



AGENDA INFORMATION
CITY OF MIAMI SPRINGS
CITY COUNCIL

Regular Meeting

Monday, June 13, 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, June 13, 2011
7:00 p.m.**

- 1. Call to Order/Roll Call**
- 2. Invocation:** Councilwoman Ator

Salute to the Flag: Audience participation
- 3. Awards & Presentations:**
 - A) Presentation of Plaque to Officer Albert Sandoval in Memory of K-9 Grando
- 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) 05-23-2011 – Regular Meeting

6. Reports from Boards & Commissions:

- A) 05-11-2011 – Golf and Country Club Advisory Board – Minutes
- B) 05-16-2011 – Revitalization and Redevelopment Ad Hoc Committee – Minutes
- C) 05-26-2011 – Code Review Board – Cancellation Notice
- D) 06-01-2011 – Architectural Review Board – Cancellation Notice
- E) 06-06-2011 – Zoning and Planning Board – Cancellation Notice
- F) 06-06-2011 – Board of Adjustment – Cancellation Notice
- G) 06-07-2011 – Code Enforcement Board – Minutes
- H) 06-09-2011 – Board of Parks and Parkways – Cancellation Notice
- I) 06-14-2011 – Recreation Commission – Cancellation Notice
- J) 06-21-2011 – Education Advisory Board – Cancellation Notice
- K) 08-16-2011 – Education Advisory Board – Cancellation Notice
- L) 06-07-2011 – Board of Adjustment – Approval of Actions Taken by the Board of Adjustment at their Meeting of Tuesday, June 7, 2011, Subject to the 10-day Appeal Period

7. Public Hearings:

Board of Appeals
Case # 12-V-11
Kristine and Remberto Morejón
661 Plover Avenue
Zoning: R-1B, Single-Family Residential
Lot Size: 75 ft. x 135 ft.

Applicants are seeking a variance from Code Section 150-017 Recreational vehicles (B) *Parking and storage*: To store a boat in the side yard of their property.

8. Consent Agenda:

- A) Approval of the City Attorney’s Invoice for May 2011 in the Amount of \$12,757.50
- B) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure of \$6,000.00 to Severn Trent Services for Electronic Mailing for Utility Billing Pursuant to Section 31.11 (E) (6) (g) of the City Code and Pursuant to the Contract Renewal Option Provided by the City’s Contract/Contract Vendor for an Additional 1-year Period

9. Old Business:

- A) Appointments to Advisory Boards by the Mayor and Council Members
- B) Discussion Regarding Code of Ordinances Chapter 33 – City of Miami Springs Conflict of Interest and Code of Ethics Ordinance (Tabled: 4/25/2011)
- C) Council Review for Consideration of Adoption of Optional Amendments One, Two and Seven to Miami-Dade County’s Interlocal Agreement for Public School Facility Planning, as Recommended by the City of Miami Springs Education Advisory Board; per Florida Statutes Chapter 163.31777 (Discussed: 4/12/2011)

Resolution No. 2011-3513 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting Optional Amendments to Sections 9.2 (a), 9.2 (b) and 22 of the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County; Authorizing Execution of Amendment; Effective Date

10. New Business:

- A) 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 (Scheduled for consideration for the 5/23/11 meeting, but not discussed)
- B) First Reading – Ordinance No. 1020-2011 – An Ordinance of the City Council of the City of Miami Springs Creating Code of Ordinance Section 93-51, Color Palette Compliance; by Providing for Applicability, Palette Compliance, Procedures for Compliance, and Enforcement; Repealing All ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date
- C) First Reading – Ordinance No. 1021-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-028, Architectural and Design Regulations; by Delineating Provisions Allowing Use of Up to Three Paint Colors, Authorizing the Building Department to Make Color “Shading” Decisions, and Requiring Notification of Completion by Owner to City; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date

10. New Business: (Continued)

- D) First Reading – Ordinance No. 1022-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 113-04, Business Taxes-Schedule of Fees, by Providing a Five (5%) Percent Increase in the Cost of All City Business Taxes; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date
- E) Recommendation to Expand the Authority of the Current Purchasing Ordinance to Include Independent Cooperative Purchasing and Not-for-Profit Organizations
- F) Discussion Regarding Fiscal Year 2011-2012 Budget Assumptions
- G) Approval of Expenditure for Curtiss Mansion Federal Tax Credit Certification RJHA Project No. 06-3277

11. Other Business: None

12. Reports & Recommendations:

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

13. Adjourn

If any person decides to appeal any decision of this Board with respect to any matter considered, s/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is made (F. S. 286.0105), all of which the City does not provide.

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

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

MIAMI SPRINGS POLICE DEPARTMENT

MEMORANDUM

Agenda Item No.

City Council Meeting of:

6-13-2011 

TO: Chief Peter G. Baan

FROM: Lieutenant R.J. Walker 

SUBJECT: Death of K-9 Grando

DATE: April 6, 2011

 On Thursday March 31, 2011 Officer Sandoval and his K-9 partner Grando worked the 3p-11p shift. Officer Sandoval said Grando did not act as if he felt well and had laid down 2-3 times while conducting an Area Check at the Curtiss Mansion towards the end of the shift. After the shift was over and they were home Grando would not eat and appeared lethargic. A closer examination revealed Grando's abdomen to be swollen, a serious life-threatening ailment.

Officer Sandoval rushed Grando to the Hollywood Animal Hospital. Emergency surgery revealed the swollen abdomen was caused by internal bleeding from numerous tumors on the Spleen and throughout the abdominal cavity. The Veterinarians attending Grando informed Officer Sandoval the numerous tumors indicated Grando had but days to live and recommended euthanasia to relieve the pain and discomfort that would inevitably be suffered by Grando. Officer Sandoval authorized the euthanasia of his partner. A veterinarian of the Animal Hospital later called Officer Sandoval and informed him that a Necropsy of Grando revealed the cancerous tumors had infected all internal organs including the liver. The veterinarian said the cancer was a rapidly spreading type that would not have been detectable by blood work and assured Sandoval the decision for euthanasia had been correct.

K-9 Grando was 9 years old and had served the Miami Springs Police Department with Officer Sandoval for 6 years. Officer Sandoval has expressed a desire to remain a K-9 handler and allowed to have another dog.

Rec'd 04/07/2011





DRAFT

City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, May 23, 2011, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:04 p.m.

The following were present:

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

Also Present:

- City Manager James R. Borgmann
- Assistant City Manager Ronald K. Gorland
- City Attorney Jan K. Seiden
- Chief of Police Peter G. Baan
- Finance Director William Alonso
- Recreation Director Omar L. Luna
- Building & Zoning Office Supervisor Harold "Tex" Ziadie
- Grant Writer/Public Information Specialist Carol A. Foster
- City Clerk Magali Valls

2. Invocation: Mayor Garcia offered the invocation.

Salute to the Flag: "I Led the Pledge" – 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) Certificates of Recognition to Springs River Festival Art and Writing Contest Winners

Mayor Garcia and Melisa Pascual from Beyond the Bell Learning Center presented Certificates of Recognition to students who placed 1st, 2nd and 3rd in the Springs River Festival Art and Writing Contest.

4. Open Forum:

City Manager

Michael Gavila of 684 Morningside Drive thanked City Manager James R. Borgmann for the great job he has done.

Memorial Service

Carl Malek of 172 Curtiss Parkway said that on Thursday, May 5th he had the honor and privilege of attending the Police Memorial Service at Tropical Park. The service honors fallen police officers throughout Miami-Dade County and it is very moving. The memorial includes the names of all fallen officers in the County for the past 180 years. He thanked all police officers for the tremendous job that they do.

5. Approval of Council Minutes:

5A) 05-09-2011 – Regular Meeting

Minutes of the May 9, 2011 Regular Meeting were approved as written.

Vice Mayor Best moved to approve the minutes. Councilman Lob seconded the motion which was unanimously carried on roll call vote.

6. Reports from Boards & Commissions:

6A) 04-25-2011 – Board of Appeals – Minutes

Minutes of the April 25, 2011 Board of Appeals meeting were received for information without comment.

6B) 05-10-2011 – Recreation Commission – Cancellation Notice

Cancellation Notice of the May 10, 2011 Recreation Commission meeting was received for information without comment.

6C) 05-12-2011 – Board of Parks and Parkways – Minutes

Minutes of the May 12, 2011 Board of Parks and Parkways meeting were received for information without comment.

6D) 05-19-2011 – Historic Preservation Board – Cancellation Notice

Cancellation Notice of the May 19, 2011 Historic Preservation Board meeting was received for information without comment.

6E) 05-24-2011 – Ecology Board – Cancellation Notice

Cancellation Notice of the May 24, 2011 Ecology Board meeting was received for information.

Councilwoman Ator spoke with her Ecology Board appointee who asked her to bring to Council a few items that the Board members had discussed. She asked the City Manager to contact Public Works and to provide an updated report on City recycling bins. Her Board appointee also expressed a concern about compact fluorescent light bulbs since they cannot be disposed of in the same manner as normal light bulbs and to look into the possibility of coordinating with the County to have a drop-off site within the City. Another concern is that she was told that the recycling containers at the Recreation Center are picked up by the normal trash service.

City Manager Borgmann stated that individual haulers are supposed to offer recycling service to their commercial customers. He asked Public Works Director Robert Williams to approach one company to see if they could do a city-wide program. Mr. Williams met with one of the major haulers, but unfortunately his report was not ready for this meeting.

Councilwoman Ator understands that recycling is the responsibility of the business owner. The conversation was about the City's recycling bins for public areas.

City Attorney Jan K. Seiden stated that an appeal had been filed and it was found in the City Planner's office. Council agreed to hear the case during the June 13, 2011 Regular Meeting.

7. Public Hearings:

7A) 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)

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

Attorney Seiden stated that there have been no changes since the first reading of the ordinance.

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

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

8. Consent Agenda: (Items 8A and 8B were approved with one motion)

8A) 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

City Manager Borgmann read the title of the award.

Councilwoman Ator moved Items 8A and 8B of the consent agenda. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

8B) 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

City Manager Borgmann read the title of the award.

Councilwoman Ator moved Items 8A and 8B of the consent agenda. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

8C) Resolution Exercising Renewal Option for Extension of Professional Services Agreement with Limousines of South Florida to Provide Community Transit and Other Related Services

City Manager Borgmann explained that this is a request for the renewal of the City's shuttle service. There has been no price increase and there was one issue that was discussed with the representative that is in charge of this particular project. There was an escalator clause that called for the City to pay for the diesel fuel and this clause was eliminated, although he has not received written confirmation. The approval could be subject to the receipt of the written statement.

City Attorney Seiden clarified that since the agreement involves Citizen Independent Transportation Trust (CITT) funds it must be approved by resolution. He read the resolution by title.

City Attorney Seiden suggested removing the item from the consent agenda for separate approval. Approval should be subject to confirmation of the provision that was mentioned by the City Manager since it would affect the price; by waiving the provision, the agreement would remain at the same service level.

Councilman Lob moved to adopt Resolution No. 2011-3517 pending the changes mentioned by the City Manager. Vice Mayor Best seconded the motion which was carried 5-0 on roll call vote.

Vice Mayor Best was impressed at the number of people using the shuttle bus over the last three years. He thanked the City Manager for providing the information.

City Manager Borgmann said that the numbers reflect heavy use by the school students since the numbers drop when school is not in session.

9. Old Business:

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

There were no appointments to advisory boards.

9B) Supporting Color Palette Code Addition/Amendment Discussion

City Manager Borgmann stated that in order to be able to enforce the color palette, it must be determined what the penalties will be for property owners who do not conform or if a permit should be required. He asked the Assistant City Manager and Code Enforcement Staff to make some suggestions.

Assistant City Manager Ronald K. Gorland stated that with the recent passing of the new commercial district color palette, it is recommended that Council consider incorporating the following into a new ordinance and/or revising existing ordinances to accommodate the following considerations:

1. Exterior painting of all commercial area buildings in an approved palette color is required by December 31, 2012, unless the current paint job is less than four years old and already painted in a palette color.
2. Consider providing an incentive such as a direct cost of paint reimbursement for up to \$1,000 for the first 25 buildings completing painting no later than June 30, 2012. Exclusions include property owners with any outstanding code violations at the time of painting.
3. Penalty for non-compliance of painting by December 31, 2012 is \$100.00 per day until painting is completed beginning the date the citation is issued after December 31, 2012.
4. Exterior painting is acceptable in up to a combination of three palette colors only.
5. Exterior painting must be permitted through a new zero-cost permit.
6. The City Manager must approve requested variations to the "shade" of the approved color palette.

Assistant City Manager Gorland explained that these are only recommendations and Council must determine the appropriate dates and consider adopting the provisions.

Councilwoman Ator calculated that the incentive, as outlined in number two, would total \$25,000. She asked whether or not funds are included in the budget.

Assistant City Manager Gorland explained that since this a new idea, funds would have to be appropriated in the budget.

City Manager Borgmann added that the proposal would need to be a budgeted item every year in order to continue the program, or it could only be a one-time incentive to the first 25 applicants.

Councilman Lob stated that he would like to add another year to the time limit given the economic times. He does not feel that the \$1,000 incentive is necessary since commercial building owners should have available funds for maintenance. The extra year should suffice and the City should not have to give out \$25,000. He also questioned the need for a permit because the building owners will receive a mailing with the information about the color palette.

Assistant City Manager Gorland explained that the permit would ensure that the property owner would not purchase paint that is not the proper color.

City Attorney Jan K. Seiden added that the permit would be for information purposes in order to create a data base.

Vice Mayor Best was of the opinion that once the plan is instituted that one year would be enough time for someone to paint their building. He would rather be more expedient instead of allowing compliance until 2013. The City would be dealing with the property owners since most of the people who own businesses do not own the property.

Councilman Lob explained his reasoning is that someone may have just painted their building in the past year and it would not be fair to paint sooner than is needed.

Councilman Espino said that the real issue is that there are many buildings that have a variety of code violations, including mildew, cracking paint, graffiti or inconsistent colors. In order to address this issue he would like to see a shorter time frame or December 31, 2012. He agreed that it is the responsibility of the property owner to maintain their property and subsidizing painting of the buildings is something he is not willing to approve. He will recommend that any violations or fines could be waived once they comply.

Councilman Espino stated that another issue to consider is how to address recently painted buildings that were not painted within the color palette. In regard to a permit, the color palette and notice to the property owners, along with proper code compliance, should suffice. He suggested that any variations to the color palette should be addressed by the Building Department instead of bogging down the City Manager's work load.

Councilman Lob agreed with Councilman Espino's recommendation to waive any fines in lieu of the \$1,000 incentive.

Councilwoman Ator understood the concern about spending \$25,000. She suggested that if a building was painted within the last few years and it is not the right color then there could be a reimbursement up to \$1,000 for the paint since not many buildings would fall into this category. This would be a reward for taking care of the property rather than giving paint to those who have not taken care of their property. In regard to the permit, her concern is that it could bog down the process.

City Manager Borgmann explained that there would not be a fee for the permit and it would establish a data base with the name, address and selected colors.

Councilwoman Ator expressed her concern about the permit process.

Assistant City Manager Gorland explained that the permit process could be done on-line and an e-mail response would approve the permit and color.

Councilman Espino suggested a drop down menu on the website for the color selection with an automatic response.

Mayor Garcia stated that there are programs in place for what Councilman Espino suggested.

City Manager Borgmann explained that the Administration could come back with a report on the system limitations and what is involved.

Assistant City Manager Gorland felt that Staff could commit to a 24-hour turnaround for permit approval whether it is done manually or automated.

Councilwoman Ator stated that she would approve of automating as many services as possible.

Councilman Lob explained that the goal is to have all businesses painted within the color palette and it would not make sense to automate the permit process unless it is going to be done for an on-going basis every year.

City Attorney Seiden said that if it is only for an initial time the problem could be solved by not requiring a permit and having the property owner respond that they have complied. Once everyone has complied, the ordinance will sunset automatically and maintenance of property will take over. Properties are subject to the color palette, which is a separate ordinance.

Vice Mayor Best stated that the Administration is asking for a response on six recommendations and they should be addressed first. Secondly, when the color palette goes out to the commercial businesses, the information based on Council's decision can be included.

Councilwoman Ator explained that the variation of the shade and using up to three palette colors was not in the original ordinance. These parts of the ordinance will not be moot after three years.

City Attorney Seiden explained that the intent of the ordinance is to have everyone on the color palette by some point in time; the rest is related to accomplishing that goal.

Mayor Garcia said that after everyone has complied, a building could be sold and the new property owner who did not receive the information could paint their building. He asked how this would be addressed if there is no permit requirement.

City Attorney Seiden explained that property owners should have the knowledge and a basic understanding of what is required by the City before improving their buildings.

Councilman Espino agreed with the Vice Mayor that Council should address the six recommendations. Numbers 1-3 deal with the amortization period and 4-6 are related to ongoing paint policies for the City.

Mayor Garcia asked if there were any objections to recommendation # 1 to require compliance before December 31, 2012, unless the current paint job is less than four years old.

City Attorney Seiden asked if there would be a different standard for people who have painted within the last four years.

Vice Mayor Best suggested eliminating the four year provision.

Attorney Seiden said that people who have painted within the past four years outside of the color palette could be offered an incentive as suggested by Councilwoman Ator.

Number 1 – Council agreed that exterior painting of all commercial buildings in an approved palette color is required by December 31, 2012.

Councilwoman Ator reiterated her proposal to offer an incentive to property owners that have painted their buildings in the last four years, but are not within the color palette.

Councilman Lob asked how the property owner would be able to prove when they painted their building.

Councilwoman Ator responded that most commercial property owners would hire a painter and they should have a receipt for the work.

Councilman Lob stated that going back four years is a long time and he would approve of two years.

Number 2 – Buildings that were painted within the last two years and are not in the color palette will be provided a reimbursement for paint with proof of painting.

City Attorney Seiden explained that the current provision that is enforceable through the citation system schedule has a \$50.00 per day fine for violation of the color palette and the Assistant City Manager has proposed \$100.00 per day.

Number 3 – Penalty for non-compliance of painting by December 31, 2012 is \$100.00 per day.

Number 4 – Exterior painting is acceptable in up to a combination of three palette colors only.

Councilman Lob expressed his objection to requiring a permit for a number of reasons.

Mayor Garcia suggested including a provision that permits would be approved within twenty-four hours.

City Attorney Seiden agreed that there could be a provision for a “no cost” permit for informational purposes only, it can be applied for on-line on the City’s website and the applicant can receive authorization within 24-hours.

Assistant City Manager Gorland said that he would not include an on-line provision at this time since the City does not have that capability.

City Attorney Seiden asked Council to consider if they would rather have a provision for post notification of compliance, as opposed to a permit at the beginning. The main concern in regard to the permit is for the purpose of notice; assuming that notice will not be a problem, all that is required is confirmation at the end that a property has complied.

City Manager Borgmann stated that the Administration would establish a new data base to track when buildings were last painted with certain criteria for checking buildings after five years and any buildings not in compliance would be required to repaint under maintenance of property.

