



**AGENDA INFORMATION**  
**CITY OF MIAMI SPRINGS**  
**CITY COUNCIL**

**Regular Meeting**

**Monday, May 23, 2011**

**7:00 p.m.**

**Mayor Xavier Garcia**

**Vice Mayor Bob Best**

**Councilman Dan Espino**

**Councilman George V. Lob**

**Councilwoman Jennifer Ator**

**City Manager James R. Borgmann**

**Assistant City Manager Ronald K. Gorland**

**City Attorney Jan K. Seiden**

**City Clerk Magali Valls**





## ***CITY OF MIAMI SPRINGS, FLORIDA***

**Mayor Xavier Garcia**

**Vice Mayor Bob Best  
Councilman George V. Lob**

**Councilman Dan Espino  
Councilwoman Jennifer Ator**

**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".

### **AGENDA REGULAR MEETING Monday, May 23, 2011 7:00 p.m.**

- 1. Call to Order/Roll Call**
- 2. Invocation:** Mayor Garcia  
  
**Salute to the Flag:** "I Led the Pledge" – Miami Springs Elementary School Students
- 3. Awards & Presentations:**
  - A) Certificates of Recognition to Springs River Festival Art and Writing Contest Winners**
- 4. 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

**5. Approval of Council Minutes:**

- A) 05-09-2011 – Regular Meeting

**6. Reports from Boards & Commissions:**

- A) 04-25-2011 – Board of Appeals – Minutes
- B) 05-10-2011 – Recreation Commission – Cancellation Notice
- C) 05-12-2011 – Board of Parks and Parkways – Minutes
- D) 05-19-2011 – Historic Preservation Board – Cancellation Notice
- E) 05-24-2011 – Ecology Board – Cancellation Notice

**7. Public Hearings:**

- A) Second Reading – Ordinance No. 1018-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-011, Utility Shed, by Providing a New Method of Calculating the Permitted Size of Utility Sheds on Residential Homesite Properties; Identifying a Further Limitation on Permitted Shed Sizes; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 5-9-2011 – Advertised: 5-11-2011)

**8. Consent Agenda:**

- A) Recommendation that Council Approve an Expenditure in an Amount Not to Exceed \$20,072.36 to Lou's Police Distributors, Inc., the Lowest Responsible Proposer, for the Purchase of Police Uniforms, Pursuant to Section 31.11 (E) (2) of the City Code
- B) Recommendation that Council Award a Bid to Wrangler Construction, Utilizing Florida City Contract in the Amount of \$21,600.00, Pursuant to Section 31.11 (E) (5) of the City Code for New Sidewalk Installation in Various Locations
- C) Resolution Exercising Renewal Option for Extension of Professional Services Agreement with Limousines of South Florida to Provide Community Transit and Other Related Services

**9. Old Business:**

- A) Appointments to Advisory Boards by the Mayor and Council Members
- B) Supporting Color Palette Code Addition/Amendment Discussion
- C) Florida League of Cities Conference Ad Design
- D) Westward Drive Charter Amendment Petitions
- E) Using Historic Tax Credits to Help Finance the Curtiss Mansion Renovation
- F) City Manager Job Description and Qualifications
- G) Code Compliance Sign Ordinance Discussion
- H) Ecology Board – Commercial Recycling
- I) Strategic Planning Retreat – Proposed Compromise

**10. New Business:**

- A) Part-Time Year Round Budget – Recreation Department
- B) Recommendation that Council Award a Bid to Thyssenkrupp Elevator Americas, Utilizing Miami-Dade County Bid # 1233-5/19, in the Amount of \$52,276.00, Pursuant to Section 31.11 (E) (5) of the City Code for Emergency Upgrade and Replacement of Elevator at City Hall
- C) Resolution – Resolution No. 2011-3516 - A Resolution of the City Council of the City of Miami Springs, Authorizing and Approving the Submittal of an Application for a 2011 Transportation Enhancement Program (“TEP”) Grant Administered by the State of Florida Department of Transportation; Authorizing Execution of the Required Grant Application Documentation by the Proper Officers and Officials of the City; Effective Date
- D) First Reading – Ordinance No. 1019-2011 - An Ordinance Of The City Council Of The City Of Miami Springs, Florida Amending Code Of Ordinance Section 113-11, Failure To Make Affidavit, By Enacting A Provision Which Requires The Securing Of A Business Receipt For Occupying A Designated Business Location In The City; Repealing All Ordinances Or Parts Of Ordinances In Conflict; Effective Date
- E) Children’s Covenant in Support of Public Education for our Community

**11. Other Business:**

- A) Consideration of Change of July 4<sup>th</sup> Parade Route
- B) Consideration of Proposal to Host a Fallen Officer Ceremony on June 11, 2011, the 20<sup>th</sup> Anniversary of Officer Stafford's Death

**12. Reports & Recommendations:**

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

**13. Adjourn**

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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.

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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 (7) days prior to the proceeding.

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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.

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## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, May 9, 2011, at 7:00 p.m.

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

The meeting was called to order at 7:02 p.m.

The following were present:

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

Also Present:

- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Finance Director William Alonso
- Golf Director Michael W. Aldridge
- Golf Superintendent Sandy Pell
- Recreation Director Omar L. Luna
- Building & Zoning Office Supervisor Harold "Tex" Ziadie
- Deputy City Clerk Suzanne S. Hitaffer

### **2. Invocation:** Councilman Espino offered the invocation.

**Salute to the Flag:** Students from Miami Springs Elementary School led the audience in the Pledge of Allegiance and Salute to the Flag.

Mayor Garcia presented baseball caps to the students who participated in the "I Led the Pledge".

**3. Awards & Presentations:**

**3A) Presentation of Pioneer Resident Award to James G. Caudle**

On behalf of Mayor Garcia, Vice Mayor Best presented the Pioneer Resident Award to former Councilman James G. Caudle in recognition of his contributions to the community as a resident for more than sixty years.

Former Councilman Caudle introduced his wife, children and grandchildren who were present.

**3B) Certificate of Sincere Appreciation to Carl Malek**

Mayor Garcia presented a Certificate of Sincere Appreciation to Carl Malek, a member of the Ecology Board who unselfishly gives his time year after year to conduct a clean-up of the canal bank and the Circle in Miami Springs.

Mayor Garcia thanked Mr. Malek for all his work and time to make sure that Miami Springs stays beautiful and clean.

Mr. Malek said that the Boy Scouts and the Lions Club deserve recognition for having cleaned the canal banks for many years. He thanked Middle School teacher Ana Ferrer and the Environmental Club, as well as the High School Anchor Club for participating in the clean-up.

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Mayor Garcia asked that each Councilmember respectfully request to speak through the Chair in order to maintain decorum during the meetings. By following this procedure the discussions will be more orderly and everyone will be given their opportunity to speak.

City Attorney Jan K. Seiden explained that many elected bodies ask for the floor through the Chair before expressing their opinions. This will allow everyone an opportunity to speak and everyone will not be speaking at the same time.

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**4. Open Forum:**

**City Manager**

Former Councilwoman Helen Gannon congratulated the Mayor and Council. She said that City Manager Jim Borgmann is a huge Florida Gator fan and an even bigger Miami Springs fan. He is a man who has done everything in the City and she has never seen him upset or be discourteous to anyone. During his transition in leaving the City, she hopes that all have an opportunity to show him the appreciation for the job that he has done.



**Code Violations**

Former Councilwoman Helen Gannon was of the opinion that the City is losing its beauty. She noted there are code violations in regard to cars parking on lawns, illegal parking of commercial trucks and taxi cabs, and people living in garages. She hopes that the code compliance staff will canvass the city to look for illegal living quarters and bring the city back to how it used to be.

**Construction Site**

Freddie Caldera of 480 Minola Drive complained about the dust from the construction work site next door to his home. He asked the Building Department Staff if there were any regulations and they told him there was nothing they could do. He still has dust on his car and on the walls of his house.

Assistant City Manager Gorland will follow-up with Mr. Caldera.

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Lorraine Tappen, Senior Planner with Calvin Giordano & Associates referred to a letter she sent to the City regarding the Abraham Tract and requested that it be attached to the Revitalization and Redevelopment Ad-Hoc Committee minutes.

Ms. Tappen distributed color palette brochures that the City can use to clearly show property owners what colors they are required to use when they paint or re-paint their buildings on N. W. 36<sup>th</sup> Street and all other commercial areas. She also left a digital copy on a CD with the Assistant City Manager and a color palette board for the Building and Planning Department with color paint chips.

City Attorney Seiden said that the color palette board should never leave the City Hall because it identifies the Benjamin Moore color numbers that anyone can take to any paint store.

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**Thank You**

Nery Owens of 332 Payne Drive thanked Council for painting the Tot-lot that looks beautiful.

**5. Approval of Council Minutes:**

**5A) 04-25-2011 – Regular Meeting**

Minutes of the April 25, 2011 Regular Meeting were approved as written.

**Councilman Lob moved the item. Vice Mayor Best seconded the motion, which was unanimously carried on roll call vote.**

**6. Reports from Boards & Commissions**

**6A) 04-14-2011 – Board of Parks and Parkways – Minutes**

Minutes of the April 14, 2011 Board of Parks and Parkways meeting were received for information without comment.

**6B) 04-18-2011 – Revitalization and Redevelopment Ad-Hoc Committee – Minutes**

Minutes of the April 18, 2011 Revitalization and Redevelopment Ad-Hoc Committee meeting were received for information.

Councilman Lob said that the Committee made a recommendation for looking into the possibility of having university students test the new Code by actually designing a building for N. W. 36<sup>th</sup> Street. This is an item he would like Council to discuss.

Councilwoman Ator stated that she attended the Revitalization and Redevelopment Ad-Hoc Committee meeting and their recommendation to hold a design competition or have university students work on a design for N. W. 36<sup>th</sup> Street was very interesting. The Architectural Review Board also indicated that there was lack of vision and she would suggest that someone from the Ad-Hoc Committee attend the Architectural Review Board meeting to discuss the issue.

Councilman Lob clarified that there are two separate issues; one is a review of the new district boundary regulations and the other was for the design competition.

Councilwoman Ator agreed there were two ideas presented by the Ad-Hoc Committee. She said that university students would form teams and use the Code regulations in order to design a building that the City would not want.

Councilman Espino stated that Committee member Joe Valencia presented the idea to “debug” the Code. It would be a group project and there would be several renditions of what market conditions would permit on N. W. 36<sup>th</sup> Street.

Councilwoman Ator reiterated her suggestion for sending the recommendation to the Architectural Review Board so that they could add to the conversation.

City Attorney Seiden suggested asking Ad-Hoc Committee member Joe Valencia to join him at the June 1<sup>st</sup> Architectural Review Board meeting since he is attending that night.

**6C) 04-19-2011 – Education Advisory Board – Minutes**

Minutes of the April 19, 2011 Education Advisory Board meeting were received for information without comment.

**6D) 04-21-2011 – Historic Preservation Board – Minutes**

Minutes of the April 21, 2011 Historic Preservation Board meeting were received for information without comment.

**6E) 04-26-2011 – Ecology Board – Minutes**

Minutes of the April 26, 2011 Ecology Board meeting were received for information.

Councilman Lob stated that the Ecology Board members mentioned for a second time that they were waiting for a response from Council on a recycling letter prepared by Dr. Zapata. He would like a copy of the letter so that Council can discuss it.

Councilman Espino asked if the letter was in regard to commercial recycling. He recalled that Council considered a proposal from Ms. Ferrer at the Middle School in regard to city-wide recycling.

Councilman Lob responded that he had never seen the letter and he would like Council to comment on the content.

Secretary to the Ecology Board Aly Paz explained that it is a commercial recycling memo about the fact that all commercial businesses are required to recycle and the letter was prepared to let them know before they receive violations.

City Attorney Seiden clarified that Council had adopted the County process and it is a matter of notification to the commercial property owners.

**6F) 04-28-2011 – Code Review Board – Cancellation Notice**

Cancellation Notice of the April 28, 2011 Code Review Board meeting was received for information without comment.

**6G) 05-02-2011 – Zoning and Planning Board – Cancellation Notice**

Cancellation Notice of the May 2, 2011 Zoning and Planning Board meeting was received for information without comment.

**6H) 05-02-2011 – Memorial Committee – Minutes**

Minutes of the May 2, 2011 Memorial Committee meeting were received for information without comment.

**6I) 05-03-2011 – Code Enforcement Board – Cancellation Notice**

Cancellation Notice of the May 3, 2011 Code Enforcement Board meeting was received for information without comment.

