman Llerena + Garcia LLC has expired with the conclusion of the Fy2017 audit. The City is currently in the process of preparing a Request for Proposal (RFP) for the upcoming FY2018 thru FY2022 financial statement audits.

In accordance with the State of Florida Statutes, an audit firm selection committee must be appointed to go through the firm selection process and present Council with their recommendations. During our last process in 2013 the committee members were:

1. Ron Gorland, City Manager
2. Jan Seiden, City Attorney
3. Pete Baan, Police Chief

We would respectfully request that Council approve the following three appointees to make up the selection committee for 2018:

1. Armando Guzman, Police Chief
2. Bill Collins, Human Resources Director
3. Tom Nash, Public Works Director

These appointees are familiar with the selection process and provide the expertise necessary to select our Auditors.

RESOLUTION NO. 18-_____

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, ESTABLISHING AN AUDITOR SELECTION COMMITTEE PURSUANT TO SECTION 218.391, FLORIDA STATUTES; PROVIDING FOR COMMITTEE MEMBERSHIP; PROVIDING FOR COMMITTEE DUTIES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 218.391(2), Florida Statutes, requires the governing body of a municipality to establish an auditor selection committee for the primary purpose of selecting an auditor to conduct the municipal audit required by Chapter 218, Florida Statutes; and

WHEREAS, the City of Miami Springs (the "City") previously selected an auditor in 2013 and the existing contract for auditing services is scheduled to expire, thereby necessitating the establish of the auditor selection committee to assist the City Council in selecting an auditor through a competitive bidding process; and

WHEREAS, Section 218.391(4)(d), Florida Statutes, authorizes the City Council to designate the City Manager to negotiate with the selected firm on behalf of the City Council; and

WHEREAS, the City Council finds that the establishment of an auditor selection committee and designation of the City Manager to negotiate on behalf of the City Council is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Committee Established. The City Council hereby establishes the Auditor Selection Committee (the "Committee") pursuant to Section 218.391, Florida Statutes.

Section 3. Committee Composition. The Committee shall be comprised of the following individuals: Armando Guzman, Miami Springs Chief of Police; Bill Collins, Miami Springs Human Resources Director; and Tom Nash, Miami Springs Public Works Director. The City Manager is authorized to appoint an alternate member should a member of the Committee be unable to serve.

Section 4. Committee Duties. The Committee shall have the primary purpose of assisting the City Council in selecting an auditor to conduct the City's annual financial

audit. The Committee's specific duties shall be those duties specified in Section 218.391(3), Florida Statutes. The Committee may also serve other audit oversight purposes.

Section 5. Negotiations. The City Manager is authorized to conduct negotiations with the selected firm on behalf of the City Council, pursuant to Section 218.391(4)(d), Florida Statutes.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by _____ who moved its adoption. The motion was seconded by _____ and upon being put to a vote, the vote was as follows:

Vice Mayor Mara Zapata	_____
Councilman Bob Best	_____
Councilwoman Maria Puente Mitchell	_____
Councilman Jaime Petralanda	_____
Mayor Billy Bain	_____

PASSED AND ADOPTED this 9th day of April, 2018.

BILLY BAIN, MAYOR

ATTEST:

ERIKA GONZALEZ-SANTAMARIA, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

WEISS, SEROTA, HELFMAN, COLE & BIERMAN, P.L.
CITY ATTORNEY



AGENDA MEMORANDUM

Meeting Date: 04/9/2018

To: The Honorable Mayor Bain and Members of the City Council

From: Erika Gonzalez, MMC, City Clerk

Subject: Approval of Movie Night and Miscellaneous Costs

Commissioner Rebeca Sosa and State Representative Bryan Avila would like to host a movie night on Friday, May 4th to be held at Curtiss Parkway just south of the Circle. The movie provided will be "Star Wars, The Force Awakens" to celebrate the "May the Fourth be With You" (May 4th theme). There will be food trucks available at the event as well. There will also be a costume contest, cotton candy machine and popcorn machine provided by the Representative and the screen and movie provided by Commissioner Sosa.

Last year, the Council had approved the expenditure of \$200 for a half page ad in the Gazette as well as \$1,317 in other costs related to Public Works Services (\$400), Police Services (\$600), additional advertising (\$167) and portable toilets (\$150) for a total of \$1,517.00.

It is requested that this amount also be considered for this year's event. Funding is available from Council's Circle Events Fund as approved in the 17/18 budget.



AGENDA MEMORANDUM

Meeting Date: 4/9/2018

To: The Honorable Mayor Billy Bain and Members of the City Council

From: Tammy Romero, Assistant City Manager

Subject: Review Presentation of Schematic Design and Approve Design Development and Construction Documents of the new Senior Center/multi-purpose facility

Since the time Council approved the execution of contracts with LifeSpan Design Studio, LLC on November 14, 2016 and Bermello, Ajamil & Partners, Inc. (B&A) on November 13th, 2017, staff has met with both firms on several occasions to launch the project programming/ master planning and schematic design of the new multi-purpose Senior Center Facility.

B&A and LifeSpan teams are here tonight to present the Schematic Design which includes the following:

- **Illustrative Site Plan** which identifies placements of the new center, parking lot, landscape areas, and other recreational areas on the property.
- **Floor Plan** which shows the layout of the building and furnishings.
- **Program Plan** which outlines the project's components.
- **Project Renderings** which shows computer-generated renderings of the facility as true as possible to the design.

After review of the presentation, we ask that Council provide comments of any adjustments needed for the project, otherwise, if Council approves the schematic design here before you tonight, the design teams will begin preparing the Design Development and Construction Documents which will include plans, elevations, typical construction details, layouts of building systems, and detailed specifications (including shop drawings, product data, samples and other similar submittals) needed for advertising and competitively bidding the project for construction.

The competitive bid process is expected to take place towards the end of summer and we expect to come again before Council for approval of a construction contractor around fall/winter.