City Attorney Seiden explained that a Notice of Compliance would provide the information that is required. The only issue is whether or not an extra process should be put in place to ensure that property owners receive proper notice in regard to the color palette. If people are notified in advance, then a permit is not required.

Mayor Garcia suggested that subsequent to initial notification, property owners could be reminded every year or two years in an informational pamphlet.

City Manager Borgmann stated that the reminder could be included in the annual renewal of the business license.

Vice Mayor Best asked to consider what vehicle would be in place to properly notify an owner when the building is sold since the property owners are the key, not the business owners. He said that there should be continuity of coverage.

City Attorney Seiden explained that either a permit or notice of compliance by the owner will not solve the problem of ongoing notification. He reiterated that a property owner should have the common sense to make sure they are improving their property according to the regulations.

Councilman Lob explained that there are many code regulations and anyone who paints their building should ask if there are any requirements; he did not see the need for a permit.

Councilwoman Ator said that there are two different issues; one is notice of compliance and the other is the ongoing notice issue to new building owners. She did not feel that a permit should be required and the notice of compliance will assist the City. When a property is sold, there must be confirmation from the City that no liens exist on the property and this would be the opportune time to give notice of the color palette.

One of the best sources of information is the local realtors in the City and they could be provided with the color palette since they are selling the buildings, according to Attorney Seiden. He agreed with Councilwoman Ator that these are two separate issues. One is an ongoing program to keep people informed.

Mayor Garcia explained that he would be okay with not requiring a permit as long as there is an ongoing program to keep property owners informed.

Vice Mayor Best said that when a property is sold the new owner should retain benefit of the information. He is not saying that there should be a permit.

City Attorney Seiden explained that notification will be an ongoing process through other means and the impact of the ordinance will be gone after December 31, 2012, except for a couple of provisions.

Number 5 – Require written notification of compliance from the property owner upon completion of the painting.

Number 6 – The Building Department will make a decision in regard to approval of variations to the “shade” of the approved color.

City Attorney Seiden asked Council to address the suggestion for removing fines for violations once a property owner has complied.

Council agreed to remove the fines if the property owner complies within 30 days.

(Agenda Item 9E was considered at this time)

9C) Florida League of Cities Conference Ad Design

City Manager Borgmann stated that there were four flyers placed on the dais, including the suggested ad for the Florida League of Cities and the other three were designed to be used in various publications for marketing purposes. He thanked Jo Ellen Phillips for providing the designs on such short notice.

City Manager Borgmann pointed out that the only difference between one and two is the group photograph of Council with a slightly different layout.

Jo Ellen Phillips explained that there was some discussion about the inclusion of the Council photograph and that is why two designs are exactly the same with the exception of the photograph. She understood that Council was looking for two different ads. One ad addresses the Florida League of Cities and their 85th anniversary.

City Manager Borgmann recommended changing the word “thanks” the Florida League of Cities to either “congratulates” or “salutes”.

Ms. Phillips clarified that the general ad could be used to attract businesses to Miami Springs and the other one is specific to the Florida League of Cities to congratulate or salute them.

Councilman Espino liked the Florida League of Cities ad because it includes everything that Council wanted.

Ms. Phillips explained that she prepared four ads for the price of one with custom photographs.

Councilman Espino moved to approve the Florida League of Cities advertising with the change in the word thanks to salutes or congratulates and the first design for the regular advertising.

Councilwoman Ator asked for a slight change so that the “Q” in Quality does not touch the “E” in Years.

Vice Mayor Best seconded the motion, which was unanimously carried on roll call vote.

(Agenda item 10A considered at this time)

9D) Westward Drive Charter Amendment Petitions

City Clerk Magali Valls stated that in her memorandum addressed to Council and attached as back-up information for the agenda item, she provided a detailed summary of all the activities and correspondence pertaining to the Westward Drive Charter amendment petitions, since she had been informed that although she was not present at the Council Meeting of May 9, 2011, Council had directed her to make a determination about the sufficiency of the petitions.

The City Clerk stated that after careful consideration and based on Miami-Dade County Code of Ordinances 12-23, her recommendation is to disqualify the petitions based on the following sections of the Code:

1. Section 12-23(2), the form of the submitted petitions was incorrect and therefore insufficient and has failed.
2. Section 12-23(2)(G), the title and text of the petitions are not in English, Spanish and Creole as required and therefore are insufficient and have failed.
3. Section 12-23(3)(A), the title and text of the petitions are not in English, Spanish and Creole as required and are therefore disqualified.
4. Section 12-23 (B)(C)(D)(E), 26 of the 136 original petitions submitted fail to meet the requirements of subsections (B), (C), (D) and (E) and are therefore disqualified.

The City Clerk also informed Council that as required by law, she sent a letter to Mr. Jaime Petralanda, on behalf of all petition circulators, to advise him of the insufficiency, failure, and disqualification of the Westward Drive Charter Amendment Petitions.

City Attorney Seiden stated that there is nothing to prohibit the organizers circulating proper petitions with all the appropriate language. He advised Council that the County has a question on the ballot in regard to the petition form and whether or not notarization should be required for the signature of the circulator and that it is the responsibility of the persons initiating the petition to ensure that their performance in the petition process, form requirements and acceptance of petition signatures is correct.

City Attorney Seiden explained that it is quite clear that the City Clerk is a one person Supervisor of Elections for the City and traditionally she has relied on assistance from the County Elections Department. The letters to the County show that both he and the City Clerk made a legitimate attempt to secure as much information as possible from the County Supervisor of Elections. It is clear that the County is not going to respond further and a decision had to be made both for the Council and the circulators.

Vice Mayor Best thanked City Clerk Magali Valls for everything she has done relative to this issue. He knows it was an arduous process to keep Council informed and to handle the various citizen questions in regard to the issue. He also thanked City Attorney Seiden.

(Agenda Item 9E considered after 9B)

9E) Using Historic Tax Credits to Help Finance the Curtiss Mansion Renovation

Erik Wishneff of Brian Wishneff & Associates, Washington D.C., stated that he had been speaking with various members of City Staff for the past year in regard to the Curtiss Mansion project. He said that there is an opportunity to use the federal tax credit program that encourages the renovation of certified historic structures.

Mr. Wishneff presented a slide show, explaining that they have worked on various projects throughout the country with municipalities and 501-C-3 entities. He explained that the federal historic tax credit was first created in 1976, and one program is the 20% tax credit for the rehabilitation of certified historic structures.

Mr. Wishneff clarified that the Curtiss Mansion is considered a certified building because it is listed on the National Register. The renovation plans must also comply with the Secretary of Interior Standards for Historic Renovation, which are guidelines for renovation of historic buildings and this has not officially been determined since there is an application process through the State and the National Park Service. He did speak with the Architect who is familiar with the program and it is likely that the Mansion will qualify.

The application process has three parts; part one certifies that the building is eligible, part two is the submission of the renovation plan and part three requires evidence of compliance with the renovation plans, according to Mr. Wishneff. The renovation must be a substantial expenditure, which does not apply to the Curtiss Mansion and the user or tenant of the building must be different than the tenant previous to the renovation.

Mr. Wishneff explained that the tax credit is based on qualified rehabilitation expense that is basically all renovation costs and architecture fees related to the project. Site work like landscaping and parking lots, furnishings or new additions do not qualify.

Mr. Wishneff stated that the City of Miami Springs and Curtiss Mansion, Inc. do not have a need for a tax credit and the legal structure allows a third party to take the credit in exchange for paying funds into the project. An investor can take advantage of the tax credit through a series of leases and the credits cannot be sold. The building would be leased to a newly created LLC and Curtiss Mansion, Inc. would create a for-profit affiliate or a Curtiss Mansion manager that would manage and own the majority of the Curtiss Mansion landlord. The landlord is the entity that the building would be leased to. In turn, the building is sub-leased to the Curtiss Mansion master tenant. The master tenant is the level at which the credit is taken so the investor would own 99.9% of the entity and the Curtiss Mansion manager would own .01%.

Mr. Wishneff explained that in no way would the City lose any control over the use of the building from an operational standpoint; the investor is only there to obtain the tax credit. The leases and operating agreements would be created to assure the necessary control over the project.

City Attorney Jan K. Seiden said that he contacted a tax attorney that specializes in this type of work because he is not familiar with the program. The attorney has done preliminary work and provided a letter with a price for a conceptual review of \$10,000.

Councilman Espino asked how much money can be raised from the tax credit program.

Mr. Wishneff said that the tax credit is estimated to be \$800,000 and the City could net approximately \$500,000, including all fees.

City Attorney Seiden explained that monies have been secured from government grant funds and the impact on this is unknown. The City signed grant agreements with various entities and if this would create a taxable incident or issue for them, obviously it could not be done, and the answer is unknown.

Mr. Wishneff confirmed that he had not reviewed the grant documents for the Curtiss Mansion project, but that they had done quite a few projects in the past that had received grants from all levels of government.

Mayor Garcia stated that Curtiss Mansion, Inc. would be very careful before considering the tax credit program if it would affect the grant opportunities.

Mr. Wishneff reported that he will be meeting with the County Attorney and that he would raise the issue in regard to the County grant funds.

Councilman Espino asked if the reference to Curtiss Mansion Foundation 501-C-3 is the same entity as Curtiss Mansion, Inc. (CMI) and Mr. Wishneff answered affirmatively.

Councilman Espino inquired who would be the third party tenants.

Mr. Wishneff thought that there might be other tenants in the building besides CMI that would lease space.

Councilman Espino asked about the discrepancy in the number of years for the lease.

Mr. Wishneff explained that the 55-year plus or landlord entity needs to be the “owner” for tax purposes or have a long-term lease in excess of the useful life of the building. Thirty-two years applies to a technical tax reason and the fifteen-year lease applies when the tenant is a tax-exempt entity. The legal structure would remain in place for five years from the end of renovation. At the end of five years the investor would exit and at that point the owner of the entities would be CMI.

Councilman Espino asked why it is necessary to have a manager entity and a landlord entity.

Mr. Wishneff explained the landlord’s role is to generate the tax credit that is passed down to the master tenant entity. The entity generating the tax credit needs to be owned by for-profit entities and that is why the manager entity is created in between.

To answer Vice Mayor Best’s question, Mr. Wishneff explained that the IRS Code allows for the entity generating a tax credit or the landlord, to pass it through to the tenant. There would be a pass-through agreement that passes the credit to the master tenant. The master tenant level is owned by the investor and the credit is taken at that level based on ownership. The structure allows the equity to come in as a capital contribution.

Mr. Wishneff stated that most people who take advantage of the program are using the funds to finish their project and in the case of the Curtiss Mansion, there is no restriction on what the funds can be used for and it could be used for ongoing operations of the building.

Mayor Garcia asked what would be the downside to the program.

Mr. Wishneff responded that it is unknown at this time if the renovation would qualify. There is a recapture risk after the credits are taken by the investor and incidents when the credits can be lost. This can happen if the legal structure is terminated or if there was a loan on the property and the building was foreclosed upon. The building cannot be materially altered or torn down.

City Attorney Seiden asked what would happen if the building was to burn down.

Mr. Wishneff explained that there is a risk because the credit “burns off” at 20% each year and the investor would look for repayment from the insurance proceeds.

Councilwoman Ator asked for clarification in regard to the five-year tax credit.

Mr. Wishneff clarified that the tax credit can be taken by the investor in the year that the project is completed and they will remain in the structure for five years from the end of renovation. The investor exits through a “put call” option that is an option to put their interest back to the manager entity for an agreed upon price. The investor may pay a certain amount for the credits and the amount will be known when they exit; it will be something material. The amount is agreed to upfront and it gives the incentive for the investor to exit as opposed to staying in the lease structure.

Councilwoman Ator asked if the relationship is with CMI if the City could renegotiate the lease after five years.

Councilman Espino explained that the tax credits are pertinent only for the expenditures; they do not pertain to a timeframe. By virtue of the IRS Code, the structure has to be in place for five years. After the tenant exits, according to the documents up front, there are no more historic tax credits and they exit with no consequences.

Councilwoman Ator felt that it must be recognized that the City would be entering into a 55-year lease.

Councilman Espino explained that the lease is only a technicality as long as the threshold issues are okay.

To answer City Attorney Seiden’s question, Mr. Wishneff clarified that the City could start its own Miami Springs 501-C-3 and not use CMI. An entity is needed that can enter into a LLC because the City itself cannot do that.

Vice Mayor Best asked if it would be a benefit to the City if the equity flow was constant and the fifteen years was satisfied using the estimate of \$500,000 as mentioned earlier based on 10%.

Mr. Wishneff explained that the 100% would be distributed from the landlord to the Curtiss Mansion manager and the distribution from that point on is up to the City and CMI.

Vice Mayor Best stated that the bottom line is whether or not the program will work for the City and according to the City Attorney the City will have to check with a tax attorney.

Councilwoman Ator emphasized that the details are important when considering a long-term agreement for 55-years.

City Attorney Seiden reiterated that this is above and beyond his expertise and that is why another attorney would be consulted.

Mr. Wishneff said that many corporations enter into partnerships and take advantage of the tax credits and they might require a tax opinion from counsel. The City could also get a tax opinion, if there is a concern.

City Attorney Seiden asked if there were any more downsides.

Mr. Wishneff mentioned that part two of the approval process will typically take up to 90 days after submittal and because of where the Curtiss Mansion renovation stands at this point, the structure will have to be implemented before knowing with 100% certainty that it is approved. There can be preliminary review of the plans, but given the timeframe of the project the admission of the investor would need to be implemented prior to the approvals. There could be language in the agreement saying the investor would exit and the structure would collapse because there will be no credits. The investor will not want to stay in the partnership unless they benefit from it.

To answer City Attorney Seiden's question, Mr. Wishneff said that the investor must be in place before the building is placed in service.

CMI President Jo Ellen Phillips of 372 DeLeon Drive stated that arrangements had been made with All Angels to utilize their classrooms for the STEM academy if the Mansion is not ready by June 20th. She stated that she had been to Tallahassee three times with the plans and they were approved by the State. Plans are still in place to be able to accommodate the STEM academy by June 20th, pending the completion of the drywall, plumbing and flooring.

Councilwoman Ator was concerned that fifty-five years is a long time to obligate the City to a group that could look completely different in ten years.

Attorney Seiden explained that there are more questions than answers and the initial contact with the attorney indicated that it is a legitimate program, although there are potential downsides. He said that as long as the funds go toward the CMI project it would not matter what corporation would be the funding conduit.

Mr. Wishneff stated that the lease could restrict the use of the building and that the City would have to approve any other uses.

Councilman Espino added that the agreement could include any provisions that are necessary.

City Attorney Seiden advised Council that they would only be giving conceptual approval to proceed and it would require approval to hire a tax attorney. At some point, counsel may make recommendations as to the format and how it should be handled.

Vice Mayor Best stated that Council must decide whether or not they want the Administration to proceed in terms of hiring somebody of authority or a tax attorney to advise if this will work for the City and/or if it can be done.

City Attorney Seiden explained that the summation has already been made on an initial level that the tax credits are legitimate. He would not feel comfortable giving his opinion since it does not fall under his expertise, but listening to the comments, he assumes that if Brian Wishneff & Associates is hired that they would prepare the documentation, subject to City Council review. At that level, recommendations would be made for approval of the documentation and the process.

Because of the timeframes involved, Council must move quickly because the renovation is almost at the end of the road, according to Attorney Seiden. If the building opens, the City cannot take advantage of the program and if the schedule is correct, there is less than thirty-days left.

Vice Mayor Best was of the opinion that Council should proceed with determining whether or not the tax credit makes sense.

Councilman Espino added that a legal opinion is needed and the work-up is part of contracting with this group. He understands that the agreement is contingent upon success.

Mr. Wishneff confirmed that his firm works on a success fee and they take a percentage of the equity if the City successfully closes with a tax credit investor. If the legal opinion comes back negative or if part two is not approved they would not receive a fee, except for a trip reimbursement if they come back again.

Councilman Espino moved to give conceptual approval to empower the proper City official to contract with a tax attorney; direct the City Attorney to review the agreement with Brian Wishneff & Associates and come back with a proposal for the next Council meeting; direct the Administration to begin whatever preliminary matters that can be started before officially entering into a contract to facilitate movement and the threshold issues. Vice Mayor Best seconded the motion.

Councilwoman Ator asked the City Attorney if he was comfortable in reviewing the agreement.

The City Attorney will look at the agreement and if he is not comfortable he will pass it along to the tax counselor.

Councilwoman Ator said that it is very confusing since there would be another entity in the relationship with the Curtiss Mansion.

City Attorney Seiden explained that there is really no option since a 501-C-3 company cannot be approved within the timeframe. The conceptual approval will have to be based upon the chart and the ongoing relationship with Curtiss Mansion, Inc.

City Attorney Seiden asked if the motion passes giving approval in concept, if it would it be enough to begin the application process.

Mr. Wishneff clarified that the part two application that goes to the State is not included in the proposal; it is separate and aside and typically an architect would complete it since they are familiar with the project. He would strongly urge the City to select someone who is familiar with the tax credit programs and regulations.

City Attorney Seiden added that it would be another cost item because Mr. Heisenbottle would not offer his services for free. He would suggest that CMI contact him to find out what it would cost.

To answer Mayor Garcia's question, City Attorney Seiden said that he asked the tax attorney for an estimate for the preliminary review and he said that he charges \$450.00 per hour based upon an estimate of twenty hours or \$10,000.00.

Mr. Wishneff said that typically they engage third party counsel to prepare agreements and they might charge for a formal opinion.

City Attorney Seiden said that the City needs a third party opinion and someone to represent their interests since he does not feel comfortable.

Mr. Wishneff explained that he could have the attorney contract directly with the City and arrange a situation where they would not charge.

Councilwoman Ator explained that she is not comfortable with Mr. Wishneff's suggestion.

Councilman Espino would solicit legal opinions from the County.

Councilwoman Ator felt that the motion on the floor is too overbroad. She would like to move the completion of the Curtiss Mansion as quickly as possible, but as a lawyer and without having an independent opinion on some of the issues related to ownership and the lease, she would want to have that clarified before proceeding with a motion that will involve a lot of administration and attorney review time. She also has some problems with the agreement in its current form.

Vice Mayor Best felt that the motion covers all areas and if something comes back that is not appropriate then Council will not move forward. It does not make sense to waste any more time.

Councilman Lob said that there is a lot of money at stake, there is a tight timeframe and Council must move forward relying heavily on counsel to advise if something is incorrect.

The motion was carried 4-1 with Councilwoman Ator casting the dissenting vote.

Mayor Garcia called for a 5-minute recess at 9:36 p.m.

9F) City Manager Job Description and Qualifications

City Manager Borgmann stated that he was not at the last meeting when this item was discussed and Council asked for additional information on the scope of the search. He provided his personal opinion on the scope explaining that with today's technology it will go global as soon as the position is advertised. He highly recommends experience in the State of Florida and Miami-Dade County because this is extremely important. During his 30-years working in local government he has seen people brought in from outside the state and they are gone in a short period of time.

City Manager Borgmann explained that Human Resources Director Loretta Boucher provided the position description and the executive search factors that were used the last time the position was advertised.