**6J) 05-04-2011 – Architectural Review Board – Cancellation Notice**

Cancellation Notice of the May 4, 2011 Architectural Review Board meeting was received for information without comment.

**6K) 05-02-2011 – Board of Adjustment – Approval of Actions Taken at their Meeting of May 2, 2011, Subject to the 10-day Appeal Period**

Actions taken by the Board of Adjustment at their meeting of May 2, 2011 were approved subject to the 10-day appeal period.

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

City Attorney Seiden informed Council that there might be an appeal in regard to one of the boat cases and Council agreed to place it on the agenda for May 23<sup>rd</sup> if necessary.

Mayor Garcia stated that he appreciates Council's efforts in working with the advisory boards and reporting their recommendations.

*(Agenda Item 10 H was considered at this time)*

**7. Public Hearings:**

**7A) Second Reading – Ordinance No. 1017-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-046, Home/Business Occupational Use, Establishing Conditions of Eligibility; Specifying Operators; Permitting Limited Signage, Storage and Parking; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 4/25/2011 – Advertised: 4/27/2011)**

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

Attorney Seiden stated that this is the second reading and public hearing on the proposed ordinance. He noted that the requested changes were made in Section (H) (3) and Councilwoman Ator will be abstaining from discussion and from voting on the item.

City Attorney Seiden explained that the ordinance provides for a 6 square foot wall sign and a 6 square foot monument sign. He was thinking that perhaps the monument sign should be larger since it is on the ground; it could be 3' x 4'.

Councilman Espino recommended leaving the size at 2' x 3' since the subject properties would be encroaching residential neighborhoods.

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

**Vice Mayor Best moved the item. Councilman Espino seconded the motion which was carried 4-0 on roll call vote with Councilwoman Ator abstaining.**

**8. Consent Agenda:**

Councilwoman Ator requested to remove items 8B through 8H from the consent agenda for discussion.

**8A) Approval of the City Attorney's Invoice for April 2011 in the Amount of \$12,298.50**

City Attorney Seiden read the title of the award.

There was no discussion regarding this item.

**Councilman Espino moved the consent agenda. Councilwoman Ator seconded the motion which was unanimously carried on roll call vote.**

*(Agenda Items 8B through 8H approved with one motion)*

**8B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$8,000.00, on an "As Needed" Basis, to Turf Choice for Chemicals, Pursuant to Section 31.11 (E) (6) (g) of the City Code**

Assistant City Manager Gorland stated that Golf Superintendent Sandy Pell could answer the detailed questions regarding the items. He read the title of the award. He added that no additional funds are being requested and funds are included in the budget.

Councilwoman Ator said that Council approved certain amounts after the budget passed in October. She asked for further explanation regarding the funding.

Golf Superintendent Sandy Pell explained that the initial purchase orders were placed under the Golf budget and none were placed under Parks. She has been charging both Golf and Parks to the appropriate accounts. These requests are the amounts that remain for Parks with the exception of a couple.

Finance Director William Alonso stated that during the budget process, funds are allocated under operating supplies. Council might approve \$50,000 for the year, but they do not determine who the purchases will be made from. Ms. Pell buys from different vendors during the year depending on the pricing. The memorandum indicates the remaining funds available in the account.

City Attorney Seiden explained that when the purchase order was originally opened it was not opened for the full amount in the budget and this is the balance.

Assistant City Manager Gorland stated that some of the requests might not be for the full balance in the account.

Councilwoman Ator noted that there was a newspaper article regarding the use of bids by Broward County for the purchase of office furniture and since the City relies on bids from other cities she wants to make sure that Council is performing due diligence.

To answer Councilwoman Ator's question, Ms. Pell said that she always gets three prices from vendors and she selects the least expensive. Turf Choice is a vendor that handles ten or fifteen agricultural supplies that are less expensive than piggy backing on a bid. She assured Council that she does a lot of homework on the pricing in order to expand the dollars as far as she can.

Mayor Garcia commended Golf Superintendent Pell.

City Attorney Seiden clarified that 8B is a waiver of competitive bid, whereas 8B, 8C and 8D are piggy-backing off the City of Delray Beach for chemicals and fertilizers, while 8F, 8G and 8H are sole source items.

**Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.**

**8C) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Diamond R. Fertilizer, Inc., Utilizing City of Delray Beach Bid #2010-42, in an Amount not to Exceed \$8,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code**

This item was discussed under 8B.

**Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.**

**8D) Recommendation that Council Award a Bid for Fertilizers and Chemicals to Howard Fertilizer, Utilizing City of Delray Beach Bid #2010-42, in an Amount not to Exceed \$10,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code**

This item was discussed under 8B.

**Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.**

**8E) Recommendation that Council Award a Bid for Fertilizers and Chemicals to, Lesco John Deere Landscapes, Utilizing City of Delray Beach Bid #2010-42, in an Amount not to Exceed \$6,000.00, on an "As Needed" Basis, Pursuant to Section 31.11 (E) (5) of the City Code**

This item was discussed under 8B.

**Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.**

**8F) Recommendation that Council Approve an Expenditure in an Amount not to Exceed \$5,000.00, on an "As Needed" Basis, to Florida Superior Sand, for Topdressing/Amendments/Soil mixes, as a Sole Source Provider, Pursuant to Section 31.11 (E) (6) (c) of the City Code**

This item was discussed under 8B.

**Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.**

**8G) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure not to Exceed \$13,500.00, on an "As Needed" Basis, to Land and Sea for Fuel and Oil, Pursuant to Section 31.11 (E) (6) (g) of the City Code**

This item was discussed under 8B.

**Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.**

**8H) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure in an Amount not to Exceed \$11,500.00, on an "As Needed" Basis, to Hector Turf, for Repairs/Parts, Pursuant to Section 31.11 (E) (6) (g) of the City Code**

This item was discussed under 8B.

**Councilman Lob moved items 8B through 8H. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.**

*(Agenda Item 9D was considered at this time, followed by 10C and 10G)*

**9. Old Business:**

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

Vice Mayor Best (Group I) **re-appointed** Elizabeth Manning to the Education Advisory Board for a full 2-year term ending on May 31, 2013.

Councilwoman Ator (Group IV) **re-appointed** Rob Gordon to the Education Advisory Board for a full 2-year term ending on May 31, 2013.

Councilman Espino (Group II) **re-appointed** Carl Malek to the Ecology Board for a full 3-year term ending on April 30, 2014.

Councilman Espino (Group II) **re-appointed** Arthur Freyre to the Code Review Board for a full 3-year term ending on April 30, 2014.

Councilman Espino said that he would like to refresh the term for Architectural Review Board member Roger Plasencia even though his term is not up.

Mayor Garcia sent a letter to all his appointees requesting a response of their intent to continue serving. He asked the City Attorney if he is required to re-appoint them.

City Attorney Seiden advised the Mayor that he could confirm with the City Clerk that he is not going to make a change of his appointees whose terms are not up. He does not have to officially re-appoint them because they are already appointed. He should confirm any new appointees.

**9B) Discussion Regarding Code Compliance Timelines**

Assistant City Manager Gorland stated that per Council's request a spreadsheet was prepared showing the suggested changes to the current procedures regarding code compliance timelines.



Different code violations have different timelines for compliance depending on whether or not a safety/health issue is involved. The procedures outlined in the spreadsheet are general without specific times allowed for compliance. The spreadsheet is divided with the current procedures on the left and the proposed on the right.

Assistant City Manager Gorland explained that the major change that is suggested is to drop the verbal communication and begin with a written courtesy notice, followed by a written notice of violation letter, Summons to the Board and following through on the actions. Currently it takes three to six months to bring someone to the Code Enforcement Board and the time could be shortened to three months or less.

City Attorney Seiden brought Council's attention to the City code provisions for the Code Enforcement Board and Florida Statute Section 162.06 that states: ". . . *an inspector shall notify the violator and give him or her reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify an enforcement board and request a hearing . . .*"

Councilwoman Ator stated that she appreciates the proposed timeline and it reflects Council's urgency to try to move the process along quicker, as discussed at the last meeting.

To answer Councilwoman Ator's question, Building and Zoning Office Supervisor Harold "Tex" Ziadie explained that courtesy notices are not issued for civil infractions; the first step is a civil infraction notice, followed by a ticket. Painting is not a civil infraction and the first step would be a written courtesy notice giving 30 days for compliance; the second step in the revised procedures would be a formal letter, notice of violation that would be hand-delivered or sent by certified mail to the resident giving a second 30 days and the last step would be a Summons to the Board. This process could take 90 to 120 days.

Councilwoman Ator clarified that the Summons to the Board would come at the 60-day mark, instead of 150 days. She felt that this proposal would address the urgency and hopefully the new staff will also help.

Councilman Espino stated that the new timeline is exactly what he wanted to see. He has not seen the courtesy notice and he wants to make sure that is courteous since people who are being told they are doing something wrong do not respond favorably. He wants to make sure the notice is informative, direct and not seen as punitive.

Mr. Ziadie will provide a sample copy of the courtesy notice that is on a letter size sheet of paper with the City logo at the top. The notice includes a statement that the City would like to keep Miami Springs beautiful and it describes the infraction, address and amount of time for compliance with a copy of the actual code related to the violation.

Mayor Garcia stated that the courtesy notice is placed on the door and it is very official looking. He wants the notice to inform the homeowner that their compliance is greatly appreciated with a friendly notice and positive graphics.

Mr. Ziadie explained that the verbal notice was put into effect as the first step because Mr. Gorland, under Council's guidance, was asked to make the procedure friendly. Code Enforcement was changed to Code Compliance and unless it is a safety issue the first contact is verbal.

**Councilman Espino moved to approve the new code compliance abridged timeline as specified in page two of the memorandum. Councilwoman Ator seconded the motion.**

Councilman Lob asked if it would be possible to give verbal notice for civil infractions in the residential areas.

City Attorney Seiden explained that the ticketing system authorized by the Florida Statutes is based on immediate action, while code enforcement is a delayed procedure. There is nothing wrong with verbal notice, but it would delay the process.

Assistant City Manager Gorland stated that verbal contact takes a great amount of time in following up with the residents to make sure they are at home.

Mr. Ziadie said that there is a request for contact form that is left on the door when residents are not home and they ask the resident to call the office in regard to a possible code violation.

Councilman Espino asked if there had ever been an incident where a verbal notice escalated into a dispute.

Mr. Ziadie agreed that there had been many incidents that escalated into a verbal exchange and accusations of selective enforcement.

Mayor Garcia said that he understands the concerns about keeping the City beautiful; his main concern is related to the commercial areas and enforcement of the codes, although the residential areas are also important.

Assistant City Manager Gorland clarified that Staff is not recommending a "shock type" approach. They are recommending steps to shorten the process and the commercial areas will be addressed in the next agenda item.

**The motion was carried unanimously on roll call vote.**

## 9C) Discussion Regarding Code Compliance Sweep of Commercial Properties

Mayor Garcia called the property owners of 365 Westward Drive to thank them for painting the building a color that happens to be on the color palette. The owner is out of the country and he spoke to his assistant who explained that they have many properties and it was on their list for maintenance; the painting was purely coincidental. He recognized that pressure cleaning and a fresh coat of paint adds life and beauty to a building.

Assistant City Manager Gorland read his memorandum for the record about the activities of the Code Compliance Department:

- 1. Completed revised part-time job descriptions highlighting preference for code enforcement and/or construction experience. An ad has already been placed on the website and in The Miami Herald.*
- 2. Distribution of the new color palette to all commercial property and business owners.*
- 3. Information regarding the upcoming safety and appearance related code compliance sweeps including timelines and code violations being targeted.*
- 4. Providing details of the citation process.*
- 5. Arranging informative Gazette and website articles, mailers and flyers.*
- 6. Developing a monthly or quarterly award program with the Chamber and the Revitalization and Redevelopment Ad-Hoc Committee for Council recognition of property improvement.*
- 7. Preceding will be accomplished with a great deal of communication seeking willing compliance but when compliance is not forthcoming, more aggressive measures will be taken much sooner than in the past.*
- 8. Monthly reporting will be provided to Council indicating case details, status of the "compliance pipeline" and codes that should be considered for tweaking.*
- 9. Codes key to commercial area sweeps include signage and maintenance of property.*

Assistant City Manager Gorland stated that the plan is aggressive and Staff will work with Council and keep them informed of the sweeps to see if they agree. Mr. Ziadie will be cross-training two employees very shortly and he is currently working on an assessment of the commercial areas.

Mr. Ziadie explained that he toured the commercial areas and took photographs of common violations and is proposing a plan of action to clear up the violations. He is ready to make a presentation to Council.