Mayor Garcia stated that he reviewed the information and everyone should agree that it is an important issue that will require extra time. He suggested holding a Special Meeting on this issue as soon as possible.

Council scheduled a Special Meeting for Monday, June 6, 2011 at 7:00 p.m. to discuss this item.

(9G considered after the recess at 9:45 p.m.)

9G) Code Compliance Sign Ordinance Discussion

Building and Zoning Office Supervisor Tex Ziadie stated that Council had requested information about the upcoming sweep of the commercial area, some of the issues that would be addressed and some that may require Council action and he prepared a presentation for Council's review.

Mr. Ziadie said that the number one problem is signage, including signs on closed businesses, but it would require action to incorporate a provision into the Code of Ordinances in order to be able to enforce the removal of these signs.

Councilman Lob commented that some signs can be reused and Mayor Garcia agreed that this had been done at one business on Westward Drive.

Mr. Ziadie continued his presentation showing illegal signs, including banners throughout the community that are prohibited except for grand opening signs that are allowed for 30-days. The Code also limits sign coverage of windows to no more than 15% of the window area and many businesses have this issue. Every exterior commercial sign must be permitted and even window signs require a permit if they are permanently attached to the window, according to Mr. Ziadie. He said that the problem has existed for years and it will take time to bring the signs into compliance.

City Manager Borgmann noted that sign permits are required to ensure that signs are attached properly to the building and will not lift off during a windstorm and there are size limitations.

Mr. Ziadie said that illegal signs are sometimes posted on poles and it is difficult to enforce by calling the listed telephone numbers. There is no way to penalize the owner of the sign and they are removed by the Code Compliance Officers.

The presentation continued with photographs of maintenance of property violations, paint color issues and graffiti.

Mr. Ziadie stated that in 2008, the City Council placed a moratorium on enforcing the Code in regard to using storm shutters as security devices on commercial buildings and there are at least three cases that have been on hold since that time. The Code also states that a vacant building can apply some type of paper to cover the windows, but when the building is occupied it is not allowed.

In 2002, the Code was modified to require that all commercial and multi-family units have enclosed dumpsters and a letter was supposed to be sent out but there is no record in the file. As a result, the property owners have never been notified of the regulation, according to Mr. Ziadie. All property owners should be notified that they are required to enclose their dumpsters and in some cases it might be impossible to do this due to the lack of space, although they could apply for a variance.

Councilwoman Ator asked if door-to-door solicitors are allowed within the City.

Mr. Ziadie explained that the solicitors are required to register with the Police Department and there is an application process.

Councilwoman Ator suggested developing a data base with accessible information for residents in order to be able to see if solicitors are registered.

Mr. Ziadie added that contractors must apply for a permit to place advertising signs in residential yards.

Councilman Lob stated that he would like to look into the possibility of allowing banners for special events.

Mr. Ziadie explained that someone can apply for a special event and the City Manager has the authority to give permission for the placement of a banner for a limited time.

Vice Mayor Best asked if the Administration is looking for some relief or direction from Council relative to correcting the violations.

Mr. Ziadie responded that most of the violations can be handled by the Code Compliance Department, while some guidance is needed in regard to big issues like the dumpster enclosures.

City Manager Borgmann clarified that new commercial buildings must meet specifications for dumpster enclosures as part of the new construction. The problem is that the rule was instituted after buildings were constructed without the enclosures.

To answer City Attorney Seiden's question, Mr. Ziadie explained that he searched the records and could not find any evidence that letters had been sent to property owners in regard to the dumpster enclosures.

Councilman Espino felt that it would be appropriate to address the dumpster enclosures and the window shutters as separate agenda items.

Councilman Espino stated that he received calls from residents living next to Fair Havens with ongoing complaints about a series of issues, specifically overgrown grass, trash, debris and parking.

Mr. Ziadie said that he addressed a complaint in regard to parking and employees eating lunch and throwing trash on the ground. He told the person complaining to call him when there was a problem and he has never called him back.

Councilman Espino felt that residents do not want to act as enforcement officers. He asked if there is some process that addresses repeated violations.

Mr. Ziadie explained that there is a repeat offender process that was implemented in 2004, and any property cited more than once for the same violation within a two-year period is notified that they are repeat violators and future violations will be immediately ticketed without warning.

Councilman Espino stated that there was a story in the River Cities Gazette about illegal rentals in Miami Springs and he received calls telling him that there was advertising on the internet for the rental of detached cottages and rooms. He asked to consider what can be done to stop illegal rentals in the future.

Mr. Ziadie clarified that a list is maintained of properties that are alleged to have multi-family violations with approximately 300 addresses. Every six months approximately twenty of the properties are sent a letter that was approved by the City Attorney and the property owner is asked to sign an affidavit that they are not doing anything illegal. The owner has the option of signing the affidavit or allowing an inspection of the house.

Councilwoman Ator asked if any extra steps were taken to notify the owner of Fair Havens to maintain or place a few trash containers on the property in order to keep the facility looking nice.

Assistant City Manager Gorland explained that the Administration held several meetings with the Administrator of Fair Havens and initially there is some success. They appear to be good corporate citizens and comply, but the problems are ongoing.

Vice Mayor Best agreed that the Administration could approach Fair Havens to ask them to place a few trash containers on the property and have them emptied as part of the routine maintenance. The issue with illegal rentals is difficult since people have had in-law cottages for more than fifty years.

City Attorney Seiden explained that he would bring back information to Council in regard to illegal rentals when there is more time.

9H) Ecology Board – Commercial Recycling

This item was **not considered**.

9I) Strategic Planning Retreat – Proposed Compromise

This item was **tabled** until the June 6, 2011 City Council Special meeting.

10. New Business:

10A) Part-Time Year Round Budget – Recreation Department

Recreation Director Omar Luna stated that the Recreation Department is requesting a budget amendment in the amount of \$91,118.00 in order to meet part-time needs. However, due to increased revenues the net effect on this year's budget would be \$51,118.00.

Mayor Garcia asked if additional activities and new programming is the reason for the increase in part-time employees.

Mr. Luna clarified that there is new programming and the expansion of the football, cheerleading, baseball and soccer programs and adequate staff is necessary in order to provide a safe environment. The Community Center programs are growing and this is positive for the department.

City Manager Borgmann explained that more people have come to the new Community Center and the programming that was added to accommodate the needs and desires of the community is greater than anticipated.

To answer Councilwoman Ator's question, Mr. Luna explained that two part-time employees work Monday through Friday from 8:00 a.m. to 12:00 p.m. maintaining the fields and from 6:00 a.m. to 8:00 a.m. at the Community Center.

Councilwoman Ator said that on the weekend there is a certain amount of maintenance required at the fields to empty the trash containers.

Mr. Luna said that the Public Works Department empties the containers during the week and the Recreation Staff does it on the weekends. Last weekend there was a large tournament and there was not enough staff to handle the overflow.

Councilwoman Ator suggested posting a telephone number that people can call if they find conditions that need attention on the weekend.

Vice Mayor Best asked if additional funds would also be considered during the upcoming budget process.

Mr. Luna assured Council that he would be better prepared for what to expect during the next year.

Assistant City Manager Gorland stated that there will be discussion forthcoming about major changes in sports activities since the cost is being driven up by the number of kids participating in the sports programs.

Mayor Garcia commented that the football program is holding early registration and they already know there will be seven teams, while last year there were only four teams.

Vice Mayor Best moved to approve the request of the Recreation Director. Councilwoman Ator seconded the motion, which carried 5-0 on roll call vote.

10B) 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

There was no discussion regarding this item.

Vice Mayor Best moved the item. Councilwoman Ator seconded the motion which carried 5-0 on roll call vote.

(Item 10C considered after 10A)

10C) 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

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

Attorney Seiden stated that the resolution authorizes the application of a non-matching grant of \$145,000 to the Miami-Dade County Metropolitan Planning Organization (MPO) that is scheduled for funding in 2015.

Curtiss Mansion, Inc. President Jo Ellen Phillips explained that they are asking for \$145,000 since the Curtiss Mansion is a trailhead on the bike path and the enhancement funds would be used to hook up the bike path with the Mansion itself, including the pathway and landscaping.

City Attorney Seiden reviewed the provisions contained in the “whereas” clauses.

Councilwoman Ator moved to adopt the resolution. Councilman Espino seconded the motion, which carried 5-0 on roll call vote.

10D) 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

Item not considered.

10E) Children’s Covenant in Support of Public Education for our Community

Item not considered.

11. Other Business:

11A) Consideration of Change of July 4th Parade Route

City Manager Borgmann stated that he sent a memorandum out a few weeks ago regarding a problem with the parade over the past couple of years that incorporates the proposed changes.

The City Manager explained that years ago the parade began in front of Fair Havens on Curtiss Parkway and proceeded to the Recreation Center with all the activities at that location. This route ended when the City took over the Golf Course and made improvements to the building under the concept that if the parade ended at the Country Club it would promote the Golf Course and Country Club. As a marketing tool it may have been a benefit, but the current validity can be questioned.

City Manager Borgmann explained that Councilwoman Ator asked if consideration had been given to going back to the old route and he placed this item on the agenda to see if Council was interested in her suggestion. It would shorten the route by two blocks and he wanted to make sure that Council was in agreement with the four items that would be instituted for the parade itself.

Mayor Garcia explained that the agenda item is related to changing the route and he would like to focus on this item.

Vice Mayor Best said that he would not oppose changing the route. His only concern would be the activities that take place at the end and if they would be able to accommodate the Optimist and Lions Clubs and all the activities that take place at the end of the route.

City Manager Borgmann clarified that there is enough room at Prince Field for the activities. The problem is the space for parking and staging the event at the Community Center.

Councilman Espino had concerns about the end result of changing the route due to the many vehicles that will come to the area immediately following the parade to participate in the activities, including the floats and trucks. Another concern is that not everyone will dress appropriately to use the gym since they might be wet or not have the proper shoes. The Lions Club and Optimist Club will be cooking and the inflatable bounce houses and tents will tear up the grass.

Motion to extend the meeting was offered by Councilman Espino and seconded by Councilman Lob. The motion carried 4-1 on roll call vote with Councilwoman Ator casting the dissenting vote.

Councilwoman Ator said that the proposal was rejected last year due to certain issues at the Recreation Center that have apparently been resolved. She said that the Tot-lot, Community Center, and Senior Center could be utilized and the problem at the Country Club is that the facility is not available during the heat of the day or if it rains. The pool might also be open and it would maximize the resources for the citizens.

Councilman Lob stated that there is plenty of room at Prince Field for the Optimist Club or any other clubs. The parade route was changed in order to promote the Golf Course. Most people that attend the parade know about the Golf Course and Country Club. He agrees that Prince Field looks beautiful and he is not sure if the activities will ruin the grass. The facilities at the Community Center will add to the enjoyment of the day.

Mayor Garcia said that this is an important issue that the Recreation Department Staff should be included in before making a decision. He is concerned about the use of the inside of the Community Center and monitoring who goes in and out of the facility. He added that that he would have liked more than one month notice for the people who participate in the parade and the residents who use the Community Center. Consideration should also be given to the condition of the fields that are already heavily used.

Mayor Garcia explained that he would have to be shown the benefits of switching the route before making a decision one month before the date.

Councilwoman Ator moved to change the route of the parade. Vice Mayor Best seconded the motion.

Vice Mayor Best said that the parade begins at 10:00 a.m. and lasts for approximately two hours. He has worked selling snow cones for the Lions Club and after one hour there is no one there because it is too hot. The issue of trampling the fields is not that significant, nor will the residents be inconvenienced. Based upon the Mayor's concern, if the change is approved, he would like the residents to be notified as soon as possible about the change.

Mayor Garcia recalled that in previous years the Dynasty Room at the Country Club was used for the baby contest and for people to cool off and eat. The reverse route would provide shelter at the Senior Center. He reiterated that he would like to know the benefits of holding the activities at Prince Field.

Councilwoman Ator said that the Dynasty Room is in the back of the Country Club and the bounce house is set up outside where there is no natural shade or trees. Prince Field has bleachers and benches and the kids will not tear up the fields. She will leave it to the discretion of the Recreation Department if they want to close the gym during those hours. It seems to be the ideal location for that number of people on a very hot day.

Vice Mayor Best commented that there is an area where the Little League sets up that is adjacent to the Tot-lot and it would not affect the field.

Councilman Lob also wanted to know how the Recreation Director feels about switching the route and if the Staff is prepared for the change.

City Manager Borgmann stated that Programs Supervisor Patricia Bradley was a proponent of the idea for changing the route years ago, but it met resistance from Council because they wanted to bring people to the Country Club.

Mayor Garcia expressed his confidence in Parks and Recreation Director Omar Luna and that department is not here to speak to the issue or to voice their concerns. His only argument against postponing a decision to the next meeting is because of the importance of having enough time to notify the residents.

Councilman Lob recalled the last time the idea was presented it was also at a late date, which was a concern. He also had an issue of voting on the proposal without the knowledge of the Recreation Department Staff.

Vice Mayor Best felt that the City Manager has confidence in Staff and placed this item on the agenda knowing that the Recreation Department Staff will be able to handle the change. He said that the Recreation Department will be involved regardless of the change in the route. He added that people are more likely to go to the pool than the gym after the parade and the same number of employees would be involved in the operation.

Councilwoman Ator was under the impression that the change would be okay with Programs Supervisor Patricia Bradley.

City Manager Borgmann suggested that Council could make a decision and if the Recreation Department disagrees it will not be done if they feel it is not a viable plan, unless Council wants to consider it next year at an earlier date.

Councilwoman Ator withdrew her motion and Vice Mayor Best withdrew his second.

Councilwoman Ator moved to change the Fourth of July parade route pursuant to the City Manager's suggestion, subject to approval from the Recreation Department. Vice Mayor Best seconded the motion.

Mayor Garcia stated that he would like to know the pros and cons from the Recreation Department Staff and to be able to ask them questions. He asked the City Manager if changing the route was his recommendation.

City Manager Borgmann clarified that the item was presented for Council's consideration. He presented information explaining why the route was changed in the first place. The parade was a marketing tool for the Golf Course and because that may no longer be valid, this is an opportunity for Council to consider reversing the route; it is strictly information.

Mayor Garcia said that the parade route should not be changed back and forth and he wants to do it right.

City Manager Borgmann said that the current route does allow for more viewers along Curtiss Parkway, which is in the shade and many people park along there.

Mayor Garcia asked what is the urgency to change the route one month before the event.

Vice Mayor Best commented that it was only a suggestion made last year by one Council member and to accommodate the request he is agreeing to do it; there is no urgency and anyone can disagree.

Mayor Garcia reiterated his desire to have input from the Recreation Department.

Vice Mayor Best disagreed with the Mayor and **withdrew his second** to the motion.

The motion died for lack of a second.

Councilman Lob stated that the item could be discussed earlier for consideration again next year.

Councilwoman Ator did not see any reason that Council should have to approve the parade route since it should be the decision of the Recreation Department. She has made it clear for a variety of reasons why she would like to change the route.

City Manager Borgmann explained that it is an item that impacts a major event that the City hosts every year and if the route is changed, it has been brought to Council in the past for their approval as an event. This is a decision that Council should make.

Mayor Garcia requested to address the proposal during the budget process.

11B) Consideration of Proposal to Host a Fallen Officer Ceremony on June 11, 2011, the 20th Anniversary of Officer Stafford's Death

Councilman Espino stated that the recent discussion of the field naming and memorial for fallen Officer Amanda Haworth motivated a resident to advise him that June 11, 2011 will mark the 20th anniversary of Officer Stafford's death. He is proposing to host a fallen officer's ceremony at Stafford Park to appropriately honor and commemorate the lives and services of both Officers Stafford and Haworth.

Councilman Espino said that he would leave the specifics of such an event open for discussion by and amongst Council, the Administration and the Police. He further proposes to take the opportunity, if possible, to have this event serve as the official naming of the respective field for Officer Haworth and unveil the plaque/memorial/sign indicating the naming.

Councilman Espino spoke with the Chief of Police and Officer Garcia and they both feel it is a great idea and they would volunteer their time for the event. He spoke with the Fraternal Order of Police and Sergeant Gurney is willing to give her support. He explained that he does not want financial considerations to be a part of the decision and he will personally donate a tent, tables, chairs, wreaths and food. Officer Lynn Brooks has also offered her assistance and advised him that the family is available on that date.

Councilman Espino apologized for bringing the item forward at such a late date.

Councilman Espino moved to extend the meeting and Vice Mayor Best seconded the motion, which carried 4-1 on voice vote with Councilwoman Ator casting the dissenting vote.

Councilman Espino said that he would put together a committee and move this forward in order to commemorate and honor the lives of the police officers.

Vice Mayor Best commended Councilman Espino for bringing forth this recommendation. He asked if there is enough time to construct the monument before the ceremony; it is a wonderful idea and he would certainly welcome it.

Chief of Police Peter G. Baan stated that he spoke briefly with Councilman Espino and he had a different understanding. The twenty-year anniversary of Officer Stafford's death is coming up and there were plans to do something in front of the Police Station.

Councilman Espino explained that Stafford Park bears the name and it is part of Officer Stafford's lasting legacy in the community, as it will be Officer Haworth's.

Chief Baan said that he would not have a problem with Councilman Espino's proposal. He spoke with Cecilia Stafford who is the widow of Officer Stafford and she would like to attend, although the plans were to hold a ceremony by the monument outside the Police Station. He suggested that the two ceremonies could be combined.

Every year there is a memorial at Tropical Park for all police officers and twelve members of the Police Department participated in the event with more than 1,000 people, according to Chief Baan.

Councilman Espino said that he has a tentative plan and he would love to work with Chief Baan, Officer Garcia, Sergeant Gurney, Patricia Bradley or anyone who would like to work out the logistics. He explained that the scale is small and he will vouch for the incurred expenses.

Councilwoman Ator explained that she is not concerned about the expense or the location. Her concern is that the memorial would not be ready in two weeks and that would be a disservice. She felt that the official field naming and unveiling of the plaque should be separate from Officer Stafford's ceremony.

City Attorney Seiden clarified that Council decided on a monument behind the backstop on the field, similar to the one for Dr. James.

City Manager Borgmann felt that there was enough time for the preparation of the bronze plaque and someone in Public Works might be able to prepare the stand.

Vice Mayor Best said that it seems to be a conflict with the two locations and events, although he likes the idea.

Councilman Espino reiterated that the field will bear Officer Haworth's name at a park named after Officer Stafford. He is not adverse to doing something in front of the Police Station as well; he thought it would raise the prominence of the event by combining the two ceremonies.

Mayor Garcia agreed that the park is named after Officer Stafford and the Chief has said that he would not have a problem with honoring both officers together in that area. It is only a matter of schematics and having everything in time, which can probably happen with the joint effort of the Police Department, Fraternal Order of Police and the Public Works. He knows that the brass plaque can be prepared within five days and the pedestal would have to be built.

Councilman Lob agreed that it would be good to have as many people as possible attend as long as the Police Department is willing and it would benefit both causes. It should not take long to prepare the plaque and the stand.