Assistant City Manager Gorland clarified that sweeps are the most convenient approach, however complaints are addressed immediately. In the past, when complaints were made, the Code Compliance staff targeted the complaint as well as other violations within the radius of a few blocks. They will try to stay away from this if possible.

Councilman Lob would like to emphasize the fact that when the process begins he wants Staff to be as cordial as possible, not confrontational, and to stress the seriousness of correcting the violations.

Mr. Ziadie assured Council that part of the training of the new employees will be related to customer service in terms of dealing with the public.

Councilman Espino stated that the property owners should be aware of the common violations and the new color palette. Another issue that has not been addressed is whether or not a building that is not in conformance with the color palette is considered a violation or grandfathered in. Some buildings are making painting adjustments and it is fortunate that the building the Mayor mentioned was within the color palette, but other buildings might not be.

Councilman Espino suggested offering an incentive to owners that paint their buildings by removing any fees or violations they have accrued. He said that paint does not cost a lot and it makes a significant improvement and he would like to enforce the color palette, allowing a certain amount of time for owners to comply.

Councilman Lob agreed that he would like to implement a timetable for conforming with the color palette whether it is six or nine months. He said that many buildings on Westward Drive require painting.

City Attorney Seiden said that as it stands now, every property owner would be grandfathered in since a color palette did not exist until last week. He explained that an ordinance could be adopted that says the color palette has been approved and property owners will be allowed a certain amount of time to amortize the existing paint, including incentives for painting within a certain amount of time up to one year. Compliance with the color palette cannot be imposed at this time without some type of legislation.

Assistant City Manager Gorland felt that the legislation should also include a penalty.

Mayor Garcia would not want to burden the business owners by making them paint the entire building if they can simply remove the mildew and touch up the paint in certain areas.

Attorney Seiden explained that the Mayor's concern could be handled under the present code for maintenance of property, while Councilman Espino is proposing full compliance with the color palette within some period of time.

Councilwoman Ator expressed her concern about offering incentives for violations and removing fines if someone paints their building.

City Attorney Seiden said that the Code Enforcement Board does not appeal to Council; the appeals are taken to the court system and likewise the tickets can be appealed to the Code Enforcement Board. Part of the ordinance could include incentives, based on what needs to be accomplished and the time frame.

Mr. Ziadie clarified that there are no permit requirements or fees for painting.

Councilman Espino explained that his idea for an incentive was not to remove the infraction, only the associated fines.

City Attorney Seiden said that the Code Enforcement Board has a certain amount of jurisdiction in reducing fines. There is a special form and process allowing the board to review the case based upon an explanation or plea to reduce the fine.

Mr. Ziadie stated that based on his sweep of the commercial area, it does not seem that painting is the number one problem; the number one problem is signs and at the appropriate time Council can address the specifics as to how they want to enforce the code. Painting can be addressed under maintenance of property and the color palette is another issue. Since there is no permit required to paint a building the property owners need to be informed of the color palette.

City Attorney Seiden explained that when an ordinance is drafted, it could allow a certain amount of time to comply with the color palette and once that time limit expires it will become a code violation that is subject to a fine.

Councilwoman Ator stated that after reviewing the code for signage she realized that almost no one in Miami Springs is in compliance. She would be very interested in Mr. Ziadie's presentation and would like him to come to the next meeting with all the photographs.

Mr. Ziadie assured Councilwoman Ator that his presentation is ready and it is broken down into the different types of sign violations.

Assistant City Manager Gorland will place the presentation on the next agenda.

Councilman Espino stated that someone that has not painted their building in a long time tried to cover up graffiti with the same color, except that after so many years the original color is significantly faded. He would like to recognize the issue of mismatching paint and hold the commercial property owners up to the same standards as the residents.

Councilman Espino would like to see a discussion on the next agenda related to incentives that could be attached to an amortization code section.

Mr. Ziadie agreed with Councilman Espino that there are many cases of mismatching paint and graffiti that can still be seen.

Councilwoman Ator asked what would be an example of an incentive because she cannot think of any.

City Attorney Seiden said that since there are no fees or fines involved the reality is that an issue related to maintenance of property could be delayed as long as they agree to paint within the period of the amortization.

Councilwoman Ator suggested sending the new color palette brochure with a letter informing the property owner that they have a certain amount of time to paint with follow up reminders for those that do not comply.

Mayor Garcia asked the City Attorney about the legality of making property owners comply with the color palette if they do not have a violation for maintenance of property.

City Attorney Seiden explained that the policy and intent is clear for the record that the City is in a revitalization mode in all commercial areas and as part of the process the first step was to approve the color palette. Council can pass legislation that says that based upon the City's policy and intent that every property must be in compliance with the color palette within a certain period of time. There is really no incentive since there are no permit fees.

Vice Mayor Best said that any property owner who wants to generate business and make money will generally keep their property nice. The problem is the absentee landlords and getting their attention.

Mayor Garcia commented that some landlords live in the City that could improve their buildings and they will not do it. He understands that some landlords are absent but some live in the area and have violations on their commercial properties.

Vice Mayor Best suggested distributing the color palette to all property owners.

**Council directed the Administration to schedule an agenda item for the May 23<sup>rd</sup> Council meeting for a presentation regarding code violations.**

*(Agenda Item 10A considered at this time)*

**9D) Golf Course Marketing Plan**

Golf Director Mike Aldridge presented the Golf Course marketing plan for the summer. He explained that during the upcoming budget workshops he will present the marketing budget for the winter season. He is asking for \$6,018.00 for additional marketing in the late summer in order to be ready for the fall season.

Mr. Aldridge explained that one item is an advertisement in Le Soleil that is a Canadian publication. In addition, the Golf Course will be marketed on “Living Social” and “Group On”. He met with a publicist who is preparing a story for Golf World and other magazines. He was selected by the Golf Channel to give a fifteen minute free lesson at the Golf Course in the month of May.

Assistant City Manager Gorland read the following list of proposed advertising expenditures totaling \$6,018.00:

Insert in the Gazette for May	\$300.00
Advertise in Le Soleil Summer Issue (1)	\$400.00
Advertise in Doral News (1 x per month)	\$800.00
Advertise in The Miami Herald (1 x per month)	\$618.00
Advertise in The Miami Herald (membership)	\$3,000.00
Brochures, Flyers for posting	\$900.00

Golf Director Aldridge added that Miami Springs is one of four golf courses in the Miami-Dade area and persons staying more than two nights at the Marriott will receive a coupon for a free golf pass; they pay a \$20.00 cart fee and the Marriott reimburses the course \$15.00.

Mayor Garcia asked if the insert in the Gazette for \$300.00 included the printing of the material.

Mr. Aldridge explained that \$300.00 does not include printing, although there are funds in a separate account for printing. Most of the advertising dollars were spent and some funds will be transferred from other accounts.

To answer Mayor Garcia’s question, Mr. Aldridge clarified that \$6,018.00 is not a monthly expense; it is the total amount that will be spent in the months of July, August and September. The publications in the Doral News are \$200.00 per month for four months. The advertisement in The Miami Herald is \$103.00 per month for six months and the September membership ad will run for three consecutive Saturdays in September for \$1,000 per ad.

Mayor Garcia asked for more detail on the brochures and flyers for posting.

Mr. Aldridge stated that the banners were placed on Curtiss Parkway today and there are white signs around the driving range and putting green with information on the super twilight rate and the range special. The brochures and flyers will be translated into Spanish and French. CTM is the company that does the graphic design and translation of the brochures that will go out in September.

Councilman Lob asked Mr. Aldridge to check into the possibility of placing decorative banners on N. W. 36<sup>th</sup> Street since it is heavily driven by many people.

Mr. Aldridge reported that seventeen outings were booked for the summer; last year there was only one and that was Blessed Trinity.

Councilwoman Ator asked if there is a cost to the City for “Living Social” and “Group On”.

Mr. Aldridge responded that the internet service is free and there is a gift certificate on-line to play a discounted round of golf.

Councilwoman Ator also asked about the cruise ship guide that was included in the back-up documentation.

Mr. Aldridge stated that he is trying to get involved with the cruise ships so that they can provide information about Miami Springs.

Councilwoman Ator suggested that Mr. Aldridge should make sure that the cruise ships depart from Miami before spending any funds.

Councilman Espino thanked the Golf Director for his efforts to bring people to the Golf Course. He asked if there is a process in place to track the success of any particular marketing effort.

Mr. Aldridge responded that a daily sheet will be placed behind the counter and new golfers will be asked how they heard about Miami Springs. He continued to explain the marketing efforts.

Councilman Espino was surprised that some comments he received about the Golf Course is that the course is very long and it takes a long time to play.

Mr. Aldridge explained that there are four sets of tees and players have the option of playing from the long, standard, senior or ladies tees. Playing from the senior tees makes the game shorter.

Councilman Espino mentioned that some Golf Course Pro Shops are designated as an outlet for a particular golf store as a way to piggyback on their marketing efforts or website.

Mr. Aldridge explained that Edwin Watts has outlets in some golf courses but not that many. He offered to look into the idea.

Councilman Espino reiterated his recommendation to track the information in order to plan for Fiscal Year 2011-2010.

Mr. Aldridge mentioned that the Golf Course would sponsor the district and regional golf championships for the High School and the Middle School.



Mayor Garcia asked if the computer system at the Golf Course could track player information, similar to the RecTrac system that is used at the Community Center. He would like Mr. Aldridge to inquire about the software program.

Assistant City Manager Gorland said that RecTrac could track the information, but the first year it was tested the amount of information and the response time was very slow and people were upset at the counter. He explained that Rec Trac and Golf Trac are the exact same system and with the new server it might be possible.

Mr. Aldridge said that Golf Trac keeps track of members, guests, residents, after 4:00 p.m. play, etc. The super twilight rate is paying off with approximately ten to fifteen players each day.

Vice Mayor Best asked if the Vermont System has the capability to track the information instead of keeping track on a separate piece of paper.

Mr. Aldridge clarified the Vermont System can track the players, but not how the new players heard about the Golf Course.

Assistant City Manager Gorland explained that there might be different system modules that they could look into.

Mayor Garcia emphasized that the Golf Course operation is a top priority.

**Councilman Espino moved to approve an allocation of \$6,018.00 for the Golf marketing plan for the months of June, July, August and September. Councilman Lob seconded the motion, which carried unanimously on roll call vote.**

#### **9E) Discussion Regarding Advertising in the Conference Edition of Quality Cities Magazine**

Councilman Espino stated that he believes the conference ad is a great opportunity to promote Miami Springs through the publication that is distributed to 4,000 regular subscribers, including all the elected officials in the State of Florida, more than 300 attorneys, as well as all the vendors who attend the conference.

Councilman Espino referred to the sample ad for the City of Clearwater, explaining that this was his vision for a potential advertisement for Miami Springs. The City's ad could include the new logo, pictures and scenes of Miami Springs with language congratulating the Florida League on their 85<sup>th</sup> anniversary. The ad would also include a photograph of Council and it would be in line with what Council has been looking at for marketing.

Councilman Espino recommended a full-page color advertisement with scenes and locations from the City, "Living, Working, Playing", "At the Heart of it All", highlight the economic redevelopment efforts, congratulate the Florida League of Cities, showcase the newly elected Council and direct people to the website.

Mayor Garcia said that historically the City has not done image based ads to attract people as Councilman Espino suggested. He explained that \$1,000 is for the full page ad that will show what Miami Springs has to offer. He would like an image ad designed for an additional cost since it will market Miami Springs and its location. Staff can decide who will select the design company and the deadline is June 3<sup>rd</sup>.

Councilman Espino added that the ad could be utilized in the future as a flyer representing the City by removing the reference to the conference.

Vice Mayor Best commented that Council would have to approve the design at the next meeting on May 23<sup>rd</sup>.

**Councilman Espino moved to approve \$1,000 for the ad and up to \$1,000 for the design and production of the ad. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote.**

Council **requested** an agenda item for the May 23<sup>rd</sup> Council meeting to approve the design.

#### **9F) Discussion of Status of Charter Amendment Petition Certification**

City Attorney Seiden stated that per the direction of the City Council he sent a letter to Miami-Dade County Elections Supervisor Lester Sola and the County Attorney's Office on April 27<sup>th</sup> requesting more information on the petitions not meeting the requirements in Miami-Dade County Code Section 23-13. He did not receive a reply to either of the correspondence that was sent and no additional documentation or information was received.

Attorney Seiden explained that as a result of the lack of information from the County Supervisor of Elections, the City Clerk who is the City's Supervisor of Elections, remains unable to fully certify the petitions and signatures in order to make a final decision despite the prior approval of the signatures by the County, accompanied by the qualifying letters of March 25<sup>th</sup> and April 6<sup>th</sup>, which called into question the unqualified certification that she could bring to Council.

At this point in time the following facts are known:

- 1,054 signatures were approved subject to the restrictions and conditions of the two letters from Miami-Dade County Elections.

- The City Clerk, as the Supervisor of Elections for the City has been unable to fully certify the County review and the approval of the signatures due to the restrictions and conditions of the letters.
- The provisions of the Miami-Dade County Code of Section 12-23 (3) (a) through (e) were in some form apparently violated by the petitions and petition organizers.

City Attorney Seiden stated that the City Clerk, as the Supervisor of Elections, must rely on a body that has more resources to handle the verifications that are necessary to reach these decisions. It is clear that all petitions violated County Code provision 12-23 (3) (a) in that the petitions were not in all three languages. Any violations of the provisions of the Code of 12-23 are grounds for disqualification of petitions.

In accordance with Miami-Dade County Code Section 12-23 (2), Attorney Seiden said that it is apparent that the committee proposed and used the wrong form. He stated that the form specified in Section 12-23 basically says that it should be in 12 point font with no more than one signature per page. He further explained that the petition form was approved by the County Attorney in November 2009.

City Attorney Seiden stated that at this point in time it would be appropriate that Council take action based on the opinion of the City's Supervisor of Elections and direct the City Clerk, as the City's Supervisor of Elections to bring back a decision to either disqualify the petitions based on the documentation received from the County or bring it to Council to place the question on the ballot.

Attorney Seiden clarified that according to County Code Section 12-23 (3), regarding disqualification of forms, that decision is to be made by the Supervisor of Elections. If she determines that in fact the petitions should be disqualified for one or more reasons that will be reported to Council.

It is apparent that the City is not going to get additional information and a decision has to be made by the City's Supervisor of Elections, according to Attorney Seiden. She can bring the matter to Council at the next meeting for whatever action is decided and it is her job to make the determination of qualification or disqualification.

Councilwoman Ator explained that even if the signatures are disqualified the question could be placed on the ballot with a majority vote of Council.

Mayor Garcia said that regardless of what the City Clerk recommends as the Supervisor of Elections, it will be Council's decision at that point.

Attorney Seiden clarified that if the City Clerk disqualifies the petitions, then they are disqualified based on her judgment. If Council wanted to waive the disqualification characteristics, that would fall under their jurisdiction. As Councilwoman Ator said, Council can place anything on a ballot that they feel is appropriate by following the proper steps.

Councilwoman Ator reiterated the point that even if the petitions are disqualified, Council can place a question on the ballot without the proper signatures. The Clerk will either say they are disqualified or that it should be put on the ballot.

City Attorney Seiden explained that the question would be placed on the ballot no less than sixty and no more than 120 days from the date of certification. A motion would be appropriate for the City Clerk to no longer wait and to make a decision whether to certify to Council for placement on the ballot or disqualification for no further consideration.

**Councilwoman Ator moved to direct the City Clerk to make a decision whether to certify the results of the petitions based on the information supplied by Miami-Dade County Elections Department or to disqualify them and render a decision to Council and the organizers of the petition drive. Councilman Espino seconded the motion.**

Councilman Lob stated that he has heard and knows for a fact that at least one Hispanic family signed the petition and when it was explained to them what they signed they said that they did not realize what they were signing. Miami Springs is 71.2% Hispanic and it would be a disservice to the citizens to say that the question could be placed on the ballot based on the language only being in English. The correct petition form has been available since 2009, and the circulators of the petition should have done their due diligence. He would like to see the petitions disqualified.

Councilman Espino supported the statements made by Councilman Lob.

Vice Mayor Best said that everyone is aware that the people took their time and effort to put the petition forward, but it is apparent that it was not done appropriately. There might be 71.2% Hispanics in the town and most of them probably speak English quite well and that is not an issue, but it is a technicality that is required by County ordinance for the question to be in three languages.

Vice Mayor Best is certain that the City Clerk will come back and say that the petitions do not express sufficiency to move forward and the group who organized the petition drive can start over again.

Councilwoman Ator said that the City Attorney made it clear that the City Clerk, as the City's Supervisor of Elections has to make the decision and it is inappropriate for Council to influence the Clerk in any way. The Clerk will make a decision based on her integrity and professionalism that she has routinely exhibited without faults for as long as she has known her and as long as she has been doing the job. She is discouraged by everyone giving their opinions and Council should not be influencing a person whose job is mandated by a statutory provision.

City Attorney Seiden stated that his counsel to the Clerk would be to rely upon the same thing she has relied upon every other time she has dealt with an election issue and that is she is bound by the assistance of Miami-Dade County, the procedures, ordinances and provisions of the Miami-Dade County Charter and Code and therefore whatever decision she makes is based upon those issues. All comments made by Council are appropriate to put into the record, but they are irrelevant.

Councilman Espino said that ultimately the issue will come back to Council and that is the time the comments will be relevant. It seems to be the prerogative of the majority of Council not to engage in action that would otherwise waive technicalities and to that end he appreciates the comments made when the time comes.

**The motion was unanimously carried on roll call vote.**

**10. New Business:**

**10A) Proposal from Calvin, Giordano & Associates, Inc. Regarding Zoning Map**

Lorraine Tappen, Senior Planner with Calvin, Giordano & Associates, Inc. presented a proposal to update the City's zoning map. She explained that the current map was last updated in 1993 and since then a number of re-zonings have occurred over time with many designations that do not exist within the current code.

Ms. Tappen said that recently Council designated many new properties as the N. W. 36<sup>th</sup> Street District that is also a new designation in the Code. In the near future, the Code will also include the Airport Golf Area and the Abraham Tract. In order for property owners to have a clear idea of what regulations apply to their property it is important to have an updated zoning map that can be placed on the website.

City Attorney Seiden explained that he would like the City Planner, through the Consultant, to check to see whether the Evaluation and Appraisal Report (EAR) process still applies in light of the new legislation. He said that there were a number of text amendments and designations for the map that were withdrawn at the end of the last EAR process and it was agreed to put them into the next cycle.

Ms. Tappen clarified that the legislature made significant changes in comprehensive planning that might affect the future land use map. The City can make changes to the zoning map whether or not there are any changes to the comprehensive plan. She said that the zoning map is a completely local matter that is not affected by the new legislation.

Ms. Tappen explained that the City Planner is a very good historian of the zoning history and can explain what the regulations are. Based on the new regulations, they will put more of a burden on the City Planner and the updated zoning map will help him move the process forward.

To answer the Mayor's question, Ms. Tappen explained that the cost for updating the zoning map is \$9,860.00.

Councilman Espino asked for more information as to the scope of the work and if it will include the changes that are forthcoming for N. W. 36<sup>th</sup> Street, Airport/Golf and the Abraham Tract.

Ms. Tappen responded that the work order includes work by the Geographic Information Systems (GIS) Department who will get parcel data from the County and each parcel will be individually marked with the specific zoning designation. They will also include streets, the city boundaries and double check to make sure there is proper alignment within the map. Once the map is placed on the website anyone can zoom in and determine accuracy for each parcel and this type of work is easy to update. Planning will assist GIS in a review of the ordinance in order to determine the boundaries and the final delivery will be a hard copy and a digital copy of the zoning map.

Mayor Garcia asked the Administration to explain the source of funding for the expense.

Assistant City Manager Gorland explained that funds are available in the development fund.

Councilman Lob and Councilman Espino asked what the balance in the development fund is.

Mayor Garcia emphasized the importance of an accurate zoning map for future development.

City Attorney Seiden added that hopefully the City is headed into an era of large development on N.W. 36<sup>th</sup> Street and the reality is that an accurate zoning map is a must.

Finance Director Alonso stated that \$280,000 was originally set aside in the designated fund balance, although this expense should really come out of the planning budget. The City Planner does not have the funds within his budget and the expense can come from the fund balance or from the \$280,000 that was set aside for Calvin, Giordano.

Ms. Tappen clarified that the City had approved six work orders to date.

Finance Director Alonso estimated that the work orders totaled between \$70,000 and \$90,000 so far.

City Attorney Seiden advised Council that in order to avoid having to obtain quotes the funds should come from the redevelopment monies allocated for the Consultant. Although the zoning map has some planning significance, it really is a revitalization issue and should be treated as such. The motion could include the finding that it was determined that the development of the map is part of the revitalization process associated with Calvin, Giordano.

**Councilwoman Ator moved to approve \$9,869.00 out of the \$280,000 designated fund balance. Councilman Espino seconded the motion, which carried unanimously on roll call vote.**

*(Mayor Garcia called for a recess at 9:58 p.m. The meeting reconvened at 10:16 p.m.)*

**10B) First Reading – Ordinance No. 1018-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-011, Utility Shed, by Providing a New Method of Calculating the Permitted Size of Utility Sheds on Residential Homesite Properties; Identifying a Further Limitation on Permitted Shed Sizes; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date**

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

Attorney Seiden stated that this is the first reading of the ordinance that is basically a result of the appeal case for the denial of the variance for the size of the shed. He arrived at a formula he felt is most appropriate. The new language states that the rear yard property is multiplied by 5% and that will set the size of the shed. If a backyard is 2,000 square feet it will allow a shed up to 100 square feet. The applicant that filed the appeal has a backyard of 4,465 square feet and he would be allowed a shed of 225 square feet.

The City Attorney included a maximum size shed of 250 square feet and another limitation is in the code that no more than 15% of the rear yard can be covered by accessory structures.

Councilwoman Ator asked about the calculation of the rear yard and City Attorney Seiden explained that the rear yard is a defined term in the definitions.

Councilman Espino said that the ordinance provides for a sliding scale and it has all the necessary caps and checks.

In response to Councilman Lob's comment, City Attorney Seiden explained that he removed the reference to the concrete slab and added the language that it is subject to the applicable rules and regulations of the Florida Building Code.

**Councilwoman Ator moved to approve the ordinance on first reading. Vice Mayor Best seconded the motion, which carried 5-0 on roll call vote.**

**10C) Resolution No. 2011-3514 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting Rules and Regulations for the Recreation Department, Tennis, Racquetball and Basketball Courts, Children's Playgrounds, Gym, Fitness Center and Dog Park; Providing for Longevity of the Rules and Regulations; Establishing Notification Responsibility of the Rules and Regulations; Authorizing Enforcement of the Rules and Regulations; Effective Date**

Nery Owens of 332 Payne Drive stated that the recreation programs and parks are improving since the Parks and Recreation Director was hired. Everything is getting better, gates are locked, the fields look better and the clay is more level. She lives across from Prince Field and can see the improvement every day and she does not have to call the police anymore when kids climb over the fence at Prince Field in the middle of the night.

Ms. Owens applauded Recreation Director Luna and suggested that he could make an assessment of the Golf Course because many public golf courses fall under the supervision of Parks and Recreation.

City Attorney Jan K. Seiden read the resolution by title. He explained that the resolution supersedes Resolution No. 2007-3359 and the rules that Mr. Luna has provided complete each of the individual recreation locations.

Parks and Recreation Director Omar Luna stated that he researched the FRPA and NRPA website to get an idea of the rules and regulations for other parks across the United States and added some provisions that apply to Miami Springs. The general rules will apply to all sites; there are specialized rules for tennis and racquetball courts, rules for children's playground ages 2-5 and 6-12; gym rules for the Community Center and Fitness Center rules, Aquatic Center rules, as well as the Dog Park regulations.

Mr. Luna felt that the rules are very important and the current signage is not consistent. Many times people ask to see the rules and regulations and the proposed resolution will allow enforcement and make the parks safer.

Councilman Lob asked about the regulation prohibiting cooking and barbecuing since the Optimist Club does this at some events.

Assistant City Manager Gorland explained that cooking is only allowed by special permit from the City Manager's Office. The rule applies to people who bring barbecue pits to the parks, which creates a very dangerous situation.

Councilman Lob noted that under the gym rules and regulations no pets are allowed except for those assisting persons with a disability or if a special program is scheduled. He felt this language should be stated on the rules and regulations for each location.

Councilman Lob does not like the fact that no unneutered dogs are allowed in the Dog Park. He understands the reason why, but does not feel that it is right, since many unneutered dogs are not aggressive and the rule stating that "dogs must be removed from the park at the first sign of aggression" would suffice.

Councilman Espino recalled that members of the Dog Park Committee came to Council some months ago and they were huge proponents of the rule in regard to unneutered dogs. He would like to see the rule evaluated with or without the provision.