Councilman Espino moved to host a fallen officer ceremony on June 11th to honor both Officer Stafford and Officer Haworth with the memorial ceremony and the naming of the field with the appropriate designated plaque. Vice Mayor Best seconded the motion, which carried 5-0 on roll call vote.

12. Reports & Recommendations:

12A) City Attorney

None.

12B) City Manager

City Planner

City Manager Borgmann stated that the Administration would be working as fast as possible to fill the position of City Planner.

The variance appeal and the school board items were not on tonight's agenda. He contacted the School Board and advised that the presentation from Ana Rijo-Conde would be rescheduled.

Code Enforcement Officer

City Manager Borgmann announced that the testing for the Code Enforcement Officer positions will be held on Tuesday May 24th. There were seventy-five applicants for two part-time jobs.

Memorial Day Ceremony

City Manager Borgmann announced that the Memorial Day ceremony would be held on Monday, May 30th at 9:30 a.m.

Stafford Park

City Manager Borgmann reported that the Stafford Park handicap parking and the bleacher repairs should be finalized by Friday, May 27th.

Election Day

City Manager Borgmann reminded everyone to vote in the County Election on Tuesday, May 24th.

City Planner

City Manager Borgmann stated that in regard to City Planner Richard Ventura, he does not have any additional information other than last reported in his e-mail. He certainly would like to know what happened as soon as possible and the toxicology report could take three or four months since there was no trauma to the body. He said that it is a very sad situation that has certainly touched everyone at City Hall and Richard remains in everyone's prayers and thoughts.

City Attorney Seiden explained that there were five agenda items that were not considered tonight and it is Council's prerogative as to how they would like to handle them.

Mayor Garcia stated that he would like to consider Agenda Item 10B for the award of the elevator bid at this time.

Vice Mayor Best moved agenda item 10B for the elevator renovation. Councilwoman Ator seconded the motion, which carried unanimously on roll call vote.

Councilman Espino requested that agenda item 9I on the Strategic Planning Retreat be added to the Special meeting agenda.

Councilwoman Ator stated that the item should be placed on an agenda that allows enough time for Council to provide their comments in order to allow a well rounded conversation.

Mayor Garcia said that he would try to make sure that the agenda for the next Regular meeting is not as heavy and the Strategic Planning Retreat item could be addressed at that time.

Councilman Espino explained his reason for requesting to consider the item at the Special meeting on Monday, June 6th is so that Council could come to a compromise on the event and settle on the large policy areas; any follow up could be addressed at the June 13th Regular meeting.

Councilman Lob said that the Special meeting would be a good time to discuss the item because placing it on the agenda for the next Regular meeting would end up being a night like this.

Councilwoman Ator reiterated her desire for Council to respond with their comments before the agenda for the June 6th Special meeting is finalized on June 2nd.

12C) City Council

None.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 11:50 p.m.

Zavier M. Garcia
Mayor

ATTEST:

Magali Valls, CMC
City Clerk

Approved during meeting of: ____

Transcription assistance provided by Suzanne S. Hitaffer.

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



DRAFT

CITY OF MIAMI SPRINGS, FLORIDA

The **Golf and Country Club Advisory Board** met in Regular Session at 7:00 p.m., on Wednesday, May 11, 2011, in the Council Chambers at City Hall.

1. Call to Order/Roll Call

The meeting was called to order at: 7:05 p.m.

The following were present:

Chairman George Heider
Ken Amendola
Michael Domínguez
Mark Safreed

Absent:

Vice Chair Phyllis Causey

Also present:

Golf Director Mike Aldridge
Golf Superintendent Sandy Pell
Board Secretary Lina Bryon

2. Approval of Minutes: October 13, 2010 and November 10, 2010 Regular Meetings.

Minutes for the regular meeting of November 10, 2010, were **approved as written**, upon motion by Board member Amendola seconded by Board member Safreed and carried 4-0 by roll call vote.

Minutes for the regular meeting of October 13, 2010, were not approved, because Board member Amendola and Board member Safreed were absent at the meeting of October 13, 2010 and Vice Chair Causey was not present at this meeting.

3. New Business:

A) Golf Course Financial Report

Chairman Heider asked for comments about the financial situation of the Golf Course.

Board member Domínguez recognized that many things affected the maintenance of the Golf Course, like the shortage of fertilizers or supplies and the problems that arise with the sprinklers or the water. He said he would like to be aware of any shortages. He asked if some of the fertilizers and supplies go toward the Virginia Gardens' park.

Golf Superintendent Pell replied that none of the golf course products are used at the park; they are separate and they have a gentleman on staff that works at the park.

Chairman Heider wanted to know who will be responsible for cleaning the fireworks at the Golf Course after the Fourth of July.

Golf Superintendent Pell explained that the clean up after the fireworks is a joint effort between the Golf Department and Public Works.

Chairman Heider noted that the Golf Department has funds in their budget for capital improvements every year to buy equipment or machines. Recently there was a purchase of equipment totaling \$149,000. He said that the Department has \$182,000 for renovation and new tees.

Board member Amendola asked if something can be done to improve the existing tees within the actual budget.

Golf Superintendent Pell answered affirmatively and explained that the plans are to wait until there is some rain. She plans to strip and re-grade tee number 1 and tee number 4 will be done after removing the tree by the cart path, which is causing the problem. There are also plans for tee numbers 6, 9, 14 and 17, which are the worst tees at the Golf Course.

Discussion ensued about re-grading the Golf Course and re-doing all the tees that are in bad shape.

Board member Amendola asked if the Golf Department has funds to re-do the tees.

Ms. Pell answered affirmatively and explained that a friend of hers from Calusa Country Club is coming over and will grade the tees at no charge and there are funds in the budget for sod. She will be using celebration sod, which is the best for the tees. She explained that they have to wait for the tree removal, but the Golf Department already trimmed some and removed the majority of the dead trees.

Chairman Heider said that when he looked at the Recreation maintenance he noticed that their payroll is \$32,800 and they take care of three fields. He explained some of the workers are coming from the Golf Department and he would like to know how much of the \$376,000 allocated for professional fees for maintenance goes back to the Golf Department.

Golf Director Aldridge said that the Golf Department does not receive any money back and the funds are not properly allocated.

Chairman Heider recognized that the Golf Department is losing money, but he does not think it is losing half a million dollars. He reiterated that the Recreation Department is doing three fields for less than \$40,000.

The Chairman asked if the Golf Department has the main power to keep the Golf Course in shape, because he thinks that taking three workers from the Golf Department to work on Prince Field, East Drive and Peavy Fields is going to take a toll on the Golf Course. He reiterated that the Recreation Department is using the Golf employees for free and that is misleading.

Golf Superintendent Pell said that the Golf Department has one maintenance worker that is budgeted under Parks, however she oversees the condition of the parks and when the fairways are aerated the parks will be done at the same time. The same applies to fertilizer applications and it does take away some labor.

Chairman Heider clarified that at future meetings the Board will try to identify the problem. If the payroll for the maintenance side is \$380,000 and if \$50,000 of that amount is for the labor at the parks it should be charged to the Recreation Department.

Golf Director Aldridge agreed.

Chairman Heider added that the Public Works Department is parking their vehicles by the maintenance area of the Golf Course and they should be responsible for repairing the maintenance road. It should not be charged to the Golf Course.

Board member Dominguez said that there is a concern if the budget cuts are taking away from the maintenance of the Golf Course since it will affect revenue and if there is a burden on the Golf Department by maintaining the recreation facilities it should be clear.

Chairman Heider continued to express his concern about the maintenance of the Golf Course.

Board member Safreed stated that since 2008 and during 2009 and 2010, the revenues have been declining. He explained that in business it is not possible to save enough money to be profitable; it is necessary to make money. He would like to make sure that the losses that are shown are accurate and the Golf Course is compensated properly, although that would not add up to \$458,000.00.

Board member Safreed recognized that after several years the Golf Course is going in the right direction to make money, especially with the new irrigation system, the new greens and plans for the improvement of the tee boxes. The greens revenue needs to increase to \$1.2MM, which is the strategy to focus on.

Board member Amendola said that the general economic downturn has been happening the past few years and every golf course is down, like the Doral Golf Course who filed for bankruptcy in last February. Also, the real estate revenue is down and will continue to go down, which is the sign of the times. There should be an understanding that the Golf Course must be maintained in order to increase revenue.

Golf Director Aldridge said that he does not believe in discounts; a service is provided and players pay the price. He explained the new marketing strategies to promote the Golf Course, as requested by Council.

Board member Safreed asked if people are still coming to play at the current rates.

Golf Director Aldridge said that the new marketing strategies will begin in June.

Chairman Heider remarked that he still believes that if the Golf Course is in great condition that the word will spread and attract people. He said that it is very hard to advertise the Golf Course and zip code advertising is the best way to go, like Sports Authority does when they ask for your address.

Discussion ensued about promoting the Golf Course and attracting the Canadian players.

Chairman Heider said that during the last six years the Golf Course has been improved every year and he is tired that the Golf Course is criticized, especially if they are sending workers to maintain the ball fields, since the Recreation Department should take the burden.

Board member Domínguez said that the Golf Course is an excellent piece of property for all the residents of Miami Springs to enjoy. He suggested that something could be done for the residents since they are paying for the Golf Course and they deserve some benefits that could turn into other revenue.

Golf Director Aldridge said that he had suggested to Council that every resident of Miami Springs should be offered a free membership. For a cart fee they would pay \$25.00 and to walk it would cost \$4.00.

Chairman Heider affirmed that he would like to have some revenue coming back to the City. He said that less than 1% of the revenue comes from Miami Springs' residents.

Golf Director Aldridge stated that if someone lives in Miami Springs and they have out of town guests they would pay the full rate.

Chairman Heider suggested that at the next meeting the Board should discuss ideas for getting the residents involved in the Golf Course. He pointed out that the residents would pay a cart fee, just like they pay \$4 to play basketball at the Recreation Center.

Board member Domínguez remarked that the local membership is not growing and there is nothing to entice them to play. He said that he would like a zip code survey.

Mr. Aldridge explained that they could not track the zip codes through the computer system, but they are tracked manually on a sheet of paper.

Chairman Heider said that players were asked to complete survey cards and some refused to do it, but the zip code information could be beneficial for determining how to spend advertising funds and which areas to focus on.

B) Maintenance Practice

Chairman Heider informed the Board that one of his concerns is that there are a lot of "blow outs" on the sprinkler system and another concern is that there are a lot of rut areas where the sprinklers were installed, especially behind the greens. He would like to address these problems since the rain storms in the summers will cause the areas to wash out. He suggested purchasing two pallets of Saint Augustine grass instead of the Bermuda grass.

Golf Superintendent Pell felt that it would not be a good idea to infiltrate more Saint Augustine grass. She explained that she will be purchasing extra sod to patch all the areas of concern.

Chairman Heider asked about the blow outs of the sprinklers.

Golf Superintendent Pell replied that the problem was caused by some of the welds and the welding machine and the company will continue to make repairs if the problem continues. She said that a couple of gate valves will be installed to relieve pressure.

To answer Chairman Heider's question, Ms. Pell clarified that the irrigation system is under warranty and the company has been very responsive and there is no cost. The system shuts down and there is an alert when there is a problem.

Chairman Heider noted that there are some problems with the greens at two and three because they do not fill in the same as the other holes.

The Golf Superintendent agreed that the two greens are a problem and they either get saturated with water or they dry out because of the extreme heat. She said that they are getting plenty of water and they will be doing the aeration next week and pulling cores in July.

Chairman Heider asked the Board if they have more comments about the maintenance.

Board member Domínguez felt that the Golf Course Rangers could help control the golf cart traffic and this would help with the maintenance of the Golf Course.

Golf Director Aldridge agreed that it is a problem everywhere and they try to be courteous to the golfers so that they will come back.

Board member Safreed asked if the maintenance crew is going to use the grader.

Golf Superintendent Pell clarified that Rodney from Calusa Country Club will be using his own grader.

Discussion ensued regarding the tee boxes and it was agreed that this should be a topic for discussion at a future meeting.

Board member Safreed reiterated that with all the improvements the Golf Course is going to have real tee boxes.

Chairman Heider noted that the Golf Course has a new driving range ball machine.

Golf Director Aldridge commented that the driving range revenue went up in October before the ball machine was replaced. The budget for the year is \$87,000. When the driving range revenue increases it is an indication that the green fees will also increase.

Discussion ensued regarding maintenance at the driving range and future maintenance plans for the Golf Course fairways, green slopes and approaches.

C) Homeowner on the 13th Hole Corner

Golf Director Aldridge explained that the lady living by the 13th hole spoke with the City Manager and the City Manager asked him to work with her to make sure that she is satisfied. He said that the homeowner thought the problem with the golf balls could be solved by moving the tees up, which he did for seven days and then they were moved back. He did everything possible to try to please the resident, the complaints stopped and it should no longer be an issue. He explained that they even offered to plant trees if the problem continues.

4. Old Business:

A) Junior Golf

Golf Director Aldridge said that he was asked why Palmetto has a very good golf team and it is because more people play golf in that area. He said that there are plans for Roger Piermarini and Scott Jones to hold Junior Golf clinics at Miami Springs.

Board member Safreed said that he spoke with both Roger and Scott about their plans for the summer and it sounds good. They will be holding clinics Monday through Friday.

Golf Director Aldridge said that they recently held the middle school championship at the Golf Course. He emphasized that it is important for the kids to play at Miami Springs.

5. Other Business:

Chairman Heider asked the Board members to suggest any items for the agenda for the month of June.

Board member Amendola said that he would like to follow up on the idea and make a recommendation to Council about having free memberships for property owners in Miami Springs.

Golf Director Aldridge explained that another proposal is to offer \$100.00 off on all new memberships and to allow payment in four installments. He reiterated that every resident should have some form of a membership.

Board member Safreed said that he also likes the idea of using zip codes for informational purposes.

Golf Director Aldridge reiterated that the Board should put a proposal together and present it to the City Council.

Chairman Heider said that he likes the idea of asking players for their zip codes for marketing purposes. The statistics could be compiled for an entire year in order to know what areas to focus on.

Golf Director Aldridge said that the statistics show that residents do not play at the Golf Course. The new marketing campaign will begin in June and the information will be tracked to see if the advertising is working.

Chairman Heider said that the financial information shows the breakdown of the revenue and what time of the day and which day of the week the revenue is up. He would like to have this information for the next meeting.

Golf Director Aldridge said that he is worried about the Miami Springs residents' membership. He reiterated that the Council wants to make sure that the residents know they are paying for the Golf Course and they should be able to use it with a membership.

Ms. Pell emphasized that the residents should have the ability to use the Golf Course facility the same at the Recreation facilities.

Board member Safreed liked the idea of memberships for residents because it could develop a bigger base and eventually the rates could go up.

Chairman Heider asked the Golf Superintendent to make a schedule ahead of time and put it on the Bulletin Board so that players will know when she is working on the Golf Course. He hears many complaints because golfers are not aware when work is being done and a schedule would be beneficial to the golfers.

Board member Amendola said that it might not be possible because of the weather changes.

Golf Director Aldridge stressed that the schedule is a great idea and they should do it independently of the changes in the weather.

Discussion ensued regarding the construction of the new hotel and the close proximity to the Golf Course.

Golf Director Aldridge recommended that every Board member should talk with his Council person about the free membership.

Discussion ensued about Carlos Santana and his contract with the City for the food and beverage concession.

Board member Amendola said that the Board had requested longer hours for the food and beverage service and the requests were ignored.

Chairman Heider reiterated the idea of every member speaking with their Council person so that they know what is going on.

The Board members expressed their concern about the meeting cancellations.

Chairman Heider noted that the next meeting will be on June 8th and if any members cannot attend they should let the board secretary know in advance. He added that they could also let her know of any agenda items they would like to discuss.

Board member Amendola asked the Secretary to send the notices for the meetings at least one week in advance since he did not receive notice of this meeting until Monday.

Chairman Heider said that one item for the next meeting will be discussion regarding memberships for all residents.

6) Adjournment

Board member Amendola moved to adjourn. Board member Safreed seconded the motion, which was carried 4-0 on voice vote.

There was no further business to be discussed and the meeting was adjourned at 8:19 p.m.

Transcribed from digital recording by S. Hitaffer.

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”.



DRAFT

REVITALIZATION AND REDEVELOPMENT AD- HOC COMMITTEE

The meeting of the Miami Springs Revitalization and Redevelopment Ad-Hoc Committee was held on Monday, May 16, 2011 in the Council Chambers at City Hall.

1. Call to Order/Roll Call

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

Present were: Chairman Laz Martinez
Vice Chairman Todd Stiff
Arturo Rabade
Wade Smith
Joe Valencia

Also Present: Deputy City Clerk Suzanne Hitaffer

2. Approval of Minutes: April 18, 2011

Committee member Smith moved to approve the minutes of the April 18, 2011 meeting as written. Committee member Valencia seconded the motion.

Chairman Martinez asked if the minutes had to be amended to include the letter presented by Calvin, Giordano and Associates in regard to the Abraham Tract.

The Clerk of the Board stated that the letter would be attached for the record.

The motion was carried 5-0 on voice vote.

3. Discussion Regarding the Abraham Tract and Presentation by Calvin, Giordano and Associates, Inc.

Chairman Martinez explained that Lorraine Tappen from Calvin, Giordano and Associates agreed to make a presentation on the Abraham Tract.

Lorraine Tappen, Senior Planner with Calvin, Giordano & Associates stated that the presentation would cover the work order for the Abraham Tract District, information about the existing area and some options for the zoning code amendments, followed by discussion on various topics. She asked for feedback from the Committee members in order to assist in the development of the district boundary regulations.

Ms. Tappen explained that the purpose of the work order is to prepare zoning code amendments removing the Abraham Tract language from the existing Airport, Marine, Highway Business District (AMHBD). The new district boundary regulations will determine permitted uses, prohibited uses, the floor area ratio (FAR) standards, an incentive program for the FAR, height limitations, parking requirements and clarification of the development review procedure.

Ms. Tappen stated that the workshop presentation will show the exact location of the Abraham Tract, existing businesses, existing zoning, the challenges of the area and the zoning options, followed by discussion on the permitted uses, prohibited uses, redevelopment opportunities and zoning requirements (attached for the record).

Aerial photographs were shown on the overhead projector showing the boundaries of the Abraham District and its relationship to the Miami International Airport, the Miami Intermodal Center, Dolphin Expressway, N.W. 36th Street, N. W. South River Drive and the Seaboard Airline Railroad. Existing businesses include Embassy Suites, a vacant Shoney's, Bennigan's, Red Roof Inn, Airport Parking, La Quinta Inn and Alamo Rent-a-Car.

Ms. Tappen explained that the Embassy Suites building is in good condition and seems to be doing good business, with a functioning restaurant. She noted from her review of the site that the Bennigan's was quiet, La Quinta and the Red Roof Inn seemed busy with activity, the Airport Parking was up to capacity and the Alamo had many cars. Development opportunities might include the Bennigan's property and the old Shoney's building site or the Airport Parking.