Vice Mayor Best said that most dog parks in the country where people take their animals have them either spayed or neutered. Those that do not would probably take their dogs to the parks and take the chance that they would be unwanted. The aggressiveness is the main part of his reasoning.



Councilman Lob said that he would vote yes for the resolution, but he personally does not like the rule in regard to unneutered dogs.

Councilwoman Ator knows that there was a concern expressed by the Dog Park committee members about unneutered dogs and she would support this rule based on their recommendation. She questioned the two sets of rules for ages 2-5 and 6-12 since it does not specifically apply to certain parks.

Mr. Luna said that Prince Field is for ages 6-12 and Peavy/Dove is 2-5. Eventually Stafford Park will be 6-12. He explained the components for the different playgrounds and the recommendations of the certified playground safety inspector. He explained that the two sets of rules are basically the same and the manufacturer of the playground equipment will certify the age use for insurance reasons.

Assistant City Manager Gorland explained that the Police were not able to previously enforce the rules and this is the reason for the resolution and the posting of the rules and regulations.

Councilwoman Ator suggested including information that the playground is designed for a certain age group.

Mayor Garcia asked Mr. Luna how he felt about the Dog Park rules and regulations since he met with the committee members.

Mr. Luna responded that his research shows that some parks do not have the rule against unneutered dogs, while many do have the rule. He said that it depends on what the community wants and after speaking with the committee members, 85% wanted the rule included and they are the ones that go to the park every day.

Councilman Espino recommended including the rule and asking the committee members to make an evaluation during the next three to six months and report back on whether or not there has been a decline in aggression.

Attorney Seiden stated that the motion would be to pass the resolution as amended by adding special disability dogs in each rule group. Secondly, the Recreation Director will make an attempt to identify the parks designated for ages 2-5 and 6-12, with a disclaimer or warning for the use of the parks by appropriate age groups.

Mr. Luna also wanted to include no loud music at the parks so that the rule could be enforced.

**Councilman Espino moved to approve the resolution and recreation general and specific rules and regulations as amended. Councilman Lob seconded the motion, which carried unanimously on roll call vote.**

**10D) Resolution No. 2011-3515 – A Resolution of the City Council of the City of Miami Springs Establishing a City Youth Advisory Council; Providing for Council Membership, Appointment Procedures, Term of Membership, Meetings of the Council, Council Officers and Duties, City Support Services, School Support Services, Absences of Members, Applicable Law, Council Duties and Responsibilities; Continuity of Council; Effective Date**

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

Attorney Seiden stated that this is the resolution that Council requested that establishes the Youth Advisory Council that would be effective at the beginning of the next school year. He added language in section (8) that the school support services are on a rotating basis as may be determined jointly by the schools nominating members of the Council, at least one adult advisor shall be provided for all Council meeting and activities.

Councilman Espino said that he had proposed that the chairmanship of the council should be vested in the High School appointee and that could be added in Section 6.

**Councilman Espino moved to approve the resolution as amended. Councilwoman Ator seconded the motion, which carried unanimously on roll call vote.**

**10E) Proposal for the City of Miami Springs to Host a Strategic Planning Retreat**

Councilman Espino stated that he would like Council to consider his proposal to host a strategic planning retreat on a weekend as outlined in his memorandum of May 3, 2011. He asked to determine if there is a consensus to move forward with his proposal so that it can be brought back for consideration in regard to what issues Council would like to discuss, which will determine the number of break-out sessions.

Councilman Espino explained that participation would include Council, delegates, City Staff and Administration and the meeting would be open to the community. The planning retreat would include many areas to be addressed all at once for the purpose of assembling goals and policies for each section. He provided additional information from the International City/County Managers' Association, followed by a step-by-step guide from a publication on that website and information from other cities.

Councilwoman Ator commented that she is a great proponent of strategic planning and she is very interested in doing strategic planning. The problem she sees is that the way it is being proposed is not really feasible for a variety of reasons. It seems almost like a "charrette" because it is open to all residents and she understands the purpose, but it is not strategic planning as proposed.

Councilwoman Ator felt that the example from Titusville gave the best example of a strategic planning workshop because it had the Mayor, Council members, City Manager, Senior Staff and it was facilitated by someone from outside the City and this is extremely important, if not imperative. In order to have a good strategic planning retreat someone should be well qualified and versed in strategic planning in order to lead the meeting and move it in the right direction.

Councilwoman Ator pointed out that another concern is the schedule with the break out sessions with the various committees and every session must be recorded to be in the Sunshine and there are not enough people in the Clerk's office to accommodate the recordings. This is a very large challenge that is very unfair to the City Staff the way it is set up. She clarified that she does not oppose strategic planning as a general rule, but the way it was presented is not the way to go.

Mayor Garcia said that he is sure Councilman Espino appreciates the feedback from Council and he had said that he was only trying to determine if Council is willing to proceed with something like he is proposing. The Mayor agreed with Councilwoman Ator that a third party is definitely needed to facilitate the meeting, as well as planning for how the Staff would be able to record the sessions and transcribe the minutes.

Mayor Garcia stated that he would approve of some type of strategic planning and see how other cities have done it in order to make it happen. He thanked Councilman Espino for bringing his idea to the table.

Councilwoman Ator asked for the Administration to bring back a plan and what it would entail so that Council could see it in multiple ways with different participants, such as Mayor, Council, Administration and Staff or Mayor, Council, Administration, Staff and delegates or with Mayor, Council, Administration, Staff, delegates and anyone else who wants to come. These are three different global groups and Council should consider all options in order to evaluate the cost, benefit analysis and the reality of the logistics.

Vice Mayor Best applauded Councilman Espino for developing the concept. In his opinion, he does not see the proposal as strategic planning; it is more of a grandiose town meeting. There have been a few of these types of meetings over the years on specific issues and the issues should first be identified that Council will discuss; they should be minimized and in order to get results, there must be views presented from the majority of the people. He does not disagree with the idea in principle and there is nothing wrong with getting public input as long as it is effective.

Councilman Lob would like to do something like Councilman Espino's proposal with a strategic session. He knows that Delray Beach did something similar with 100 citizens participating and there are facilitators that put sessions like this together. He suggested contacting a few facilitators to see what it would involve because it could be beneficial to have a vision in planning for the future. It would be a great idea if it is done right with a moderator as Councilwoman Ator suggested.

Mayor Garcia said that Councilman Espino is proposing an idea for Council's consideration and comments. He asked if Council could compose ideas to structure a strategic planning session and send it to each other.

City Attorney Seiden clarified that all correspondence must go through the City Clerk as a public record and she would handle the distribution. There would be no discussion or responses. In addition, there should be an agenda item on the next City Council meeting to allow transparency and all comments come to the surface.

Mayor Garcia said that at some point in time Council could hold a Workshop Meeting to discuss only this one particular item because it warrants the attention in regard to revitalizing the commercial areas. He explained that there is no rush; it might take three or four weeks to gather ideas and it could be discussed at a meeting in August.

City Attorney Seiden added that Council could ask the City Administration to develop logistics as to how it would be handled. It is a situation that applies to the Sunshine Law so there would have to be minutes taken and a recording at each of the tables that the groups break into. It is a matter of equipment and Staff.

Councilwoman Ator stated that it is not a bad idea to hold a town meeting or a charette, but strategic planning involves a third party facilitator amongst Staff and Council. She said that there should be more details presented.

**Councilman Espino moved to continue the meeting until 11:15 p.m. Councilman Lob seconded the motion, which carried 4-1 on voice vote with Councilwoman Ator casting the dissenting vote.**

Councilman Lob commented that he does not want Council to be responsible for running the meeting. He said that Delray Beach actually developed a plan for what the City will look like in the future. This could also be the purpose of the City's planning session.

Councilman Espino thanked the Mayor and Council. He has additional information to give to everyone in order to get some indication if there is an interest in his proposal. Some of the questions may be answered in the materials that he provides.

#### **10F) Discussion/Proposal Regarding Conducting an Outside Search to Fill the City Manager's Position**

Councilman Espino read the following into the record:

*“ Much like each election does for Miami Springs residents, our City Manager’s decision to retire creates an extremely important opportunity for the Council to evaluate and discuss what management skills will be needed to implement its goals, objectives and policies for the City going forward. The selection of a City Manager is one of the most important decisions a Council will make during its term. So, in these difficult times, it is my humble opinion that Miami Springs deserves for this Council to: 1) engage in a frank discussion about skills, communication and other expectations of management; 2) conduct a transparent and conflict-free search for a replacement city manager; and 3) select an individual that is the most qualified and best suited for the job at a price that we as a City can afford.”*

Councilman Espino explained that his proposal is that the City Council authorizes the City Clerk to investigate and bring back municipal/executive search firms. He was able to find three firms that neighboring cities have used and the spending parameters are that of the City Manager’s discretion of \$25,000 or less. He estimated the cost to range between \$15,000 and \$25,000 that is an investment based on the returns.

Councilman Espino felt that the most important part of the entire process is to conduct an open and honest discussion. He referred to the information he provided on Colin Baenziger & Associates and the city profiles they created for the searches that he would like Council to discuss. He said that strategic planning goes hand-in-hand in terms of forward thinking.

Mayor Garcia knows that Councilman Espino was not questioning anyone’s integrity. Unfortunately, some folks called him about the proposal and questioned whether or not there is currently transparency. He has been involved with the City for awhile and the current Human Resources Director does a phenomenal job and she is loyal to the City, its residents and its employees. She will be able to conduct a proper search and Council should be able to request copies of all responses from the search.

Mayor Garcia said that at the next meeting, Council could decide the extent of the search and if it should be within the State of Florida before conducting a national search with outside groups and companies. He has experience in dealing with “head hunters” and various companies and with all respect, they have clients that are telling them the individuals they are pitching for.

For the next Council meeting, Mayor Garcia would like the list of requirements that were put out in the past in order for Council to determine if they are still the same requirements and the level of qualifications that they are looking for today.

Councilman Espino clarified that he never questioned the Human Resources Director’s level of integrity. He believes there is an inherent and implicit conflict of interest for the Human Resources Director to conduct the search, in light of the fact that the City Manager has already indicated for the record that he thinks that the Assistant City Manager should be his replacement. He is not saying that the Human Resources Director would be influenced by the Administration, but the perception of a conflict is created.

Councilman Espino said that it is a monumental task for the City to replace the City Manager and unfortunately the Human Resources Director has not been in good health. He questioned where the responsibility would shift if she is unable to proceed with the search. He does not have a timetable for the search, but it has to flow.

When the current City Manager was selected, the information indicates that a nationwide search was conducted, according to Councilman Espino. He was of the opinion that based upon what was represented the search was only done marginally and did not include a number of national organizations. His prerogative is to have an outside search so that there is no perception of a conflict that might lead to questioning.

Councilman Espino said that the qualifications are set by Council and the search parameters are also determined by Council. He does not want Council to micromanage the search; he wants discussion that leads to the profiles and they are sent to professionals that will come back with how they advertised, who they solicited, what the responses were, call logs, etc. for Council to marshal through and work out through a series of months.

Councilman Espino stated that one of his priorities for the next City Manager position is that the City Manager be capable of doing the job without the need for an Assistant City Manager. This is not a "put down" of the current Assistant City Manager; it is related to finances and the budget because it could save more than \$100,000 a year going forward. The investment of \$15,000 or \$20,000 for an outside firm would be handsomely rewarded immediately in the next budget cycle.

Vice Mayor Best was of the opinion that the City does not need to spend \$20,000 because sometimes a good conflict is a good thing.

Councilwoman Ator felt that \$25,000 is extremely unrealistic since she has litigated contracts related to search firms and they generally charge by the hour or they charge a contingency fee if they place someone in the position; they usually take 30-50% or up to 150% depending on the job. She would not approve of spending even \$25,000 because there are expenses on top of that amount, including advertising. Most search firms would identify people who have the skills the City is looking for, but those people might be in a position that they would not identify themselves if they were already working in a similar position. The reality is that the secrecy that is shrouded in the executive search process does not work with local government.

Councilwoman Ator reiterated that she is grossly opposed to spending what could be \$40,000 to \$60,000; there is no way the cost would range from \$15,000 to \$25,000 based on the contracts she has litigated. She added that there should be an open discussion regarding the desired experience, management style, qualifications, and compensation of a potential replacement, as well as goals, objectives and policies the next City Manager would face and she would not be opposed to holding a Special or Workshop meeting to do that as soon as possible.

Councilwoman Ator said that there is no reason why the Human Resources Director cannot handle the search since she has the experience and the reality is that the City Clerk does not have the same experience and would have to confer with the Human Resources Director in order to determine what to do.