Ms. Tappen referred to the Miami-Dade County Property Appraiser's parcel map, explaining that there are seven property owners in the district encompassing forty-two acres in total. The Alamo property is approximately five acres and the Red Roof Inn is a little more than one acre.

The current zoning is AMHBD and the existing zoning map still shows the B-3 zoning since it dates back to 1993, according to Ms. Tappen. She said that the City Council recently authorized Calvin, Giordano and Associates to update the zoning map and property owners can easily identify the zoning and what regulations apply.

To answer Chairman Martinez's question, Ms. Tappen clarified that the existing zoning map is very outdated because a number of zoning designations have changed over time. For example, the zoning map shows MUB, which is a designation that does not exist in the City Code any longer. She explained that the future land use map is very "broad brush" and the zoning can be more restrictive.

Ms. Tappen stated that they will make sure the Zoning Code is compatible with the Comprehensive Plan since some changes were made last year. For example, the FAR is stated now as 2.5 and the comprehensive plan amendments revised it to 3.0. The Code must be revised to encourage redevelopment and attract developers and businesses that will help support the City's tax base.

Ms. Tappen began discussing the challenges of the area. She stated that the first challenge of the area was access to the Anthony Abraham Tract. She displayed an aerial photograph of the Abraham Tract location on a projector for Committee members to view. She noted that when driving South on Le Jeune, people are not able to make a turn onto Anthony Abraham Drive. She stated that access to the Red Roof Inn was unclear and there was no signage for La Quinta.

Ms. Tappen advised the Committee that there was another access road that could be used for N. W. South River Drive, but it was very difficult to see. She stated that the entrances to the Embassy Suites were fairly clear.

Ms. Tappen reiterated that she checked each hotel to make inquiries about shuttle services. She noted that the Embassy Suites and other hotels did have a few cars in their parking lots. She stated that each hotel provides shuttle services, which is an indicator that most people are not arriving by car.

Ms. Tappen explained that if someone from out of town were trying to get around in this area, and read directions it would be extremely challenging. She then advised the Committee that another challenge was the question of what the appropriate uses for this area would be.

In regard to zoning, Ms. Tappen stated that there were a couple of methods for moving forward and creating the Zoning Districts. For example, it could be made rather prescriptive, where they would give a lot of direction to the property owner on what they could or could not do on their property. She advised that they could also make it market driven, where the property owner would say what they want, and then it would be up to staff to review it and the City Council would make the final approval.

Ms. Tappen explained that traditional zoning is typically prescriptive. She noted that it outlines the setbacks, the type of traffic circulation needed, the uses, the design, and the massing, etc. She explained that a typical traditional zoning is based upon separating uses, particularly keeping smoky, noxious, industrial uses away from residential areas, and keeping residential uses away from intense commercial uses.

Ms. Tappen noted that a more market driven approach would entail a planned revitalization development which is a regulatory process that permits a developer to meet land use goals without being bound by zoning requirements. She explained that some of the regulations would include capital improvements, permitted uses, procedural guidelines, and submittal of a master development plan.

Ms. Tappen referred to a slide showing the Diplomat Hotel development in Hollywood. She said that the developer submitted a development master plan and design guidelines outlining the location of the hotel, banquet center, the parking garage, condominiums, the setbacks and landscaping, and design work within the site plan.

Ms. Tappen explained that the location of the Abraham Tract is clear and she wanted to move to discussion regarding usage.

Discussion ensued regarding the traffic circulation within the Abraham Tract and a major obstacle due to a signal with no left turn.

Chairman Martinez commented that Mr. Rabade had envisioned a Midtown project going into the area as something he would like to see.

Committee member Rabade felt that a project along those lines would not only make the area more attractive for the tourists, it would provide an incentive for them to stay in that area, instead of going to the beaches or Downtown Miami. His concern is that the area is directly under the flight path for Miami International Airport.

Further discussion ensued regarding a possible Midtown project, building heights, the number of hotel rooms already existing in the Abraham Tract and access roads into the area.

Vice Chair Stiff suggested allowing a 3.0 floor area ratio (FAR) in the District without stipulations like they have for N. W. 36th St. with bonus points. He stated that it is an industrial area and will always be one. He explained that a vacant piece of land is in a dead zone of the industrial area.

Ms. Tappen explained that the lot is actually not vacant; it is normally filled with cars.

Committee member Smith commented that the Alamo property is primarily for storage because most of the rental car companies operate out of the Intermodal Center.

Vice Chair Stiff noted that the area along South River Drive is a rough area that will not draw from any residential areas. He believes that it will remain an industrial area.

Committee member Valencia advised that the County had talked about building a park near the river, but they could not pursue it due to insufficient funds.

To answer Ms. Tappen's question regarding uses, Chairman Martinez explained that the Abraham Tract is a great place because it is detached from residential areas and anything like outdoor restaurants or noise would not bother anyone.

Chairman Martinez was not in agreement with Vice Chair Stiff that it will always be an industrial area and suggested that things could be done on the peripheral side to make it more inviting. He added that there are so few land owners and if they are not willing to change the uses, the area will remain the same forever. The question is what it would take to move the Alamo parking lot.

Discussion ensued regarding the changes in the area in Downtown Miami after the Midtown project was constructed and the driving forces for development.

Ms. Tappen stated that they will have to monitor the Abraham Tract to see if the property owners are making any changes, and if there is any activity with the land. At this point, she did not see any "For Sale" signs, except for the old Shoney's and that is a property with good potential.

Chairman Martinez commented that there is a new hotel or residential complex that is still under development outside of the Abraham Tract along the water. He stated that if there is a residential component, it is something that they can draw from in that particular area.

Committee member Valencia asked what a higher FAR would do and if it would encourage development.

Ms. Tappen explained that if they wanted a FAR greater than 3.0 it would require an amendment to the Comprehensive Plan and there is a height limitation under the City Charter for residential uses. She felt that the current FAR is sufficient for the area.

Chair Martinez stated that the Abraham Tract is an excellent location in regard to the airport and the highway access.

Vice Chair Stiff said that other than the proximity to the airport, the Abraham Tract is under a flight path and it is a noisy, dirty industrial area.

Ms. Tappen agreed that the airport location is an advantage and perhaps that should be the focus.

Committee member Rabade commented that the vacant car lot is five acres of dirt for parking cars and the owner is not using the land to its full advantage.

Chairman Martinez suggested that it could be turned into a parking garage and the land could be developed for another use. The question is what is keeping the viability of a developer from coming in and making an offer to the Alamo property owner.

Committee member Valencia asked if there could be environmental concerns or contamination that may be deterring developers. If they were required to mitigate, it would be cost prohibited.

Ms. Tappen said that she is unaware of any environmental concerns.

Further discussion ensued about the parking/vacant lots, their questionable business hours and schedules and the property tax values of the vacant lots compared to the Embassy Suites.

Committee member Smith was told about a study on the occupancy rate for the hotels in the area of Le Jeune Road and N. W. 36th Street and it is approximately 80-85%.

Vice Chair Stiff stated that other than the 3.0 FAR, he cannot imagine that there would be any other restrictions that would be written into the Code.

Ms. Tappen asked the Committee members if there were any particular uses that they would like to see prohibited in the area.

Committee member Rabade commented that the Abraham Tract is disconnected from everything; it is like an island.

Vice Chair Stiff asked Ms. Tappen if she envisions any restrictions for use in the area.

Ms. Tappen stated that most businesses, like Starbucks, select areas in middle to upper income communities and they study the demographics and property values in order to guarantee traffic into their stores. She has faith that businesses will do the studies to figure out if the area will work for them and because it is separated from Miami Springs, most residents do not have an identity for the Abraham Tract, while N. W. 36th Street is somewhat attached.

Committee member Smith advised that the majority of people do not know that the Abraham Tract is part of Miami Springs.

Ms. Tappen suggested that the Committee members should drive through the Abraham Tract in order to determine what attention the area needs. She would lean more toward market driven zoning instead of specific uses.

Chairman Martinez asked to consider what can be done to market the site in order to attract developers because most people might not be aware of the area. He would like to entice development rather than setting the particular uses. The main goal is to increase the tax base and reduce the burden on the residents. It seems like a great site for a convention hotel, but the question is how they can be attracted to that area, since ingress and egress is critical.

Committee member Valencia advised the Committee that they are in the process of creating an Airport City at the Airport that is geared toward medical tourism. His office has a team that is creating the schematic design and he can report more at the next meeting.

Vice Chair Stiff mentioned that the proposed development is at the corner of N. W. 36th Street on the west side of Le Jeune Road, south toward the airport entrance. The old Eastern Airlines building will be torn down.

Committee member Rabade commented that the vacant tracts of land have been in the Abraham Tract for decades and it must be determined why. It seems the owners are interested in doing nothing and he does not understand it because the land is so close to the airport.

Further discussion ensued regarding the Abraham Tract location and the viability for development.

Chairman Martinez commented that if the only incentive is raising the FAR from 2.5 to 3.0 it might do nothing to encourage development.

Committee member Valencia stated that developers want the investment and it should be a very liberal district.

Ms. Tappen stated that the current requirements are for mixed use for any development more than 1.0 FAR. There is no flexibility to say that only hotels or restaurants are allowed.

Committee member Rabade agreed with a previous comment made by Vice Chair Stiff to raise the FAR to 3.0 and leave the other requirements as unrestricted as possible.

Ms. Tappen noted that another restriction is that the development would have to be within 750 feet of a transit stop, but it should not be an issue in the Abraham Tract. She agreed that it might be necessary to market the area or to simply make telephone calls to the property owners to ask what their long-term interest is because any change is really up to them.

Chairman Martinez was also in agreement with the 3.0 FAR and being as unrestricted as possible, but he would like assurance that it would be enough to entice development. He said that it might require changes to the traffic pattern or even a gateway.

Discussion ensued about contacting the owners of the parcels to determine what they would like to do with the properties if the opportunity existed.

Committee members agreed that the City Planner should try to contact the property owners to notify them of the redevelopment process and ask for their input.

Extensive discussion ensued about memories of the Abraham Tract area, the Miami Intermodal Center and the Metro-rail.

Vice Chair Stiff would like to research why Anthony Abraham Boulevard was built and who built it since it seems to be a 4-lane road to nowhere. Discussion ensued about the traffic pattern and the possible closing of roads.

Ms. Tappen asked if there were any opinions about the parking requirements for the Abraham Tract and the Committee members felt that there should be no restrictions other than a 3.0 FAR.

Committee member Smith stated that the City should contact Alamo Rent-A-Car to let them know about the revitalization plans.

Chairman Martinez stated that it would be great to discuss the Airport Golf District when it is at this stage. He asked Ms. Tappen when Calvin, Giordano & Associates would be this far along.

Ms. Tappen explained that there is no specific schedule for the Airport Golf District and they first wanted to focus on the Abraham Tract. The Airport Golf District is still at the preliminary stage.

Vice Chair Stiff asked for the minutes to indicate that the Committee members would like Ms. Tappen to come back with a preliminary presentation for the Airport Golf District, including overhead views and any history that is gathered before it is officially presented to Council. He added that the Committee essentially had no input on N. W. 36th Street because it was almost finished before the Committee was formed.

Ms. Tappen explained that the Consultants would be required to involve the Architectural Review Board since it does include design guidelines as this is one of the requirements in the Code.

Chairman Martinez suggested that the Ad-Hoc Committee could hold a joint meeting with the Architectural Review Board to discuss the Airport Golf District. His point is not that he wants to receive information before Council, but he would like a chance to give input because they are relying on the Committee's feedback.

The Committee members thanked Ms. Tappen for her time and the Abraham Tract presentation.

4. Discussion Regarding the City's Shuttle Bus

Committee member Valencia felt that the shuttle service should be advertised more and he would like to discuss it further when the City Planner is present.

Chairman Martinez has received complaints about the stops on the shuttle route because it does not bring people from the hotels into the Downtown area.

The Committee members agreed to **table** the item pending the attendance of the City Planner.

Chairman Martinez stated that the City is trying to set up a strategic planning retreat. He noted that they are trying to target it to occur in July. He would encourage holding the retreat because it allows a short, medium and long term view and allows everything on the table for discussion.

Chairman Martinez asked the Committee members how they felt about recessing for a couple of months since the City Council's last meeting will be in June and they recess for July. He questioned what value it would be for the Committee to continue to meet prior to the strategic planning meeting.

Discussion ensued regarding the proposed strategic planning meeting and whether or not the Ad-Hoc Committee should recess until August.

Committee member Smith agreed with Chairman Martinez to recess since Council will not be able to consider the Board's recommendations until August. He felt that when it comes down to signage there should be a joint meeting.

Chairman Martinez again asked if the Committee members wanted to regroup in August.

Committee member Rabade moved to not to meet until the third Monday in August. Committee member Smith seconded the motion.

Vice Chair Stiff referred to an e-mail he sent regarding his contact with a lawyer who teaches at Florida International University that sits on a County committee with him and he often assigns the meetings to his students as a requirement.

Chairman Martinez asked if Vice Chair Stiff wanted to meet in June to discuss his idea further.

Vice Chair Stiff stated that there was discussion at the last Council meeting about the concept and Councilman Espino was going to ask Joe Valencia to attend the next Architectural Review Board meeting, but there were mixed conversations about the ideas.

Committee member Rabade asked if Vice Chair Stiff was referring to the discussion about architectural students doing a project.

Vice Chair Stiff commented that the ideas were for a design competition for the development of monument or gateway signs and the other was trying to find an architectural school who could design a project for N. W. 36th Street based on the new district boundary regulations.

Committee member Valencia added that the assignment could be given to Miami-Dade College, the University of Miami, Florida International University or any school with an architectural program.

Vice Chair Stiff hopes that university students could do a mock development of a parcel and the design for a building going through the design process in the Code. The idea would be that the professor and the class would look for a way to circumvent the Code provisions.

Further discussion ensued regarding the recommendation to engage university students in a design project.

Vice Chair Stiff stated that he would like to meet in June to discuss incentives. He asked if the Committee members were aware of the incentives that Airbus was provided to build in Miami Springs.

Chairman Martinez said that he received feedback that the investment the City made on Airbus did not come back to the City because \$60,000 was waived in permit fees.

Vice Chair Stiff would like to meet in June to discuss building and development incentives.

Committee member Rabade asked what other topics the Committee could discuss besides incentives and the shuttle bus. He does not have an issue with meeting in June as long as there are two or three issues to discuss that are relevant to the Committee's duties. He does not want to meet just for the sake of holding a meeting.

Chairman Martinez said that his concern is that the strategic planning meeting could bring new issues for discussion to light and he is hoping that it happens in July and there would be a clear vision of how to proceed at the meeting in August. The two items for June could be the incentives and the shuttle.

Committee member Valencia would like to know what has happened since the meeting when Chairman Martinez presented the slide show of the buildings with code violations.

Further discussion ensued regarding the condominium project on South Royal Poinciana Boulevard that was under construction where work had ceased due to certain issues that have now been resolved and the building that was recently painted on Westward Drive.

Chairman Martinez commented that the City Council adopted the color palette, approved two part-time Code Enforcement Officer positions and they want to send out letters in regard to building maintenance, safety and aesthetics.

Committee member Rabade withdrew his motion and Committee member Smith withdrew his second to the motion on the floor.

Committee member Rabade moved to meet in June to discuss incentives and the shuttle. Vice Chair Stiff seconded the motion, which carried 5-0 on voice vote.

5. Adjourn

The meeting was duly adjourned at 9:13 p.m. on a motion by Committee member Valencia. The second was offered by Committee member Smith and carried 5-0 on voice vote.

Suzanne Hitaffer
Clerk of the Board

Approved as _____ on _____

"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".

ABRAHAM TRACT DISTRICT

Zoning Code Amendments

Revitalization and Redevelopment Ad Hoc Committee Workshop

May 16, 2011



Redevelopment Solutions!

Work Order

Prepare zoning code amendments related to the Abraham Tract to include to the following:

1. Remove Abraham Tract language from the Airport, Marine and Highway Business District
2. Create new Abraham Tract zoning designation and district boundary regulations including:
 - Determine uses
 - Review Prohibited Uses
 - Amend FAR standards per current Comprehensive Plan policies
 - Create incentive program for increased FAR
 - Provide for height limitations
 - Review and revise parking requirements
 - Clarify site plan and development review procedure

Workshop

Review

Location

Existing Businesses

Existing Zoning

Challenges

Zoning Options

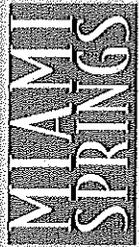
Discuss

Permitted Uses

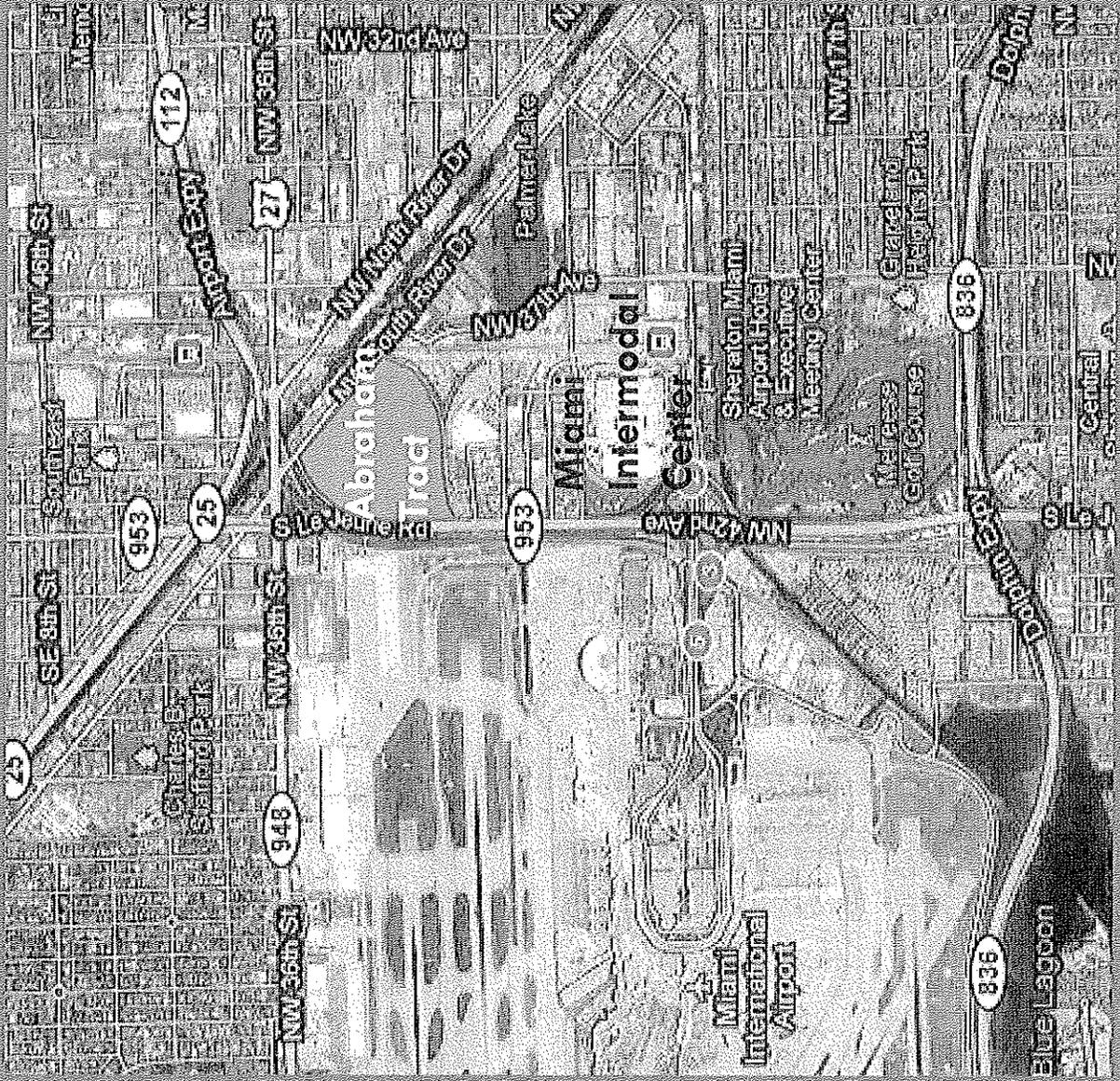
Prohibited Uses

Redevelopment Opportunities

Zoning Requirements

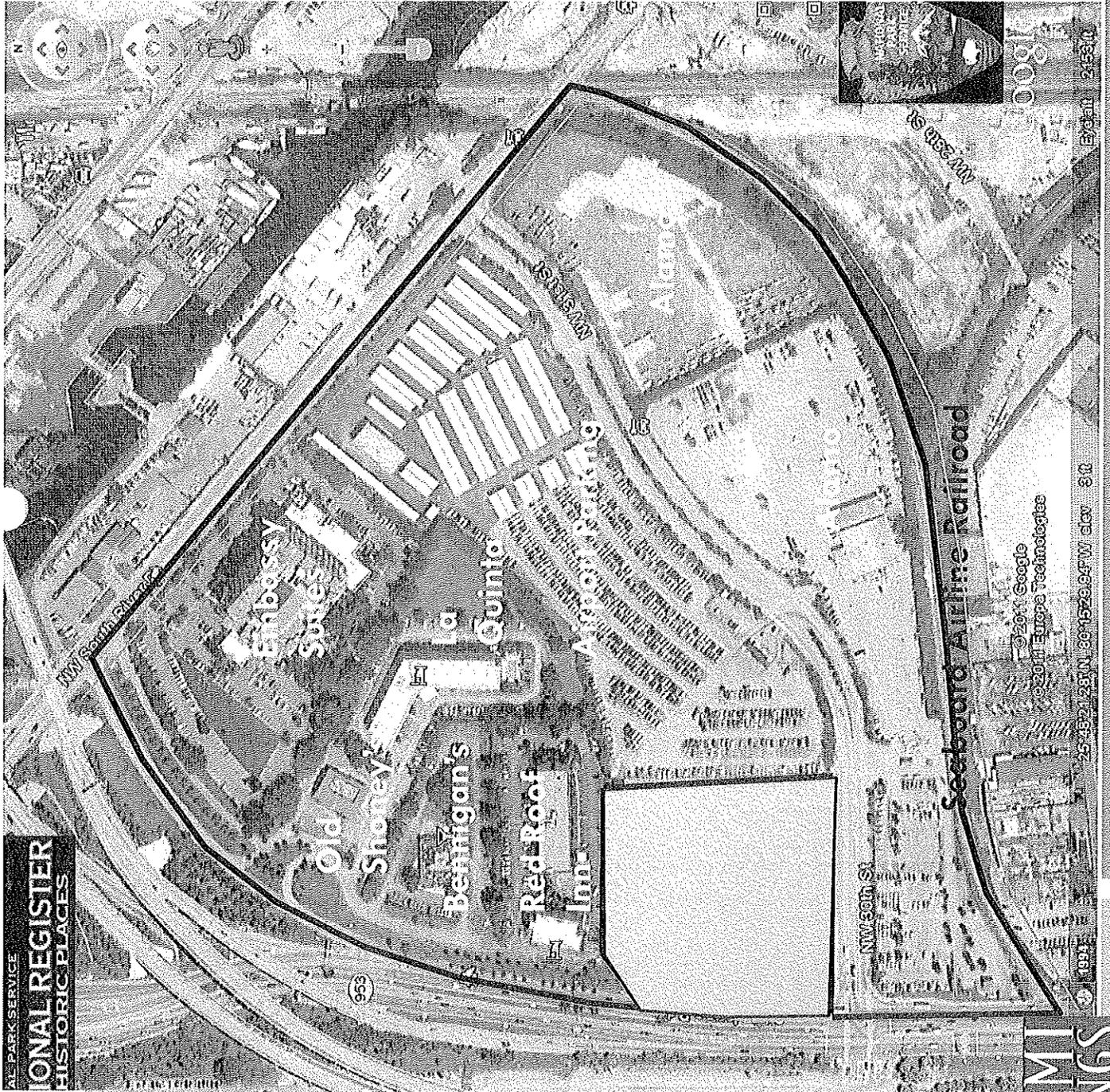


Abraham Tract District



Abraham Tract Location

Existing Businesses



ALPARK SERVICE
NATIONAL REGISTER
HISTORIC PLACES

KELLER
WILLIAMS
REAL ESTATE

MIAMI
SPRINGS

©2011 Google
©2011 Europa Technologies

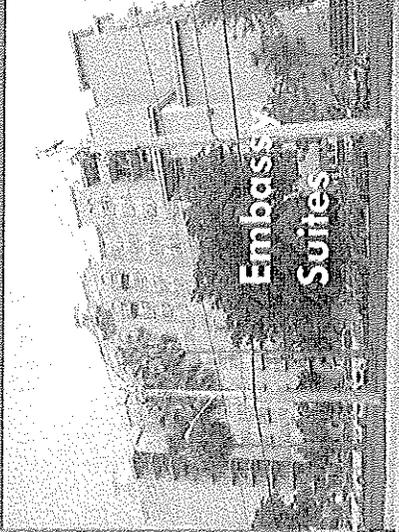
25-48-21-28N 80-15-29-67W elev 8 ft

1997

Existing
Businesses



Bennigan's



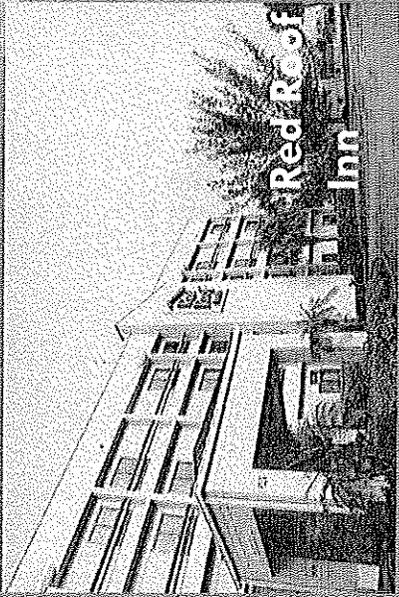
Embassy
Suites



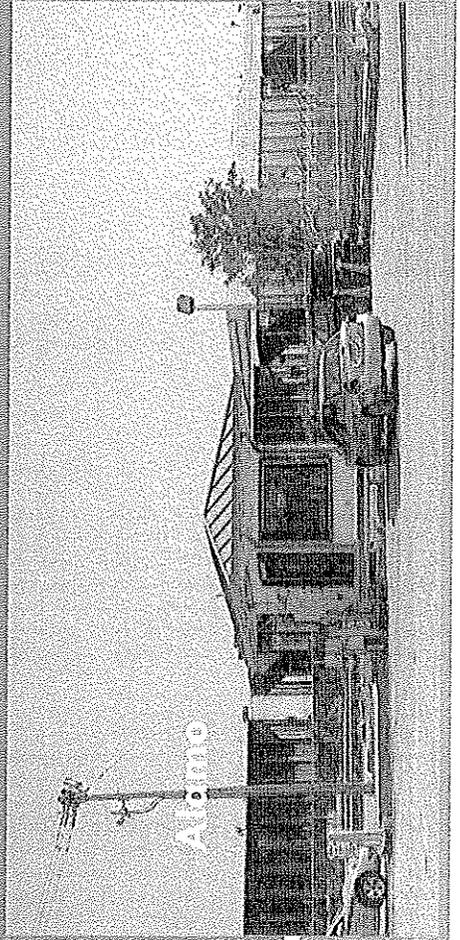
CROWNE
PLAZA



Airport Parking

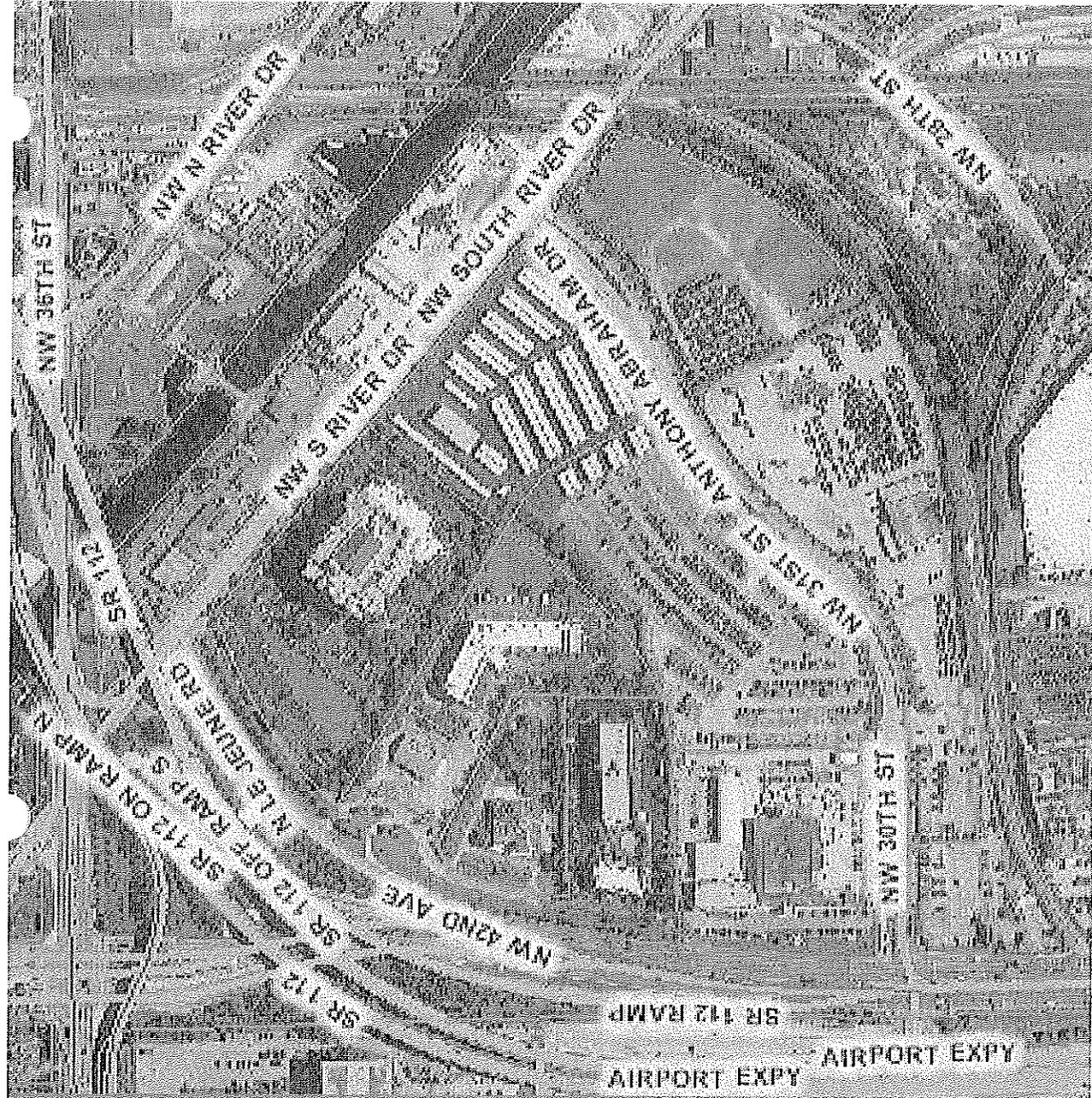


Red Roof
Inn



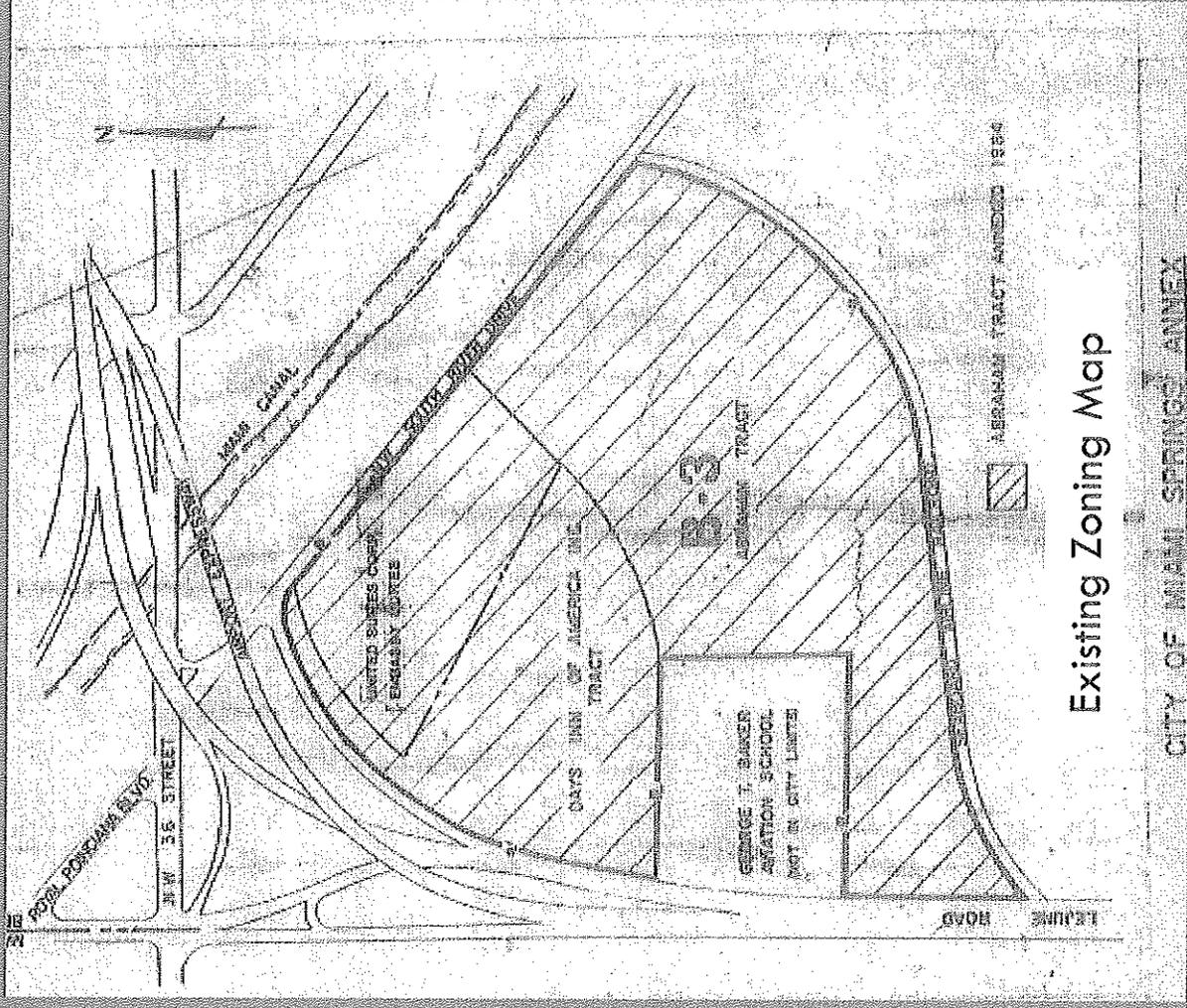
Albino

MIAMI
SPRINGS



CURRENT ZONING

Airport, Marine, and Highway
Business District

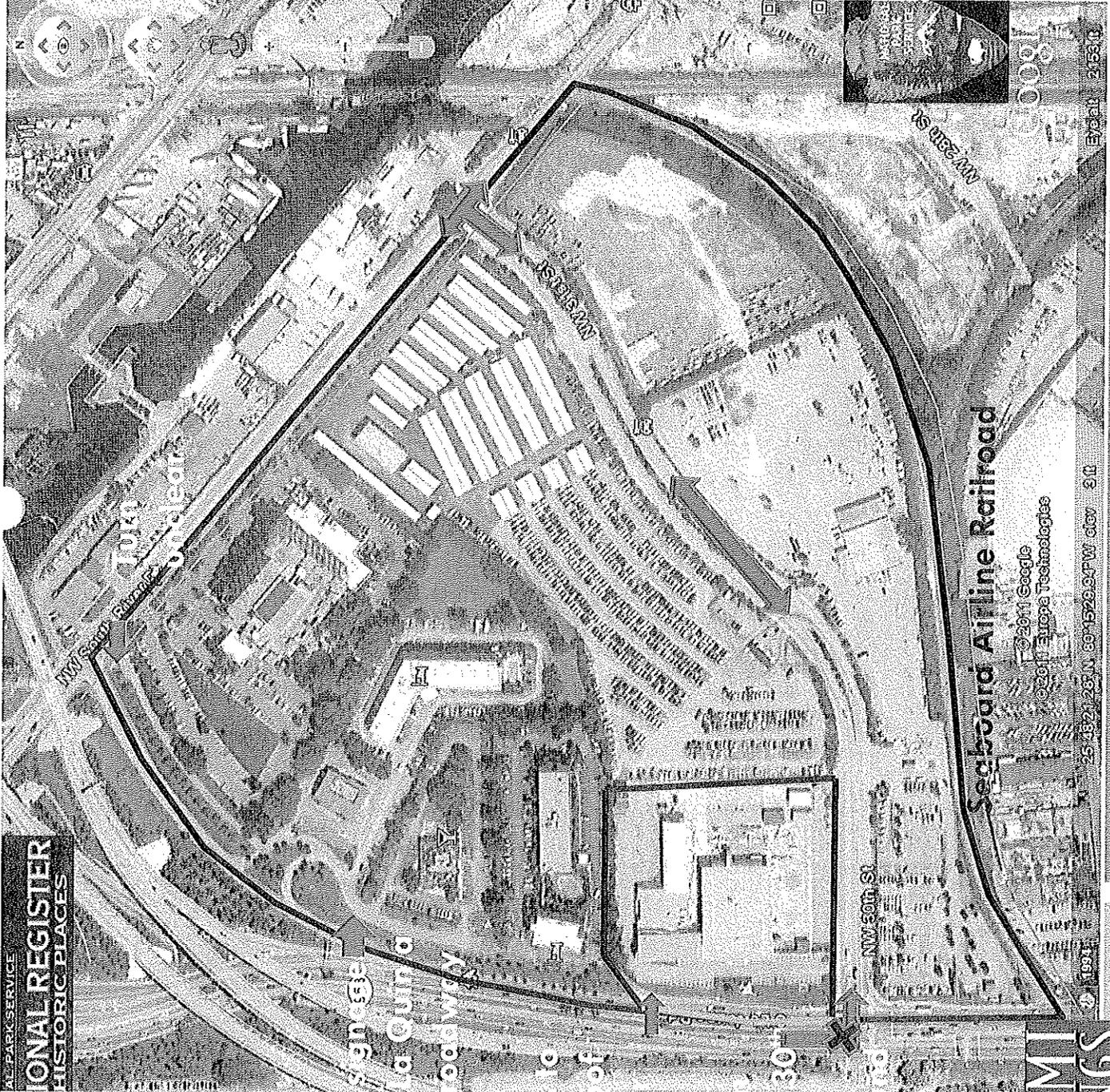


Existing Zoning Map



Zoning Map

KELLER WILLIAMS
ALL-PARK SERVICE
NATIONAL REGISTER
HISTORIC PLACES



All
Abraham Tract
hotels provide
shuttle service.