**Councilman Espino moved to extend the meeting for five minutes. Vice Mayor Best seconded the motion, which carried 3-2 on roll call vote with Councilwoman Ator and Mayor Garcia casting the dissenting votes.**

Councilman Espino disagreed with Councilwoman Ator. He said that there are many cities, including three in the information he provided that used an executive search firm and it does not violate the Sunshine Law. He would like consensus to investigate his recommendation to conduct an outside search as a viable solution because something as important as hiring a city manager merits the attention.

Councilman Lob felt that the Human Resources Director is qualified to do the job and he would only consider Councilman Espino's proposal due to her health. He would not be opposed to finding out how much an outside search would cost, although it is a lot to ask, it might be something for Council to consider.

Mayor Garcia said that it is priceless to make sure the right person is placed in the City Manager's position, but in his opinion it will not be necessary to do it. He asked the City Attorney what would happen if the Human Resources Director is unable to conduct the search for health reasons.

City Attorney Seiden said that if the Human Resources Director were unable to accept the responsibility someone else in the City would take over the responsibility. Council must make a decision one way or another.

Councilman Espino recommends that the City Clerk investigate outside search firms and get as much information on what the search will entail, obtain a cost estimate and if it is under \$25,000 the City Manager has the prerogative of getting quotes. He would extend this courtesy to the City Clerk for this item and allow her to solicit quotes from whatever firms she can find that would do an executive search and bring it back to Council.

City Attorney Seiden explained that the City Clerk has never solicited quotes; that is a job for the purchasing agent of the City. The responsibility is not even close to the City Clerk's job function.

Councilman Espino said that he would recommend the City Clerk since she is not an employee of the City Manager or the Administration. The Human Resources Director is an employee who would be selecting their next boss that will work across the hall and the City Clerk could send out a request for a quote.

Vice Mayor Best stated that this is clearly a Human Resources function. He does not know why Council is talking about the City Clerk or purchasing.

Mayor Garcia asked for a motion.

**Councilman Espino moved to direct the City Clerk to solicit bids under \$25,000 for executive, outside search agencies to search for the City Manager. The motion died for lack of a second.**

*(10G considered before 9A)*

**10G) Approval of Contract with Ricardo Rodriguez, d/b/a Miami Dade Aquatic Club, LLC**

Parks and Recreation Director Omar Luna stated that this is the first agreement with Miami Dade Aquatic Club and he met with Ricardo Rodriguez to discuss the use of the pool.

Mr. Luna explained that the agreement provides for a payment to the City of \$1,000 per month for use of the pool Monday through Friday from 5:00 p.m. to 7:00 p.m. The agreement stipulates that they can use the pool from 4:45 a.m. to 6:30 a.m. for approximately three months during the year. There are five or six swimmers that do not generate any noise or complaints. The agreement also provides for use on Saturday mornings from 8:30 a.m. to 11:00 a.m. during the fall/winter schedule and during the summer from 8:00 a.m. to 10:00 a.m. and again at 4:00 p.m. to 6:00 p.m. Monday through Friday and on Saturday from 8:30 a.m. to 11:00 a.m.

Mr. Luna stated that Ricardo Rodriguez completely understands the rules and regulations as stated in the agreement, including clean-up of the pool after use and that the area must be cleared when the lightning detector goes off.

Mayor Garcia approved of the agreement and likes the fact that a contract is in place.

Vice Mayor Best thanked Mr. Luna and expressed his satisfaction with the agreement.

Councilman Espino asked about the liability waiver or if the indemnification provision was sufficient.

City Attorney Seiden responded that they are required to carry a \$1MM insurance policy and he understands they have a \$10MM policy.

Councilwoman Ator stated that the agreement is similar to the facility agreement for Jazzercise. She looked up Miami-Dade Aquatic Club and could not find the entity.

Mr. Luna clarified that the name of the organization is on the insurance policy as Miami-Dade Aquatic Club.



Councilwoman Ator said that it seems that the agreement is between the City and Mr. Rodriguez individually.

City Attorney Seiden stated that the City would check out the entity's corporate documents. The agreement can be approved subject to the correction of the actual party.

**Councilman Lob moved to approve, subject to the necessary changes regarding the entity. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.**

#### **10H) Consideration of Memorial Committee Recommendations**

City Attorney Seiden stated that he attended the Memorial Committee meeting and they recommended a memorial for Thelma Butler on the stone monument at the Circle. They also suggested the language, "Pioneer of Miami Springs".

In regard to Officer Haworth, the Committee had two suggestions. Since Stafford Park is already designated for a fallen officer they recommended this location as opposed to the memorial on Curtiss Parkway for fallen war veterans. They recommended establishing a memorial at Stafford Park similar to the one at the Circle that Mrs. Butler's name will be placed on or to name a softball field in her honor with a designation plaque.

Vice Mayor Best felt that Stafford Park is an appropriate location except for the fact that the property is owned by the School Board. He suggested a removable plaque or memorial.

City Attorney Seiden stated that it could be a plaque similar to the one at the Golf Course that could be placed on the field behind the backstop and it could be removed if the School Board were to take back the property.

Mayor Garcia commented that Officer Haworth's father coordinates the church softball league and it would be an honor to place a memorial plaque at Stafford Park.

Sergeant Lynn Brooks of the Miami-Dade County Police Department stated that the proposed memorial is a wonderful idea.

**Vice Mayor Best moved to approve the memorial for Officer Amanda Haworth at Stafford Park. Councilman Lob seconded the motion.**

Councilman Espino asked for clarification of the motion; option # 1 is a stand alone memorial and option # 2 is the memorialization of one of the fields. He asked Sergeant Brooks if there is a preference of the family. He knows that the family has ties to the use of the fields and the kids who play should be aware that the field bears her name and he would prefer to dedicate one of the fields.

City Attorney Seiden clarified that the motion on the floor is for a stand alone memorial. He asked Council to reconsider the motion.

Councilman Espino proposed an amendment to the motion on the floor so that it also includes the dedication of one of the fields for Officer Haworth.

Mayor Garcia asked to first consider the memorial for Thelma Butler.

**Vice Mayor Best withdrew his motion and Councilman Lob withdrew the second.**

**Councilman Lob moved to approve the memorial for Thelma Butler with the verbiage as stated. Vice Mayor Best seconded the motion, which carried 5-0 on roll call vote.**

**Vice Mayor Best moved to designate a memorial and the field to Amanda Haworth at Stafford Park on East Drive. Councilman Lob seconded the motion.**

City Attorney Seiden asked for clarification if there would be a free standing memorial and also a plaque on the field backstop.

Mayor Garcia suggested naming the field after Officer Haworth and placing a plaque.

Councilman Lob would like a separate memorial and hopefully no names will be added in the future since the fields are limited.

Vice Mayor Best explained that there are two fields at Stafford Park and it would be more appropriate to designate the softball field and that would be his motion.

Mayor Garcia said that he would approve a separate memorial, but the Park is already designated to Officer Stafford. The field would be named after Officer Haworth with a memorial with her name.

City Attorney Seiden referred to the memorial at the Golf Course for Dr. James that has a monument at the first tee. He asked if this would be acceptable for Officer Haworth as opposed to a big memorial on Curtiss Parkway. He understood that the motion on the floor is for a memorial marker in the ground at the softball field designating the field as Officer Amanda Haworth field at Stafford Park. There would not be a separate monument.

Councilman Espino said that the motion currently provides for a monument and a field name. The field name can be done with a plaque or banner.

**Vice Mayor Best clarified that his motion is for a stand alone monument that would encompass the naming of the field after Officer Amanda Haworth. Councilman Lob seconded the motion as re-stated.**

Councilwoman Ator stated that the current motion does not take into account the possibility for additional potential names in the future. She said that this is fine with her and she wanted to make sure that everyone understands it will be a plaque in the ground or on the backstop.

Councilman Lob was concerned where future memorials would be placed for fallen officers.

Vice Mayor Best mentioned that there are six other fields within the City, as well as other options.

Sergeant Brooks asked for clarification as to whether or not a sign will be placed on the fence with Officer Haworth's name. She did not know if this would be appropriate.

Vice Mayor Best said that he would expect a pedestal behind home plate designating the field in her memory.

Sergeant Brooks thanked Council on behalf of the family and law enforcement officers.

**The motion was unanimously carried on roll call vote.**

**11. Other Business:**

None.

**12. Reports & Recommendations:**

**12A) City Attorney**

None.

**12B) City Manager**

Councilwoman Ator requested that the Assistant City Manager send his comments to Council via e-mail.

**12C) City Council**

None.

**13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 11:22 p.m.

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Zavier M. Garcia  
Mayor

**ATTEST:**

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Suzanne S. Hitaffer, CMC  
Deputy City Clerk

Approved during meeting of: \_\_\_\_

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





**CITY OF MIAMI SPRINGS, FLORIDA**

The Miami Springs **City Council** met in regular session on Monday, April 25, 2011 and during the meeting sat as the **Board of Appeals**. The meetings were held in the Council Chambers at City Hall, beginning at 7:00 p.m. On **ROLL CALL** the following were present:

**1) CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 7:20 p.m.

The following were present:

Mayor Zavier García  
Vice Mayor Bob Best  
Councilman Dan Espino  
Councilman George V. Lob  
Councilwoman Jennifer Ator

Also Present:

City Manager James R. Borgmann  
Assistant City Manager Ronald K. Gorland  
City Attorney Jan K. Seiden  
City Clerk Magali Valls

Sitting as the **Board of Appeals**, Council took the following actions:

**2) MINUTES OF REGULAR MEETING: (approved after Item 3)**

Minutes of the October 12, 2009 Board of Appeals meeting were approved as written.

**Councilman Lob moved to approve the minutes. Vice Mayor Best seconded the motion which carried 4-0 on roll call vote with Mayor Garcia abstaining.**

### 3) NEW BUSINESS:

Case # 25-V-10

C. Robert Wojciechowski

830 Plover Ave.

Zoning: R-1C; Single-Family Residential

Lot Size: 75 ft. x 124 ft.

Applicant is seeking a variance from Code Section 150-011 Utility shed (B) to increase the size of an existing shed from 80 sq. ft. to 160 sq. ft.

City Attorney Jan K. Seiden stated that since this is a relatively simple case, he offered to handle it for City Planner Richard Ventura.

City Attorney Seiden explained that the applicant, Mr. Wojciechowski, came before the Board of Adjustment in December 2010, and asked that the case be taken off the table pending a review of the existing shed ordinance by Council. As of this date, the review has not taken place and Mr. Wojciechowski requested a variance from Code Section 150-011 (B) that was heard at the April 4<sup>th</sup> Board of Adjustment meeting.

The Code Section basically says that utility sheds shall be limited in size to not more than 100 square feet and there shall be no more than one utility shed per site, according to Attorney Seiden. Mr. Wojciechowski was requesting a 180 square foot shed and since there was no hardship the Board of Adjustment properly denied the variance request and they suggested that he appeal the case and see if Council is willing to entertain a possible amendment to the Code.

C. R. Wojciechowski of 830 Plover Avenue stated that he owns a lot of yard equipment and tools that are currently being stored outside, including his hurricane shutters. His back yard is very large and the proposed shed would cover approximately 3%. He was of the opinion that it would be very beneficial to the City to change the ordinance by including a percentage for green space as opposed to limiting the size of the shed to 10' x 10'. He is proposing to purchase a shed that meets all hurricane codes with a tile roof. Drawings of the proposed shed were distributed on the dais.

City Attorney Seiden said that any land owner can build an additional building as opposed to installing a prefabricated shed, but there is quite a difference in the cost.

To answer Councilwoman Ator's question, City Attorney Seiden clarified that the variance request is only related to the size of the shed.

Councilman Espino stated that a similar problem that has not yet been addressed is related to driveways. A standard lot in the City is 75' x 100' and there are some lots that are significantly smaller and larger. There is a "one size fits all" ordinance that is inequitable and this situation is the same in regard to the utility shed ordinance. The applicant's lot is above the standard size and perhaps a model could be developed with a sliding scale percentage as it pertains to the lot size.

City Attorney Seiden explained that the lot coverage in the rear yard cannot exceed 15% and that is a limitation in and of itself.

Councilman Lob agreed with Councilman Espino that the requirements for the size of the shed should be a percentage based on the size of the property.

Vice Mayor Best commented that Council has heard numerous appeals and each one is a very interesting case. Based on the variance and the scope of the variance the applicant cannot demonstrate a hardship, but he can improve his property with the proposed shed. There is no question that the shed would effectively improve the property.

Mr. Wojciechowski clarified that the proposed shed is 160 square feet; his existing shed is 80 square feet.