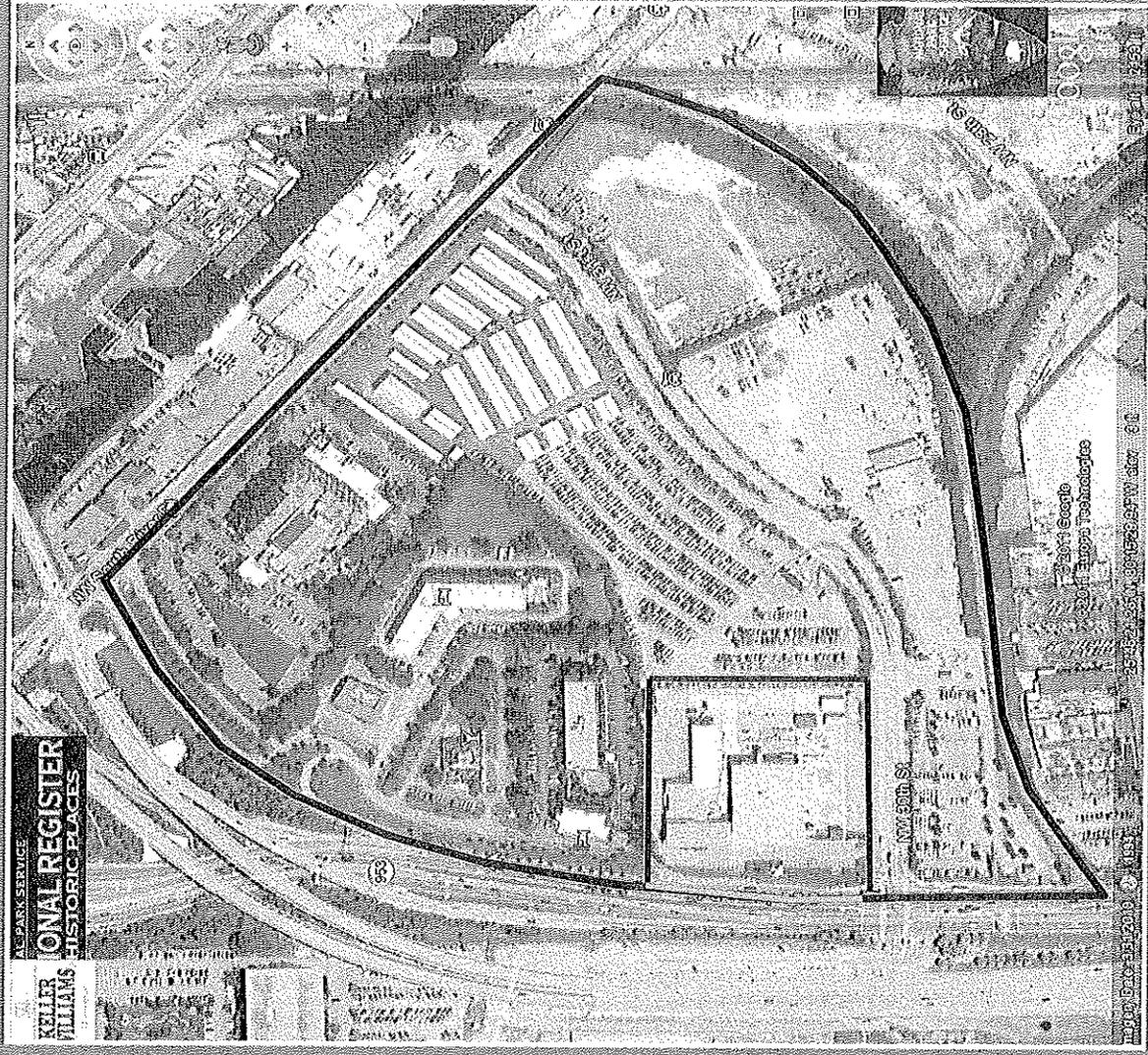
No left on
onto NW 30
Street
southbound
traffic

MIAMI
SPRINGS

Challenges:
Access

CHALLENGES:

Appropriate Uses



STATE SERVICE
KELLER
WILLIAMS
NATIONAL REGISTER
HISTORIC PLACES



Zoning District Creation

ZONING: PRESCRIPTIVE OR MARKET DRIVEN?

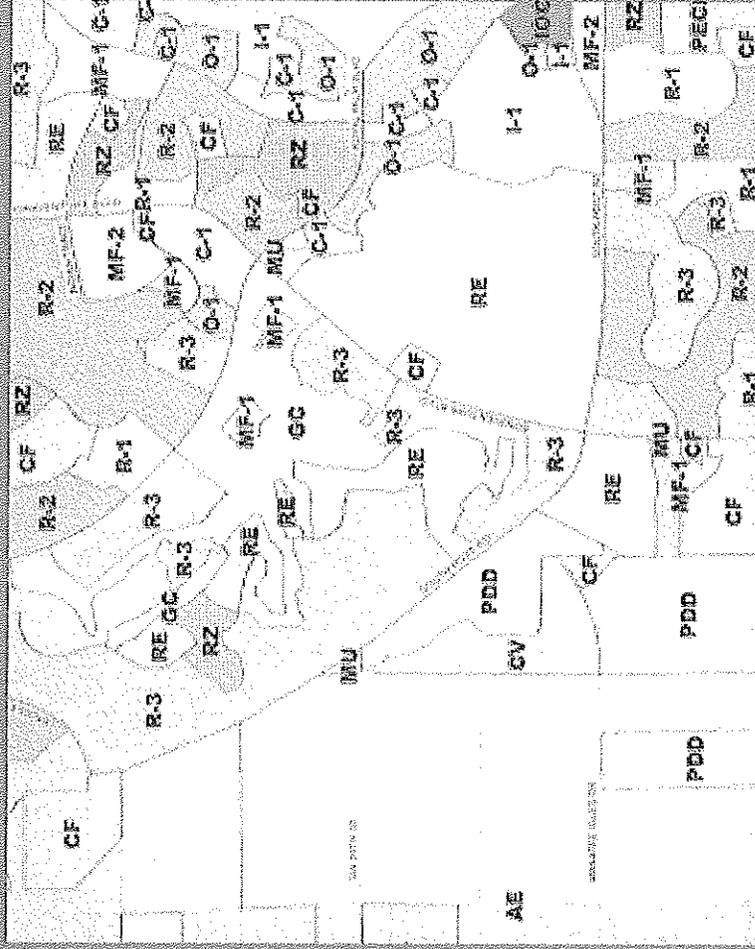


Zoning Options

PRESCRIPTIVE: TRADITIONAL ZONING

Specific regulation on:

- a. Setbacks
- b. Circulation
- c. Uses
- d. Design
- e. Messing



Zoning Options

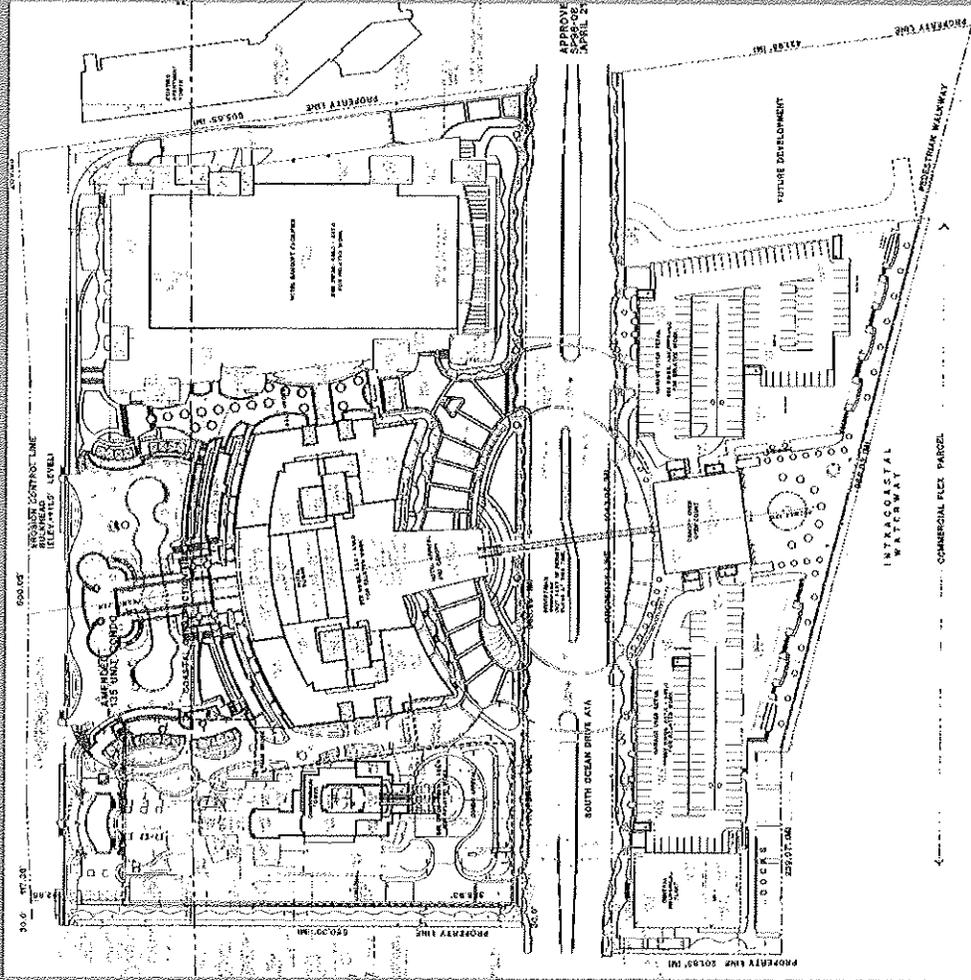
MARKET DRIVEN: PLANNED REVITALIZATION DEVELOPMENT

Regulatory process that permits a developer to meet land use goals without being bound by zoning requirements.

Encourages flexibility and innovation

Regulations would include:

- Capital improvements
- Permitted uses
- Procedural guidelines
- Submittal of master development plan



Zoning Options

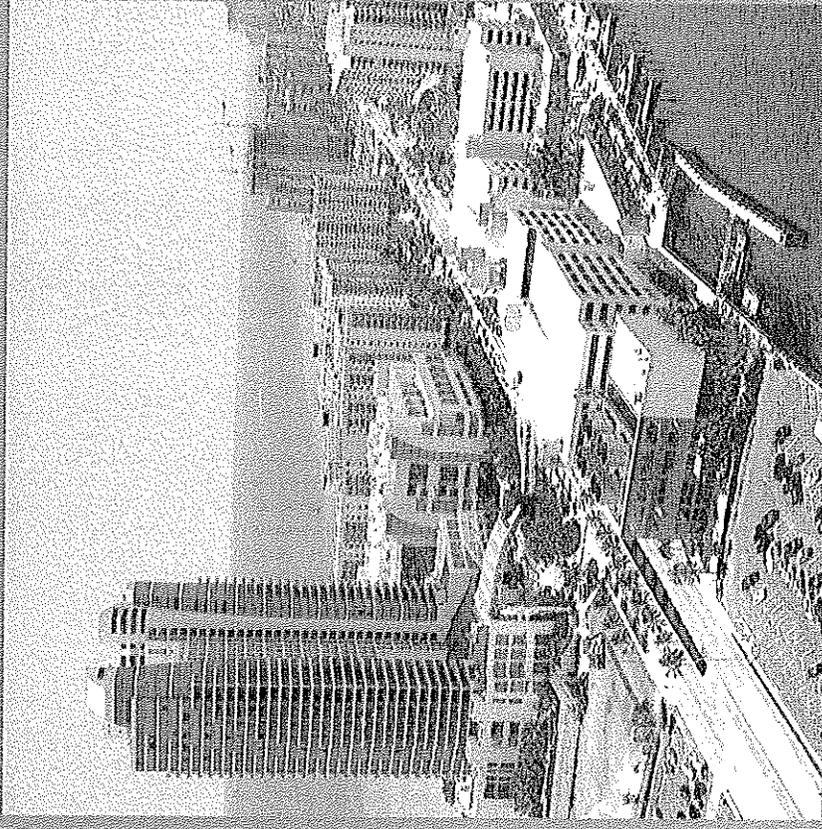
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Zoning Options

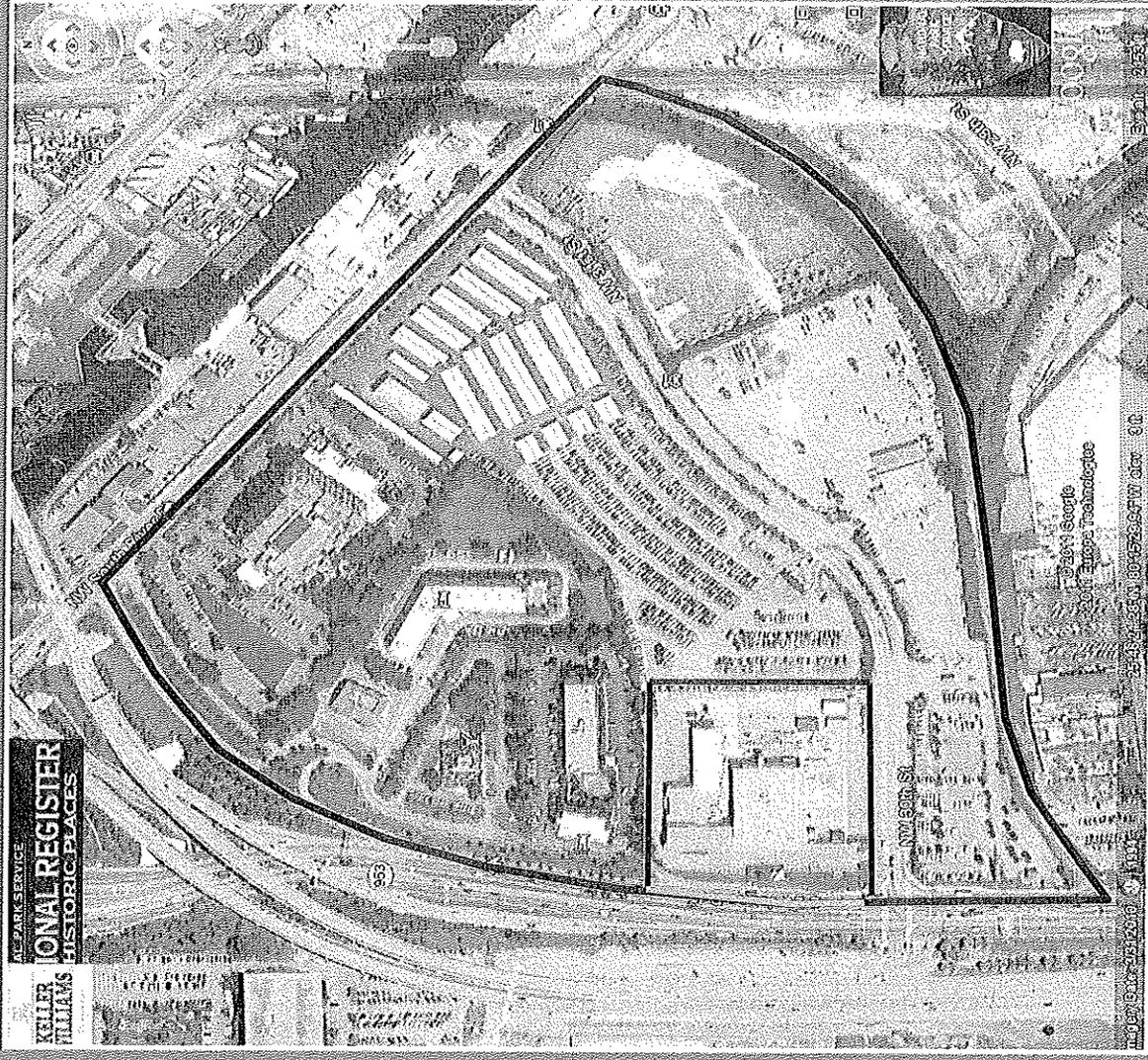
NEW ZONING DISTRICT

Permitted Uses

Prohibited Uses

Redevelopment Opportunities

Zoning Requirements



Discussion





CANCELLATION NOTICE

CODE REVIEW BOARD

Due to the fact that the City Council has not directed the Code Review Board to review any ordinances this month, the regular meeting of Thursday, May 26, 2011 has been canceled in advance.

A handwritten signature in cursive script that reads "Magali Valls".

Magali Valls, CMC
City Clerk

cc: Mayor and Council
City Manager
Assistant City Manager
City Attorney
Code Review Board Members and Secretary
Post



City of Miami Springs, Florida

Architectural Review Board

CANCELLATION NOTICE

The Architectural Review Board meeting of June 1, 2011 has been canceled in advance.

A handwritten signature in cursive script that reads "Magali Valls".

Magali Valls, CMC
City Clerk

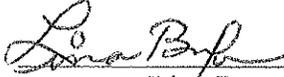
cc: City Council
City Manager
Assistant City Manager
City Attorney
Architectural Review Board Members
Post



Zoning and Planning Board

Cancellation Notice

The Zoning and Planning Board meeting of Monday, June 6, 2011 has been canceled in advance.



Lina Bryon
Board Secretary

cc: City Council
City Manager
City Attorney
City Planner
City Clerk
Zoning and Planning Board Members
Post



Board of Adjustment

Cancellation Notice

The Board of Adjustment meeting of Monday, June 6, 2011 has been canceled in advance.

A handwritten signature in cursive script, appearing to read "Lina Bryon", is written over a horizontal line.

Lina Bryon
Board Secretary

cc: City Council
City Manager
City Attorney
City Planner
City Clerk
Zoning and Planning Board Members
Post



DRAFT

CITY OF MIAMI SPRINGS, FLORIDA

The regular meeting of the **Miami Springs Code Enforcement Board** was held on **Tuesday, June 7, 2011** at 7:00 p.m. in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at 7:00 p.m. by Chairman Marlene B. Jimenez.