Vice Mayor Best felt that the proposed shed would be an enhancement to the neighborhood; there were no responses to the courtesy notices that were sent out.

Mr. Wojciechowski added that the setback requirement is 5-feet and the proposed shed setback will be 9-feet.

Councilman Espino suggested using 7,500 square feet as a standard and every additional 500 square feet of total yard size could qualify for additional square footage for utility sheds in addition to the 15% coverage restriction.

City Attorney Seiden also recommended placing a cap on the size of the shed. He said that in this situation he would recommend that Council uphold the action of the Board of Adjustment denying the variance with assurance to the applicant that they will work on an ordinance amendment. He will consult with the Building Department and work out a formula.

Councilwoman Ator did not feel that the ordinance should be too complicated considering the 15% limitation because it will only add 60 square feet to the current provision for sheds. It would be easier for the citizens to understand that they are limited to a shed of 160 square feet.

Councilman Espino explained that creating an equitable standard that can apply across the board would alleviate this same type of situation from happening in the future. The same model could also be applied to canopies, driveways, etc.

Vice Mayor Best also wanted to be more simplistic so that all applications are addressed. In this case, he would be willing to approve the variance.



City Attorney Seiden asked Council to consider the biggest shed they would approve, regardless of percentages.

Councilman Lob stated that he would not want a 250 square foot shed on a small lot, while a shed that size would be appropriate on a lot with plenty of space on the Golf Course.

City Attorney Seiden suggested lot sizes ranging from 5,000 to 6,000 square feet and 6,000 to 7,500 square feet.

Vice Mayor Best would like the City Attorney to draft language for a proposed ordinance amendment before the next Council meeting in order to allow the applicant to proceed.

Mayor Garcia stated that he would like a formula based on a percentage. He asked what can be done to give the applicant permission to move forward.

Attorney Seiden clarified that all Council can do is to change the ordinance quickly, knowing that it will have to be amended again. He would not recommend granting a variance.

To answer Councilman Lob's question, the City Attorney explained that it would take at least one month to amend the ordinance since two public hearings are required; it could be approved at the second meeting in May.

Mr. Wojciechowski stated that it would be beneficial to the entire community to change the antiquated ordinances.

Mayor Garcia assured the applicant that Council will be reviewing the ordinances during the next two years.

**Councilman Espino moved to uphold the actions of the Board of Adjustment denying the variance. Councilman Lob seconded the motion which was carried 4-0 on roll call vote, with Vice Mayor Best casting the dissenting vote.**

**4) OTHER BUSINESS:**

None.

5) **ADJOURNMENT**

There was no additional business to be considered by the Council sitting as the Board of Appeals and the meeting was adjourned at 7:38 p.m. to the Council Regular Meeting.

Respectfully submitted,

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Magali Valls, CMC  
City Clerk

Approved as \_\_\_\_\_ during meeting of: \_\_\_\_\_

Transcribed from digital recording by S. Hitaffer



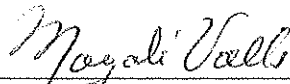


*City of Miami Springs, Florida*

*Recreation Commission*

**CANCELLATION NOTICE**

The Recreation Commission meeting scheduled for Tuesday, May 10, 2011 has been canceled in advance.

  
\_\_\_\_\_  
Magali Valls, CMC  
City Clerk

cc: City Council  
City Manager  
Assistant City Manager  
City Attorney  
Recreation Commission Members  
Board Secretary  
Post





***City of Miami Springs, Florida***

The Board of Parks and Parkways held a regular meeting on Thursday, May 12, 2011 at 7:00 P.M. in the City Hall Council Chambers.

**1. ROLL CALL/CALL TO ORDER**

Present were: Eric Richey – Chairman  
Jean Ansbaugh – Vice Chairman  
Board Member Irene Priess  
Board Member Tammy K. Johnston

Absent: Board Member Jorge Filgueira

Also Present: Thomas Nash, Operations Superintendent/Arborist  
Board Secretary Aly Paz

**2. APPROVAL OF THE MINUTES**

The minutes of the April 14, 2011 regular meeting were approved as written.

**The motion to approve was offered by Vice Chair Jean Ansbaugh, seconded by Board member Tammy Johnston and it was unanimously carried on voice vote.**

**3. OLD BUSINESS**

***\*\*Discussed Item A after Items B through D\*\****

**B. Library Grounds**

Chair Richey requested this item be tabled until the next Board of Parks and Parkways meeting.

Board members agreed unanimously.

**C. Removal of Pine Trees at Prince Field**

Chairman Richey asked for this item to be tabled until Board member Jorge Filgueira is present.

**D. Palms at Recreation Center**

Chair Richey inquired if the palms at the Recreation Center that were yellowing had been treated.

Thomas Nash, Operations Superintendent/Arborist informed the board that the palms have been treated.

\*\*\*\*\*

**Chair Richey requests the minutes to reflect that the yellowing palms at the Recreation Center had been treated on Tuesday, May 10, 2011 per City Arborist Tom Nash.**

\*\*\*\*\*

Vice Chair Ansbaugh inquired if the palms are under the City's care or the installers.

Mr. Nash informed the Board members that the Recreation Department did not have a contract for the trees when they were planted. It was just a single planting contract with no follow up or no further care.

**A. Adopt-A-Park Program**

Board member Irene Priess requested to read the following statement:

*"The agreement is almost word for word that of North Port. A good plan, however, we need to determine which of Miami Springs parks are the responsibility of Parks and Recreation and which are maintained by Public Works.*

*In Miami Springs most sports facilities are governed by Parks and Recreation while all other garden and green spaces are the responsibility of Public Works.*

*For example the Parks and Recreation Director should not sign off on George Washington Park. We need to identify who maintains the following (There may be others I have omitted): Well Fields, Clay Pits, Prince Field, Dog Park, Stafford Park, Golf Course, Schools, Curtiss Mansion, 36<sup>th</sup> Street medians, the barricades, circles, Curtiss Parkway and the canal banks"*

\*\*\*\*\*

**Chair Richey requests the minutes to reflect that the Board did not look at the information from the City of North Port, but concentrated on the Adopt-A-Park Program information presented to them for the City of Miami Springs only.**

\*\*\*\*\*

Mr. Nash informed members that Miami-Dade County is responsible for the well fields, clay pits, school properties and the 36<sup>th</sup> Street medians. The Dog Park, Golf Course grounds, Prince Field, Stafford Park and Dove Field are maintained by the Golf Course personnel for the grass and the Parks and Recreation Department for the ball playing areas.

Public Works maintains the Curtiss Mansion grounds, the barricades, Glendale Drive circle, Hammond Drive along lake, Curtiss Parkway walk path, Lee/LaBaron Drives Park, Lake Drive Park, Rio Vista Park, North Royal Poinciana/Meadowlark Drive triangle area, Hammond Drive, Bluebird Drive guardrail and the canal banks, along with the medians on Westward Drive and the bike paths on Ludlam Drive and N. Royal Poinciana Blvd.

Discussion followed.

\*\*\*\*\*  
**Board member Priess presented a motion that the areas eligible for adoption as distinguished between the areas maintained by the Recreation Department and areas maintained by the Public Works Department, seconded by Vice Chair Ansbaugh and it was unanimously carried on voice vote.**  
\*\*\*\*\*

\*\*\*\*\*  
**Let the minutes reflect that the Board of Parks and Parkways would like to know, from the City Manager, which areas he feels should be governed by the Recreation Department and which areas governed by the Public Works Departments.**  
\*\*\*\*\*

Board members read through the proposed Adopt-A-Park Program. The Board suggests the following changes. Areas underlined have been added and areas stricken through are suggested to be removed. (See attached items)

The Board felt the Waiver Release of Liability and Volunteer Service Agreement should be left for the City Attorney to make any necessary changes with the exception of placing a line for printing the signees name and adding Public Works Director for signature also.

4. NEW BUSINESS

No new business was discussed.



5. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:16 p.m.

Respectfully submitted,

\_\_\_\_\_  
Secretary to the Board

Attachment

Approved as \_\_\_\_\_ during meeting of: \_\_\_\_\_

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

\*\*\*\*\*  
*“The comments, discussions, recommendations and proposed actions of City Citizen Advisory Boards do not constitute the policy, position, or prospective action of the City, which may only be established and authorized by an appropriate vote or other action of the City Council”.*  
\*\*\*\*\*

## City of Miami Springs Adopt-A-Park Program

With ever decreasing resources and daily increases in demands for those resources, the City of Miami Springs, through the encouragement of our residents, looks at various ways to enlist the help of our citizens. To that end, the Adopt-A-Park program is designed to enlist the help of the public in maintaining and beautifying neighborhood parks and recreation facilities. This is an informal program that seeks volunteers to keep an eye on our park areas and assist when problems arise. Through these partnerships, the City will be better able to maintain and improve the parks and keep them beautiful and safe for the enjoyment of our park users.

The program will encourage volunteers from the neighborhood and encourage them to "take ownership" of their local parks. These volunteers will then work with City parks staff to initiate new activities and provide manpower to make improvements. The adopted park then becomes a focal point of neighborhood activities.

### What are the responsibilities of and adopting organization?

By adopting a park, an organization commits to enhancing ~~and maintaining~~ the park land through tree plantings, ~~pruning, clearing, painting, flower bed preparation and planting and any other approved projects that will enhance the beauty of the park for a one year period.~~ The adopting group would also monitor the park site for safety conditions and vandalism. Organizations are asked to schedule one volunteer project per quarter to remain active in the program. The program is flexible and can be tailored to your the group's needs and interests.

### Who can adopt a park?

Any civic-minded individual, group or organization can adopt a City park. Garden clubs, corporations, Scout groups, student organizations, social clubs, youth sports organizations and homeowner associations are just a few examples. An Adopt-A-Park volunteer must be at least 12 years old to participate.

### To Adopt a Park:

- Identify a ~~park~~ public area you would like to adopt and the type of project/activity you would like to do.
- Request an application form, then complete and return it to the Parks and Recreation Director or the Public Works Director. You will then be contacted to discuss the adoption procedure. Both Parks and Public Works staff will work with your group to identify park needs.
- Once the "Adoption" is approved, sign the **Adopt-A-Park Agreement** and you are ready to begin.
- Coordinate your project(s) with the Parks and Recreation Division or the Public Works Department. ~~Certain tools, materials and supplies can be provided to help the adopting group with their projects.~~

- Make sure all volunteers sign a ~~waiver release and service agreement~~ Waiver Release of Liability and Volunteer Service Agreement prior to participation in the program.
- Recruit and schedule volunteers from your organization to implement the program.
- ~~Submit a quarterly activity report to update your progress.~~

### What are the benefits?

Volunteer groups and organizations derive great satisfaction from becoming protectors of the City parks and enjoy knowing that their efforts make a difference. In addition, the City will provide recognition at a City Council Meeting and in the River Cities Gazette ~~a plaque or recognizable sign erected at the adopted park~~ acknowledging the group's contribution and commitment to the program. Adopt-A-Park helps people help each other so that all may have a better recreational experience.

### Safety guidelines you should follow:

For the safety of program participants, park personnel and park users, the City encourages everyone to adopt a responsible, common sense approach to safety. Adopt-A-Park participants are expected to accept responsibility for their actions, be safety-conscious at all times, and act with care in order to avoid causing damage to park facilities. Following are some basic safety guidelines:

- Organizations must provide adequate supervision for all participants under the age of 18.
- All volunteers must sign a waver prior to participate (a parent /guardian must sign for anyone in their care who is under the age of 18).
- Volunteer groups are prohibited from modifying field conditions, entering into facilities or buildings, moving equipment or creating situations that may be hazardous without prior authorization from the Parks and Recreation Department or the Public Works Department.
- When threatening weather is present, all activities must cease to ensure the safety of every volunteer. You will know of pending threatening weather at our major parks by the ThorGard® alarm system's horn alert.
- Volunteers should not perform any activity outside of their physical capabilities. The use of power tools ~~and motor driven equipment~~ is discouraged unless preauthorized by the Parks and Recreation Division and if used are used in full responsibility by group.
- Volunteers must wear appropriate clothing and shoes and use sunscreen. Gloves are a must as are safety goggles eyewear.
- Work during daylight hours only and drink plenty of fluids during hot, humid weather.
- Be alert to the presence of bees and other stinging and biting insect. Apply insect repellent when necessary.
- Be aware of traffic when working close to roadways.
- Avoid picking up discarded syringes and/or needles, or coming into contact with unknown chemicals.
- Do not approach unfamiliar animals or pets.



## ADOPT-A-PARK Application & Instructions

The Adopt-A-Park program is designed to increase community involvement in preserving our City parks. The program is voluntary and is designed for organizations, businesses and individuals. ~~Each adopting group assumes responsibility for an assigned park or section of a park and agrees to participate in park improvements a minimum of four (4) times a year for a one-year period.~~ The City will work with the adopting group to select a park and provide guidelines to complete work assigned.

The participant agrees and is expected to:

- A. Request an application from the.
- B. Meet with the Parks & Recreation or the Public Works representatives to discuss the park project and identify the park needs.
- C. Be instructed on the safety requirements and operate in accordance to the safety regulations of the program.
- D. Sign the "Adopt-A-Park" Agreement.
- E. All participants must sign the Liability Agreement.
- F. Recruit and schedule volunteers from your organization to implement the program.
- G. Obtain permission from the Parks and Recreation Department or the Public Works Department before proceeding with any action.
- H. Notify the Police Department ~~Parks and Recreation Department~~ of any unusual or suspicious activities or conditions.
- ~~I. Submit an activity report upon completion of your activities.~~
- ~~J. Return all City-owned equipment, materials and supplies when project is completed.~~

The City shall:

- ~~A. Provide the adopting group with necessary tools and materials, if requested, to help with their project.~~
- B. Identify park needs and a list of parks available to adopt.
- C. Provide instruction and coordination for assigned work projects with adopting group.
- D. Dispose of trash and debris from adopted park site.
- E. Provide signage at the park to recognize recognition for the volunteer group for their contribution and commitment to the specific park.
- F. When a plan is submitted in an area under the responsibility of the Parks and Recreation Department or the Public Works Department, that plan shall be submitted to the Recreation Commission or the Board of Parks and Parkways for recommendations.

I have read and agree to follow the above guidelines for adopting a City of North Port Miami Springs park. I sign this agreement voluntarily.

\_\_\_\_\_  
Individual or Group Representative Signature

\_\_\_\_\_  
ADOPTED PARK

\_\_\_\_\_  
Printed name of above signature

Date \_\_\_\_\_

Parks & Recreation Department Director or Public Works Department Director

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Date \_\_\_\_\_

## ADOPT-A-PARK PROGRAM AGREEMENT

This **ADOPTION AGREEMENT**, is made and entered into by and between the City of Miami Springs, Florida, hereinafter referred to as the "CITY" and \_\_\_\_\_ a corporation / partnership / association / service / social club / individual, hereafter referred to as the "PARTICIPANT."

**WHEREAS**, the City is promoting an Adopt-A-Park Program to encourage community groups and individuals to provide for ~~monitoring, care and maintenance~~ enhancement of neighborhood parks, facilities, landscaped areas, pathways and other public areas; and

**WHEREAS**, it has been deemed to be in the best interest to the parties hereto to provide this community service setting forth the respective duties and terms and conditions thereof.

**NOW, THEREFORE**, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

### I. SCOPE OF SERVICES:

- A. The PARTICIPANT shall provide the services and/or contributions set forth herein the parks, facilities, landscaped areas, or other public areas in accordance with City guidelines as described below:
1. Pick up litter and debris.
  - ~~2. Mow and edge grass and plant beds.~~
  3. Remove weeds.
  4. Maintain Care of plants and shrubs in accordance with the approved landscaped plan with no substitutions without prior approval in writing.
  5. ~~Minor repair and painting with prior authorization before work begins.~~
  6. Notify the ~~General Services Department/Parks & Recreation Division~~ Police Department of any unusual or suspicious activity or conditions.
  7. Contribute and install grass, plants, flowers or other landscaping material with prior written approval.
  8. The PARTICIPANT shall notify the Parks & Recreations Department or the Public Works Department in the event a problem should arise, or if repairs to the adopted area are necessary which the PARTICIPANT is unable to do or, is not authorized to do or if the PARTICIPANT can no longer be obligated to maintain his Adopt-A-Park services.
- B. The CITY shall:
- ~~1. Provide the adopting group with necessary tools and materials to help with the project.~~
  2. Provide instruction and coordination for assigned work projects.
  3. Dispose of trash and debris from adopted park site.
  4. ~~Provide signage to r~~ Recognize the volunteer group for their contribution and commitment.

The CITY shall have no obligation to replace any plants contributed or paid for by the PARTICIPANT, which subsequently die as a result of neglect by the PARTICIPANT, the CITY or otherwise.

In the event improvements are damaged or destroyed by a third party, the CITY at its sole discretion, may replace or repair the improved landscape.

**II: PERIOD OF AGREEMENT**

~~The period of This Agreement shall be for the plan presented to CITY for a designated area of improvement. one (1) year from the date of the executed document and shall be automatically extended for successive one (1) year periods under the same terms and conditions, unless either party provides the other with written notification forty five (45) days prior to the end of any one (1) year term of its intent not to extend the agreement.~~

**III. NEGATION OF AGENT OF EMPLOYEE STATUS**

The PARTICIPANT shall perform the services provided under this Agreement as an independent volunteer group and nothing contained herein shall in any way be construed to constitute the PARTICIPANT, its officers, employees, agents or subcontractors to be representative, agent, or employees of the City or any political subdivision of the State of Florida.

**IV. NO ASSUMPTION OF LIABILITY**

The CITY shall neither be responsible nor incur any liability for the actions, inactions, omissions or commissions of the PARTICIPANT or any of its officers, employees or agents in performing under this Agreement.

**IN WITNESS WHEREOF**, the City has caused this Agreement to be duly executed on the date herein below set forth.

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

PARTICIPANT:

\_\_\_\_\_  
Adopting Representative Signature

\_\_\_\_\_  
Date

CITY OF Miami Springs, FLORIDA

ATTEST:

\_\_\_\_\_  
Recreation or Public Works Director

City Clerk: \_\_\_\_\_

\_\_\_\_\_  
Date






*City of Miami Springs, Florida*

**CANCELLATION NOTICE**

The Historic Preservation Board Regular Meeting of Thursday, May 19, 2011 was canceled in advance.

  
Suzanne S. Hitaffer  
Secretary to the Board

cc: Historic Preservation Board Members  
Mayor and Council  
City Manager  
City Attorney  
City Clerk  
Post







*City of Miami Springs*  
*Ecology Board*  
*Cancellation Notice*

The Ecology Board Meeting of Tuesday, May 24, 2011 has been canceled in advance.

Allene M. Paz  
Secretary to the Board

cc: Mayor and Council  
City Manager  
Assistant City Manager  
City Attorney  
Ecology Board Members  
Post



# MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and  
Legal Holidays  
Miami, Miami-Dade County, Florida

## STATE OF FLORIDA COUNTY OF MIAMI-DADE:

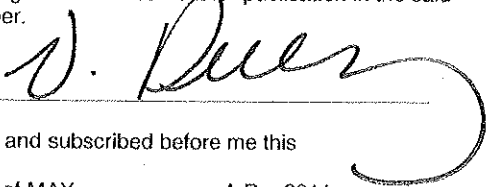
Before the undersigned authority personally appeared V. PEREZ, who on oath says that he or she is the LEGAL CLERK, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

CITY OF MIAMI SPRINGS  
CITY COUNCIL PUBLIC HEARING FOR MAY 23, 2011

in the XXXX Court,  
was published in said newspaper in the issues of

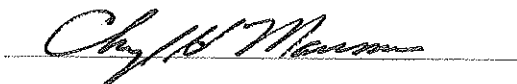
05/11/2011

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida, each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



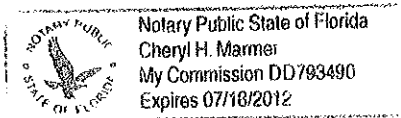
Sworn to and subscribed before me this

11 day of MAY, A.D. 2011



(SEAL)

V. PEREZ personally known to me



## PUBLIC HEARING

The Miami Springs City Council will conduct a public hearing at their regular meeting on Monday, May 23, 2011, at 7:00 p.m. in the Council Chambers at City Hall, 201 Westward Drive, Miami Springs, Florida regarding the following proposed ordinance:

**ORDINANCE NO. 1018-2011 — AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-011, UTILITY SHED, BY PROVIDING A NEW METHOD OF CALCULATING THE PERMITTED SIZE OF UTILITY SHEDS ON RESIDENTIAL HOMESITE PROPERTIES; IDENTIFYING A FURTHER LIMITATION ON PERMITTED SHED SIZES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.**

Anyone wishing to offer verbal or written comment regarding the proposed ordinance may do so at the public hearing. A copy of the proposed ordinance is posted for public review on the bulletin board located next to the elevator on the first floor at City Hall.

Magali Valls, CMC, City Clerk

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).

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 days prior to the proceeding.

5/11 11-3-101/1696870M

\$ 87.70

STATE OF FLORIDA )  
COUNTY OF DADE ) ss:

Before the undersigned authority personally appeared

*Momas D. Curtis*  
who on oath says that he/she is  
*Publisher*

of the River Cities Gazette, a weekly newspaper published at Miami in Dade County, Florida; that the attached copy of advertisement was published in said newspaper in the issue(s) of

*May 12th, 2011*

Affiant further says that the said the River Cities Gazette is a newspaper published at Miami, in the said Dade County, Florida, and that the said newspaper has heretofore been continuously published in said Dade County, Florida for a period of one year preceding the first publication of the attached copy of advertisement; that the said newspaper has been entered as second class mail matter each week; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


*[Signature]*

Sworn to and subscribed before me this 12th day of

May A.D. 2011

*[Signature]*

My commission Expires:

  
MARIA ESTEVEZ  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# DD995192  
Expires 6/18/2014



# CITY OF MIAMI SPRINGS, FLORIDA PUBLIC HEARING

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Published, May 12, 2011

\$ 70.00

**ORDINANCE NO. 1018-2011**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-011, UTILITY SHED, BY PROVIDING A NEW METHOD OF CALCULATING THE PERMITTED SIZE OF UTILITY SHEDS ON RESIDENTIAL HOMESITE PROPERTIES; IDENTIFYING A FURTHER LIMITATION ON PERMITTED SHED SIZES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.**

**WHEREAS**, through the appeal of a variance denial from the Board of Adjustment, the City Council discussed the possible amendment of Code Section 150-011 regarding utility sheds; and,

**WHEREAS**, while it became apparent that an amendment to consider an increase in the size of utility sheds would be favorably received, the method of determining the sizes of permitted sheds came into question; and,

**WHEREAS**, the City Council discussed and debated an alternative method of determining the sizes of permitted sheds which would be more "homesite specific"; and,

**WHEREAS**, the City Council of the City of Miami Springs has determined that it is both proper and appropriate to provide a method of determining the authorized and approved sizes of utility sheds based upon the rear yard areas of each homesite property:

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

**Section 1:** That Code of Ordinance Section 150-011, Utility Sheds, is hereby amended as follows:

Section 150-011. Utility Sheds.

(A) Utility Sheds shall be constructed in the rear yard only; and there shall be no more than one utility shed on each residential homesite property in the city.

~~(B) Utility sheds shall be limited in size to not more than 100 square feet; shall be installed and anchored to a minimum four inch thick concrete slab in accordance with the South Florida Building Code, and shall otherwise conform to Chapter 151. There shall be no more than one utility shed per building site.~~

The permitted size of utility sheds on residential homesite properties in the City shall be limited to five (5%) percent of the rear yard area of the property, not to exceed a maximum size of two hundred fifty (250) square feet, and shall be installed and anchored in accordance with the applicable rules and regulations of the Florida Building Code.

(C) Notwithstanding the provisions of the foregoing subsection (B), the permitted size of utility sheds shall be further limited by the maximum rear yard area coverage limitation of fifteen (15%) percent set forth in Code Section 150-041(A)(2).

~~(C)(D)~~ . . . .

~~(D)(E)~~ . . . .

**Section 2:** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

**Section 3:** That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Miami Springs,  
Florida this 23<sup>rd</sup> day of May, 2011.

The motion to adopt the foregoing ordinance was offered on  
second reading by \_\_\_\_\_, seconded by \_\_\_\_\_,  
and on roll call the following vote ensued:

Vice Mayor Best	" _____ "
Councilman Espino	" _____ "
Councilman Lob	" _____ "
Councilwoman Ator	" _____ "
Mayor Garcia	" _____ "

\_\_\_\_\_  
Zavier M. Garcia  
Mayor

**ATTEST:**

\_\_\_\_\_  
Magali Valls, CMC  
City Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**



Jan K. Seiden, Esquire  
City Attorney

First reading: 05/09/2011  
Second reading: 05/23/2011

Words ~~-stricken through-~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.