Present: Chairman Marlene B. Jimenez
Vice-Chairman Raul Saenz
Jacqueline Martinez-Regueira
John Bankston
Rhonda Calvert
Robert Williams

Also Present: Code Compliance Officer Harold (Tex) Ziadie
Code Compliance Officer Lourdes Taveras
Council Liaison-Councilwoman Jennifer Ator

Absent: Walter Dworak

2) Invocation/Salute to the Flag

All present participated.

3) Approval of Minutes:

Minutes of the November 2, 2010 meeting were **approved as written**.

Board member John Bankston moved to approve the minutes of November 2, 2010. Member Jacqueline Martinez-Regueira seconded the motion, which was passed unanimously by acclamation, all members voting “aye”.

4) OLD BUSINESS-

- 1) Case# 08-2178
Address: 240 Lenape Drive
Owner: Domingo Santana & Milagros Solis
Violation: Section 151-04 Work Without a Permit

Code Compliance Officer Tex Ziadie presented a letter to the Board from Ms Solis (attached below), asking that this case be postponed until the next meeting. There was some discussion about the history of the case, and Officer Taveras displayed some pictures to show work that has been completed since the last meeting.

Board member John Bankston made a motion to postpone this case until the August Board meeting. Member Robert Williams seconded the motion. The motion passed with five "Aye" votes and Vice-Chairman Saenz abstaining.

All present who were to give testimony were sworn in by Tex Ziadie, acting as Clerk of the Board.

- 2) Case# 09-1552
Address: 1259 Bluebird Avenue
Owner: Pedro and Maira Gonzalez
Violation: Section 150-013 Residential planting, fences & walls.

Code Compliance Officer Lourdes Taveras presented the case as follows:
Since this case had been heard previously, only the action of the Prior Board meeting was stated in the meeting, although the entire text of the last meeting was in the packets given to the Board.

At the Nov. 2, 2010 Board meeting, Board member John Bankston made a motion that Mister Gonzalez be given until March 1, 2011 to come into compliance. If he does not, then a fine of \$25 per day would be levied, starting March 1st. Member Jacqueline Martinez-Regueira seconded the motion and it passed unanimously on roll call vote.

On March 3, 2011 the property was inspected and the ficus hedges were still in place. Received information from the City Planner that the property owner was to apply for a variance to keep the ficus hedges. Meeting will be held on May 2, 2011.

On May 13, 2011 inspected the property and ficus hedges were still in place. Checked the variance log and found that an application for variance was not submitted.

On May 16, 2011 sent a Summons to Appear before the CEB to establish liens. Officer Taveras displayed pictures to show what the Ficus hedges looked like now.

Mister Gonzalez spoke and asked if any of the Board members had taken a look at his hedges. Chairman Jimenez stated that she had gone by and looked. Mister Gonzalez stated that it was ridiculous for him to have to be here over planting fourteen hedges. He said that the hedges were only planted because a neighbor had allowed a Jacuzzi on his property to lean over on his fence and Code Enforcement had done nothing about that and then when the neighbor moved and removed the Jacuzzi he had to replace the hedges. The Board asked Mister Gonzalez why he had not applied for the variance. He stated that it was a lot of trouble and required filling out a lot of paperwork. He also stated that he was coming to the Board to ask for an exception to be made. He said that he had spoken to the Mayor, and even the Police Officer who delivered the Summons agreed with him.

Tex Ziadie stated that the Code Enforcement Board does not have the authority to grant exceptions to the Code. Only the Board of Adjustment could do that and Mister Gonzalez had not applied for the Variance. There was additional discussion and questions from the Board. Mister Gonzalez then stated that what he would do is pull up those ficus hedges and plant other ones from another location in his yard. He was advised by Vice-Chairman Saenz that he could not do that since it would still be planting replacement plants. Mister Gonzalez was asked if he was willing to apply for the variance and he said that he was.

Vice-Chairman Raul Saenz made a motion that Mister Gonzalez be granted until the next meeting in August to apply for the variance. If he does not, then the fine previously levied of \$25 per day would start effective the original date of March 1, 2011. Member John Bankston seconded the motion and it passed unanimously on roll call vote.

5) NEW BUSINESS-CASES

- 1) Case# 11-205
Address: 144 South Drive
Owner: Doris E. Boiesen
Violation: Section 93-13 Maintenance of Property

Code Compliance Officer Taveras presented the case as follows:

On Nov. 30, 2010 based on an anonymous compliant inspected the property, at the time of inspection noticed that the front porch was completely filled with plastic bags, plastic buckets, furniture, papers, and other misc. items too many to mention. The front door was blocked up to two feet high. The rest of the porch was completely filled up to the about 5 feet and the planters were filled with items. Mailed a NOV to the property owner because there was no access to her door.

On Jan. 10, 2011 a NOV was mailed by certified mail and regular mail, unable to post because the front door and porch were blocked by trash bags, and other items.

On Feb. 14, 2011 on a re-inspection noticed that a large amount of items had been removed, spoke to Ms. Boiesen and she requested until the end of Feb. because she had some City activities that she had to attend to. Granted until March 1, 2011 to comply.

On 03/24/2011 during follow up inspection spoke to Ms. Boiesen who was outside with a man cleaning a wood frame. Advised her that she was removing items from the front of her house but piling them in the rear yard. That she needed to get rid of items that were derelict or dilapidated. Granted her 30 more days to comply.

On 05/03/2011 during follow up inspection noticed that no further action had been taken, most of the items that were in the front of the property had been placed in the rear of the property. There was still an excessive amount of items in the front yard behind a covered vehicle, and in the rear, some of the items have plants growing on them, there is an inoperable Burgundy van in the rear. The property owner has been given a significant amount of time to rid the property of excessive collection of derelict items. Being that there are various complaints against this property the case will be referred to the Code Compliance board for the June meeting.

On May 16, 2011 a Summons to Appear before the CEB on June 7, 2011 was sent via Police service, Certified mail and regular mail to the property owner's living address of 117 Curtiss Parkway and regular mail to 144 South Drive.

Officer Taveras displayed pictures of the property.

Ms Boiesen approached the podium and stated that she had been trying to give the items away to organizations that could use them. She stated that she was slow. The Board asked her if she was asking for more time and she said yes.

Mister Bob Calvert of 101 South Drive was in the audience and asked if he could speak.

Chairman Jimenez asked Tex Ziadie. Tex Ziadie stated that Mister Calvert had not been called as a witness by either Code Compliance or Ms Boiesen and therefore he normally would not be called on to speak, but if the Board wished to hear him they could. The Board stated that he could speak.

Mister Calvert was sworn in. Mister Calvert stated that he had lived across from Ms Boiesen's house all of his life for 62 years and that this problem had been going on for decades. He said that his parents had offered to help Ms Boiesen, but she would never accept the help. He said that this had gone on long enough and that it was time for it to be brought to a head. Mister Calvert made other comments and read a section from the Miami Herald about property values being hurt by other properties in a neighborhood. He also stated that Ms Boiesen was getting two Homestead exemptions. He read a section of the Code and said that he had spoken to Tex Ziadie about section 10-16 which said we had the right to enter properties. Vice-Chairman Saenz asked Mister Calvert if the bottom line was that he wanted the Board to enforce the Code.

Mister Calvert said yes.

Ms Boiesen again came to the podium and stated that Mister Calvert's parents had never offered her help. She also stated that she was not getting two Homestead exemptions, but that she used to own the building where she lived but had sold it and was renting there now. She asked what the purpose of a porch was as it was not stated in the Code and what could she keep there.

Tex Ziadie stated that a porch was not for the purpose of storing material. He said that in the past Ms Boiesen had stored chemicals and other materials on the porch and this was not safe as any person could come up to the porch and access that material. Also the storage of cardboard and other material that would attract bugs and other creatures was not allowed. Finally he stated again that a porch was not for the purpose of storing material.

Vice-Chairman Saenz asked about the Homestead exemptions.

Tex Ziadie stated that we did not know anything about that and it was not pertinent to the case being considered. He also stated that he had already told Mister Calvert that in regard to entering properties, it had been discussed with the Administration and with the City Attorney and we simply did not do that. We never entered any properties without permission from the owner. That is why we had mailed the paperwork to Ms Boiesen, as we could not get to her front door from the porch.

Vice-Chairman Raul Saenz made a motion to grant Ms Boiesen until the next Board meeting in August to come into compliance and if she did not, a fine of \$25 per day would begin. Mister Saenz stated that he felt that Member Rhonda Calvert should abstain from voting on this case. Member Rhonda Calvert agreed. There was discussion of the time frame, but there was no second to the motion.

Member Robert Williams made a motion to grant Ms Boiesen 30 days until July 7, 2011 to come into compliance. If she did not, then a fine of \$25 per day would begin on July 8, 2011. Vice-Chairman Saenz seconded the motion and it passed with five "Aye" votes and with Member Rhonda Calvert abstaining.

Chairman Jimenez asked Ms Boiesen if she understood the action of the Board and that help was available to her? She said that yes she understood.

2) Case# 10-1075
 Address: 273 Navajo Street
 Owner: Sonja J. Broom for the Estate of Robert Denton
 Violation: Section 93-13 Maintenance of Property

Officer Taveras stated the case as follows (The Property representatives did not appear):

On June 15, 2010 based on a citizen complaint regarding the condition of the property, a visual inspection of the property was made. At the time of inspection it was noticed that the house was vacant and in an unsafe and unsightly condition. The roof needs replacement, the exterior walls are deteriorated, there are vines growing out of the roof and walls, the windows and doors are broken and need replacing, the house is full of piled up furniture, bushes are over grown around the house. There are two very deteriorated mobile homes in the rear yard. This property has been cited for the same violations since 1992. After researching the property owner, in the Miami Dade County Clerk of Courts website it was found that Sonja Broom is the Personal Representative for the Estate of Robert Denton. A Courtesy Notice was sent via regular mail and certified mail to: 272 Navajo ST. and to 426 S.E. 3rd Terr. Dania, FL 33004. Granted 30 days to comply by completely demolishing the structure or repairing it and removing the two mobile homes from the property.

On August 5, 2010 a follow up inspection was performed and noticed that no action had been taken to improve the condition of the house and no contact had been made by the property owner or by his representative. A Notice of Violation was sent via Certified mail, regular mail and posted at the property. The notice specified the actions that are required to bring the property into compliance:

- 1) Remove inoperable vehicles (Mobile homes)
- 2) Empty house of all derelict property.
- 3) Repair and paint house.
- 4) Repair roof.
- 5) If structure is unsafe and beyond repair, structure should be demolished.

On Sept. 13, 2010 Ms. Broom contacted me via email stating that she would comply by demolishing the house, also that she needed information on a company to remove the campers.

On Sept. 15, 2010 During a follow up inspection noticed that there were two vehicles park on the property and it seemed that it was being emptied.

On Nov. 30, 2010 on a follow up inspection noticed that progress to clean the property had stopped, the trailers were still on the property, the house was still full of debris, and in need of maintenance.

On Jan. 27, 2011 no improvements had not been made, referred the case to CEB.

On May 16, 2011 Summons to appear was sent via Certified mail and regular mail, service by Police was not performed because the property representative lives in Dania, Fl.

On May 30, 2011 letters were returned to Code Compliance due to wrong address on the envelopes. Summons were re-mailed via Certified mail and regular mail.

Vice-Chairman Raul Saenz asked if we had confirmation that the notices had been received. Officer Taveras stated that the second Notices of Certified Mail had not come back yet.

Vice-Chairman Raul Saenz made a motion that this case be tabled until the next meeting in August to allow time to be sure that the Notices had been received. Member Rhonda Calvert seconded the motion and it passed unanimously on roll call vote.

6) Council Liaison Report and Request

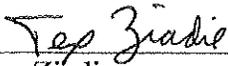
Tex Ziadie distributed folders to the members containing two recent memos to the City Council and a copy of the color palette for Commercial revitalization that had been adopted by the Council. He explained that he had made presentations to the Council recently and that they had told him that they wanted us to “enforce the Code.” He stated that Council had authorized us to hire two part time Code Compliance Officers and one Full time Admin support person for the office. He went over the memos and discussed the time frame changes that Council had approved, including eliminating verbal notices as a first contact. He said that this should result in more cases coming to the Board more rapidly. He also discussed the color palette and its enforcement. One of the members asked if the color palette would later extend into the Residential zones. Tex responded that he had not heard anything about that possibility in Miami Springs, although he knew that other cities had done that.

Councilwoman Ator was present. She approached the podium and thanked the members for their service. She clarified that the color palette for 36th Street did not apply to the entire Airport Marine Highway District as the Council had not dealt with that or the Abraham tract yet. It only applied to the 36th Street corridor at this time. She elaborated on the Council being completely committed to enforcing the Code and that yes it would mean more work coming to the Board and they needed to be prepared for that. She addressed the issue of the Commercial districts and said that the Council was aware that there might be some significant response from the property owners, especially in regard to issues like signs that had been in violation for many years. She suggested that the Board members view the two Council meetings at which Tex Ziadie spoke and made presentations, as a lot of discussion of these issues had taken place. She asked Tex Ziadie to send an E-Mail to the Board members, letting them know at exactly what point (time) in the Council meeting those presentations were, so that they could fast forward to that section. She asked if the Board had any questions for her. She thanked the Board again said that they were doing a good job.

7) **Adjournment**

There being no further business the meeting was duly adjourned at 8:15 p.m.

Respectfully Submitted:



Tex Ziadie
Code Compliance Officer
Supervisor-Building Department
Acting as Clerk of the Board

Approved as written during meeting of:

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

RECEIVED
JUN 07 2011
MIAMI SPRINGS
BUILDING DEPT

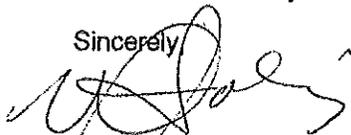
June 1, 2011

City of Miami Springs, Florida
Code compliance officer

To whom it may concern,

This letter is to excuse myself for not attending the hearing summoned on June 7, 2011. Due to a family emergency I'm traveling with my father Santana Solis who unfortunately suffered a major stroke which affected his brain and left him paralyzed from the right side of his body. I will need to relocate him so that he may receive the proper medical attention that he needs at this time.

As a long time resident of Miami Springs I would like to ask once again for your sympathy and understanding to this matter. I will return before the next council meeting and request that my hearing be rescheduled till then. I thank you again for the patience and consideration you have granted me in the past and I look forward to your decision.

Sincerely


Milagros Solis
240 lenape dr. Miami Springs fl.
786-412-2508

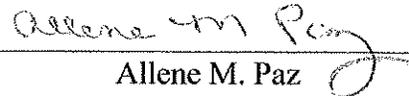


City of Miami Springs, Florida

Board of Parks and Parkways

CANCELLATION NOTICE

The Board of Parks and Parkways Regular Meeting of Thursday, June 9, 2011 has been canceled in advance.


Allene M. Paz
Secretary to the Board

cc: Mayor and Council
City Manager
Assistant City Manager
Board of Parks and Parkways Members
Board Secretary
Post



City of Miami Springs, Florida

Recreation Commission

CANCELLATION NOTICE

The Recreation Commission meeting scheduled for Tuesday, June 14, 2011 has been canceled in advance.

The next meeting will be held on September 13, 2011.

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

CANCELLATION NOTICE

The Education Advisory Board Regular Meeting of Tuesday, June 21, 2011 has been canceled in advance.

A handwritten signature in cursive script, reading "Suzanne Hitaffer", is written over a horizontal line.

Suzanne Hitaffer
Clerk of the Board

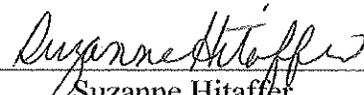
cc: Mayor and City Council
City Manager
Assistant City Manager
City Attorney
City Clerk
Education Advisory Board Members
Post



City of Miami Springs, Florida

CANCELLATION NOTICE

The Education Advisory Board Regular Meeting of Tuesday, August 16, 2011 has been canceled in advance.



Suzanne Hitaffer
Clerk of the Board

cc: Mayor and City Council
City Manager
Assistant City Manager
City Attorney
City Clerk
Education Advisory Board Members
Post

DRAFT



CITY OF MIAMI SPRINGS, FLORIDA

The **Board of Adjustment** met in Regular Session at 6:30 p.m., on Tuesday, June 7, 2011 in the Council Chambers at City Hall.

1) Call to Order/Roll Call

The meeting was called to order at 6:34 p.m.

The following were present:

Chairman Manuel Pérez-Vichot
Ernie Aloma
Kevin Berounsky
Ariana Fajardo
Alternate Bill Tallman

Absent:

Vice Chairman Francisco Fernández

Also present:

City Attorney Jan K. Seiden
City Clerk Magali Valls
Board Secretary Elora R. Sakal

2. NEW BUSINESS:

Case # 17-V-11

Jesús De La Torre

7 Westward Drive

Zoning: CBD, Central Business District

Applicant is seeking a variance from Code Section 150-005 Alcoholic Beverages (A) (4), (B) (D) and (F) for the placement of a 2-COP beer and wine license at an existing restaurant.

City Attorney Jan K. Seiden stated that the applicant is seeking a variance to have a beer and wine license at his hamburger restaurant at 7 Westward Drive. He explained that the variance needed is for the Code sections listed in the memorandum. 7 Westward Drive is "J.R.'s Gourmet Burgers". He noted that the owner, Jesús De La Torre was present at the meeting.

Board Member Aloma moved to grant the variance. Board Member Fajardo seconded the motion.

In discussion, it was clarified that the approval is conditional upon the applicant signing a covenant that states that at least 51% of his business is derived from food sales.

The motion was unanimously carried on voice vote.

City Attorney Jan Seiden stated that if the policy of the Council is to want to expand the entertainment area of the downtown, and make it more consumer friendly, it is counterproductive to have to obtain a variance every time. He stated that he wants to revise the Code in a certain way so that only in specific instances, one would need to apply for a variance.

Chairman Pérez-Vichot asked if the section would change in terms of the required distance from schools.

City Attorney Seiden stated that that was the antiquated way to deal with it anyway. He explained that the idea is to have many places in a row, all of them with the ability to sell.

Chairman Pérez-Vichot stated that it has been granted so often that there was no way it would be denied to anyone.

City Attorney Seiden stated that the Council wanted to do it also; it is just a matter of getting it done the right way.

Chairman Pérez-Vichot stated that it is just tedious, so it is not that critical that it be done in any particular time frame.

City Attorney Seiden stated that they are off for July, but hopefully by August they will be able to work on the changes.

3. ADJOURNMENT

There was no further business to be discussed and the meeting was adjourned at 6:40 p.m.

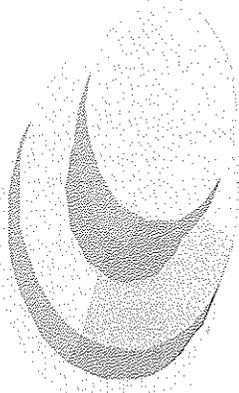
Respectfully Submitted,

Elora R. Sakal
Board Secretary

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”.



Reminder!

**PLEASE BRING YOUR
BOARD OF APPEALS
PACKET**